The

Journal of the Assembly

OF THE

SEVENTIETH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1999

BEGUN ON MONDAY, THE FIRST DAY OF FEBRUARY, AND ENDED ON MONDAY, THE THIRTY-FIRST DAY OF MAY

VOLUME 1

THE FIRST DAY—THE SEVENTY-SEVENTH DAY

SEE VOLUME 2 FOR INDEX

SPO, Carson City, Nevada, 2000



ARRANGEMENT AND CONTENTS OF VOLUME 1

	Page
ASSEMBLY LEGISLATIVE CALENDAR	v
LISTING OF ASSEMBLY BILLS	vii
LISTING OF VETOED ASSEMBLY BILLS OF THE 69TH SESSION	li
LISTING OF VETOED ASSEMBLY BILLS OF THE 70TH SESSION	lii
LISTING OF ASSEMBLY RESOLUTIONS	liii
LISTING OF SENATE BILLS	lxiii
LISTING OF SENATE RESOLUTIONS	lxxxv
ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY	xci
PERSONNEL OF THE NEVADA STATE ASSEMBLY	xciii
ATTACHÉS OF THE NEVADA STATE ASSEMBLY	xcv
ASSEMBLY PROCEEDINGS	1

ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 82 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 1, 1999	1
2	February 2, 1999	69
4	February 4, 1999	71
5	February 5, 1999	95
8	February 8, 1999	101
9	February 9, 1999	108
10	February 10, 1999	115
11	February 11, 1999	124
12	February 12, 1999	136
15	February 15, 1999	141
16	February 16, 1999	158
17	February 17, 1999	173
18	February 18, 1999	179
19	February 19, 1999	191
22	February 22, 1999	195
23	February 23, 1999	204
24	February 24, 1999	219
25	February 25, 1999	228
26	February 26, 1999	236
29	March 1, 1999	245
30	March 2, 1999	256
31	March 3, 1999	267
32	March 4, 1999	276
33	March 5, 1999	291
36	March 8, 1999	300
38	March 10, 1999	311
39	March 11, 1999	331
40	March, 12, 1999	347
43	March 15, 1999	364
45	March 17, 1999	393
46	March 18, 1999	402
47	March 19, 1999	417
50	March 22, 1999	425
51	March 23, 1999	448
52	March 24, 1999	454
53	March 25, 1999	467
54	March 26, 1999	474
59	March 31, 1999	492
60	April 1, 1999	509
61	April 2, 1999	551
65	April 6, 1999	641
66	April 7, 1999	771
67	April 8, 1999	836
68	April 9, 1999	856
71	April 12, 1999	869
72	April 13, 1999	936

Calendar Day	*Date*	*Page Number*
73	April 14, 1999	974
74	April 15, 1999	1012
75	April 16, 1999	1084
76	April 17, 1999	1219
78	April 19, 1999	1291
79	April 20, 1999	1301
80	April 21, 1999	1310
81	April 22, 1999	1318
82	April 23, 1999	1326
85	April 26, 1999	1341
87	April 28, 1999	1350
88	April 29, 1999	1360
89	April 30, 1999	1370
92	May 3, 1999	1386
94	May 5, 1999	1392
95	May 6, 1999	1404
96	May 7, 1999	1415
99	May 10, 1999	1437
101	May 12, 1999	1453
102	May 13, 1999	1466
103	May 14, 1999	1521
104	May 15, 1999	1554
106	May 17, 1999	1573
107	May 18, 1999	1586
108	May 19, 1999	1690
109	May 20, 1999	1712
110	May 21, 1999	1802
111	May 22, 1999	1869
113	May 24, 1999	1916
114	May 25, 1999	1995
115	May 26, 1999	2078
116	May 27, 1999	2157
117	May 28, 1999	2213
118	May 29, 1999	2255
119	May 30, 1999	2336
120	May 31, 1999	2446

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

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

No. *Summary, Introducer and Page Reference*

1 .... Limits circumstances under which person licensed to engage in business of lending may lend money secured by certificate of title to motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani. 48.

2 .... Revises provisions governing transportation of pupils on public buses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 48, 108, 122, 132,* 552, 831, 854.

3 .... Requires department of education to prescribe form for developing individualized education programs for pupils with disabilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 49, 836, 859, 930,* 1574, 1881, 1882, 1994.

4 .... Prohibits department of human resources from considering assets of child or pregnant woman or their families to determine eligibility for child health assurance program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 49, 228, 229, 506.

5 .... Makes various changes concerning benefits provided to pregnant women and children through Medicaid and children's health insurance program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 49, 500, 519, 522, 788.

6 .... Makes various changes concerning application for and determination of eligibility for Medicaid and children's health insurance program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 49, 267, 283, 293, 506.

7 .... Requires Welfare Division of Department of Human Resources to conduct study concerning personnel of nursing homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 50.

8 .... Requires consumer reporting agencies to provide consumer reports at no charge under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins. 50, 291, 303, 326, 327*.

9 .... Expands circumstances under which part-time member of faculty of educational institution is eligible for unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Von Tobel. 50.

10 .... Revises requirements for uninsured vehicle coverage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Collins (by request). 50.

11 .... Expands mandatory subject of bargaining relating to policies for transfer and reassignment of teachers to include all employees of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 50, 425, 450, 460*.

12 .... Makes various changes concerning administrative procedure of state and local government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 51, 236, 250, 253, 402, 444,* 445, 1467, 2288, 2289, 2444.

13 .... Establishes program for financial support of intersession school and summer school. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Education. 51, 1219, 1222, 1236, 1239, 1291, 1295.

14 .... Authorizes schools to develop plans of behavior for certain pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 51, 1173, 1174, 1223,* 1802, 2008, 2009, 2155.

15 .... Makes various changes regarding truancy, discipline and transportation of pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 51, 1173, 1174, 1175, 1224,* 1870, 1953, 1957, 2158, 2207, 2241, 2242, 2256.

16 .... Provides for nonrenewal of registration of motor vehicle or driver's license of defendant who is delinquent in payment of fine, administrative assessment, fee or restitution. Fiscal Note: Effect on

No. *Summary, Introducer and Page Reference*

Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 52.

17.... Repeals rule that for prosecution of murder or manslaughter, death of victim must occur within 1 year and 1 day of criminal act which caused death of victim. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Perkins. 52.

18.... Revises certain provisions relating to unauthorized practice of law. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 52, 646, 795, 837,* 838, 1714, 1857, 1915.

19.... Makes various changes concerning manner of handling money paid on certain traffic citations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 52.

20.... Clarifies certain provisions concerning eligibility for judicial office of persons who have previously been removed or retired from judicial office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 53, 195, 207, 222, 223, 230,* 502, 971, 972, 1010.

21.... Makes various changes relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache and Giunchigliani. 53, 219, 231, 238*.

22.... Revises provisions concerning certain lawsuits brought by and settlements entered into by prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Cegavske. 53, 219, 232, 238,* 425, 462, 463, 488.

23.... Increases fines for driving under influence of alcohol or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Manendo. 53, 245, 263, 272,* 425, 464.

24.... Authorizes courts to contract for acceptance of credit cards and debit cards for payment of fees, fines and other charges owed to court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 53, 101, 122,* 425, 463, 488.

25.... Repeals prospective expiration of provisions governing screening panels for dental malpractice claims. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 54, 108, 122, 132,* 331, 361.

26.... Revises distribution of federal money received by State of Nevada from lease of federal lands. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Neighbors. 54, 448, 456, 457, 506.

27.... Provides for issuance of special license plates for support of natural environment of Mount Charleston area. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Von Tobel. 54, 393, 412, 415, 422, 443, 506.

28.... Requires department of motor vehicles and public safety to report to legislature concerning tax on special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 54, 501, 522, 633,* 1311, 1323.

29.... Requires Department of Transportation to assist certain counties in developing computerized pavement management system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 54.

30.... Requires Department of Motor Vehicles and Public Safety to conduct study of costs incurred in administering programs for issuing certificates of registration for motor vehicles and drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 55, 173, 174, 506.

31.... Requires that trains operating in Nevada have crews of at least two competent employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson. 55, 417, 444, 451, 456, 482, 486*.

32.... Changes distribution of certain sales and use taxes from sales and use tax account in state general fund to state highway fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 55, 115, 501, 523, 788.

33.... Abolishes limitation on fees that may be charged by department of transportation for issuance of permits authorizing operation of oversize or overweight vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 55.

34.... Revises provisions governing disposition of money collected from fee imposed on short-term leases of passenger cars. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 55, 501, 523, 524, 788.

No. *Summary, Introducer and Page Reference*

35.... Eliminates conversion factor for liquefied petroleum gas used in calculation of tax on special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 56.

36.... Makes appropriation to Division of Child and Family Services of Department of Human Resources for preparation of update of report on assessment of need for juvenile correctional facilities and related programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 56, 506.

37.... Requires communication of certain information to school districts, parents and educational personnel and increasing maximum salaries allowed for boards of trustees of certain school districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 56, 1173, 1174, 1184, 1224,* 1714, 1882, 1883, 1994.

38.... Makes various changes concerning district courts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Neighbors. 56, 195, 207, 208, 506, 1454, 1512, 1543,* 2248, 2335.

39.... Prohibits landlord of mobile home park from prohibiting tenant from exhibiting political sign within boundary of lot of tenant under certain circumstances and authorizes tenant to exhibit political sign in right of way of highway under certain circumstances. To printer. Manendo. 56, 791, 842, 863,* 1869, 1986, 1988, 2077.

40.... Revises provisions governing election of candidate to partisan office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons. 57, 179, 193, 201*.

41.... Requires director of state department of conservation and natural resources to conduct independent investigation before making certain determinations concerning control of water pollution under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Carpenter. 57, 448, 457, 458.

42.... Directs Legislative Commission to conduct interim study concerning misdemeanors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Carpenter. 57, 136, 147, 148.

43.... Revises provisions governing rights of licensed educational personnel regarding certain disciplinary procedures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom. 57, 1173, 1174, 1185, 1224*.

44.... Revises provisions governing eligibility for retirement for certain members of public employees' retirement system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Arberry. 58, 179, 180, 506.

45.... Imposes community service for second or subsequent offense of unlawfully parking in space designated for handicapped. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Manendo. 58, 219, 233, 238,* 425, 464.

46.... Makes appropriation to City of Las Vegas for construction of facility to provide emergency shelter for women and children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 58, 506.

47.... Provides for establishment of plans for professional development and recruitment of teachers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Education. 58, 1173, 1174, 1187, 1224,* 1472, 1869, 1994.

48.... Makes appropriation to State Department of Conservation and Natural Resources for costs of certain litigation and costs of consultants on administration of water resources statewide. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Dini. 58, 506.

49.... Revises provisions relating to assignment and election of district judges in judicial districts that include family court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 59, 124, 138, 149*.

50.... Revises provisions relating to authority of chief judges in certain judicial districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 59, 501, 524, 633,* 1393, 1435.

51.... Makes various changes concerning reporting of certain statistical information to court administrator by district courts, justices' courts and municipal courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 59, 474, 502, 547,* 1393, 1435.

No. *Summary, Introducer and Page Reference*

52.... Revises provisions relating to orders for protection against domestic violence, visitation and custody. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 59.

53.... Makes various changes concerning safety of children and schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Carpenter. 60, 236, 253, 264,* 265, 1522, 1857, 1862, 1915.

54.... Revises provisions governing practice of audiology and speech pathology. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Von Tobel. 60.

55.... Makes various changes concerning scrap metal. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Collins. 60, 115, 131, 139,* 425, 463, 464, 552, 639, 1356, 1357, 1360, 1402.

56.... Provides for program to allow certain sex offenders on parole to participate in treatment with chemical compounds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Berman. 60.

57.... Prohibits lobbyists from giving, and legislators from accepting, certain gifts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Von Tobel. 61.

58.... Makes various changes concerning sale of real estate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Beers. 61, 291, 303, 327,* 837, 868, 935.

59.... Clarifies provisions governing parking for handicapped persons and limits operation and requires registration of certain low-speed vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins. 61, 501, 524, 633, 634,* 1691, 1885, 1888, 2056, 2065, 2242, 2248, 2335.

60.... Makes various changes concerning health care services related to contraceptives and hormone replacement therapy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Giunchigliani. 61, 1012, 1015, 1034, 1166,* 1869, 1994.

61.... Expands jurisdiction and authority of school police officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins. 62, 936, 944, 951, 974.

62.... Makes various changes concerning residential facilities for groups. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 62, 1084, 1085, 1224,* 1225.

63.... Exempts certain sports officials from various provisions governing compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson. 62.

64.... Revises provisions relating to mortgage companies and loans secured by liens on real property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 62, 509, 553, 627, 836, 861, 870, 1351, 1365, 1377,* 1378, 2292, 2316, 2332, 2411, 2452, 2455, 2461.

65.... Removes requirement that certain mobile home parks provide direct water service to individual meters. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 63.

66.... Prohibits retaliatory action against independent contractor who discloses improper governmental action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Angle (by request). 63.

67.... Revises provisions governing committee on benefits. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 63.

68.... Revises provisions relating to medical records provided to certain entities investigating reports of abuse or neglect of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Evans. 63, 124, 138, 149,* 425, 464.

69.... Revises provisions governing payment of hospitals for treating disproportionate share of Medicaid patients, indigent patients or other low-income patients. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goldwater. 64, 937, 944, 951, 953, 983.

70.... Requires licensure of manufacturer, seller or distributor of associated equipment used in gaming. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Collins. 64.

71.... Makes various changes concerning use of personal identity. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblywoman Buckley; Senator Raggio. 64, 869, 892, 893, 944,* 1691, 1769, 1770, 1915.

72.... Subjects certain transactions involving mortgage companies and notes secured by liens on real property to laws regulating securities. Fiscal Note: Effect on Local Government: No. Effect on the

No. *Summary, Introducer and Page Reference*

State or on Industrial Insurance: Yes. Committee on Judiciary. 64, 75, 76, 509, 627, 786, 870, 2213, 2214, 2239*.

73.... Revises provisions governing withholding of life-resuscitating treatment pursuant to do-not-resuscitate order. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom. 65, 108, 122, 132,* 425, 464.

74.... Provides temporarily that retired public employees may accept certain employment with University and Community College System of Nevada without affecting their retirement benefits and requires public employees' retirement board to conduct study of effect on public employees' retirement system of employment of retired public employees by public employers participating in system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Thomas. 65, 467, 481, 493, 547,* 1554, 1584.

75.... Increases period of perpetuities in Uniform Statutory Rule Against Perpetuities from 90 years to 500 years. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goldwater. 65.

76.... Revises provisions relating to transfer of ownership of motor vehicle and color of license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 78, 922, 937, 978,* 1554, 1888, 1889, 2158, 2335.

77.... Requires that defendant be identified in writ of garnishment by social security number or tax identification number. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 78.

78.... Eliminates duty of director of department of prisons to return certified copy of judgment of conviction to county clerk upon termination of imprisonment of prisoner. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 78.

79.... Requires division of parole and probation of department of motor vehicles and public safety to categorize discharge from parole as honorable or dishonorable. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 79, 183, 194, 201,* 425, 464, 488.

80.... Makes various changes concerning parolee who is incarcerated in another jurisdiction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 79, 195, 208, 224,* 331, 361.

81.... Clarifies that judges of municipal courts and justices of the peace may not seek reelection if they previously were removed or retired from any judicial office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 79.

82.... Revises provisions governing compensation of members of sanity commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 79, 219, 233, 238,* 1587, 1770, 1915.

83.... Provides that certain crimes and civil actions concerning credit cards also apply to debit cards. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 79, 204, 222, 230,* 231, 425, 464.

84.... Authorizes chairman of state board of parole commissioners to designate member of board as senior parole commissioner. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 80.

85.... Makes various changes concerning taking into custody and detention of person suspected of shoplifting. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 80, 204, 222, 231,* 972, 1010.

86.... Requires justices of the peace in certain townships to be licensed and admitted to practice law in courts of this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 80, 256, 271, 283, 284, 301, 302, 303,* 1714, 1862, 1863, 1915.

87.... Amends provisions governing civil liability of certain persons and entities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 80.

88.... Requires members of board of directors of certain local and general improvement districts to obtain training concerning duties of members and finances of districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Dini (by request). 80, 179, 194, 201*.

89.... Makes appropriation to juvenile detention center for Sixth Judicial District for alternative education, counseling rooms, family resource center and certain improvements. Fiscal Note: Effect on Local

No. *Summary, Introducer and Page Reference*

Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Marvel and de Braga; Senators Rhoads and McGinness. 81, 506.

90.... Prohibits certain fund-raising activities that involve pupils of public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Berman. 81.

91.... Establishes additional alternative procedure for annexation of territory by certain cities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 81.

92.... Authorizes governing body to issue general obligation bonds for water facility or wastewater facility to mature within 40 years from date of issue. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 81.

93.... Revises provisions relating to state contracts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 81, 136, 149, 171, 177,* 403, 423.

94.... Revises provisions relating to veterans' affairs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 82, 115, 131, 551, 787, 832,* 1714, 1872, 1875, 1994.

95.... Revises provisions governing local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 82, 500, 525, 634,* 1454, 1519.

96.... Revises certain provisions governing projects for recharge and recovery or underground storage and recovery of water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 82.

97.... Expands circumstances under which public water system may receive credit for adding owners of certain parcels of land to system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 82.

98.... Requires chief of division of emergency management of department of motor vehicles and public safety to assist in development of comprehensive coordinated plans for emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 82, 191, 200, 209,* 403, 423.

99.... Increases maximum allowable age for commissioned officers of Nevada National Guard. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 83, 115, 131, 139,* 312, 361.

100.... Increases permissible aggregate principal amount of outstanding obligations of housing division of department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 83, 179, 194, 200, 257, 265,* 1554.

101.... Eliminates prohibition against certain employees of state controller pursuing other businesses or occupations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 83, 101, 114, 122,* 312, 361, 1584.

102.... Revises provisions governing public access to public records of governmental entities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 83.

103.... Reestablishes state department of agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Marvel, de Braga, Hettrick, Dini, Carpenter, Collins, Neighbors and Humke; Senators Rhoads and McGinness. 83, 551, 650, 786, 870, 1454, 1513, 1543,* 1995, 2155.

104.... Revises fees required to be paid by certain developers who sell memberships in campgrounds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 84, 219, 233, 238,* 239, 425, 464.

105.... Revises fees that may be collected for regulation of persons who sell time shares. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 84, 219, 233, 239,* 425, 464, 506, 641, 642,* 647.

106.... Revises provisions concerning determination of best bid submitted for award of contract for public work. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 84.

107.... Makes various changes concerning manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 84, 551, 785, 832,* 1455, 1519.

No. *Summary, Introducer and Page Reference*

108.... Makes various changes regarding civil actions relating to unfair trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 85, 219, 233, 239,* 347, 391, 407, 450, 923, 932, 944,* 1467, 1551.

109.... Revises provisions relating to trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 85, 500, 526, 634,* 1802, 1889, 1890, 1892, 2056, 2166, 2298, 2301, 2411, 2412, 2413, 2415, 2451.

110.... Requires certain employees who work with certain explosives to be paid solely on basis of hours worked. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 85, 856, 870, 923, 932,* 1554, 1582, 1688.

111.... Revises requirements for workplace safety programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 85, 869, 892, 895, 944, 945,* 1455, 1519.

112.... Requires establishment of standards and procedures for certain places of employment where explosives are manufactured. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 86, 856, 871, 874, 892, 1351, 1366,* 1555, 1893, 1994.

113.... Expands circumstances under which provider of health care is required to make health care records available for inspection by investigator for attorney general or grand jury. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 86, 276, 296, 302,* 493, 549, 1591.

114.... Makes various changes to provisions governing practice of Oriental medicine. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 86.

115.... Extends date of expiration of permit to operate as locksmith or safe mechanic. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 86, 219, 234, 239,* 347, 391.

116.... Prohibits persons from assisting others in unauthorized practice of architecture, interior design or residential design. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 86.

117.... Provides additional penalty for wearing or using body armor during commission of crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Berman, Buckley, Collins, Beers and Gibbons; Senator Amodei. 87.

118.... Provides that trials and other proceedings in justices' courts must be conducted without juries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 87.

119.... Directs Legislative Commission to conduct interim study concerning statutory limitation on damages that may be awarded to person in tort action against State of Nevada, its political subdivisions or certain other persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 87, 501, 526, 528.

120.... Provides for service of certain legal documents related to criminal cases by means of facsimile machine. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 87, 228, 242, 254,* 425, 464.

121.... Authorizes court to enter judgment of conviction and impose sentence if person who is issued traffic citation violates his written promise to appear. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 87.

122.... Requires justice's court and county to collect and distribute restitution ordered by court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 88, 219, 234, 239,* 1085, 1300.

123.... Exempts certain common-interest communities from certain provisions of Uniform Common-Interest Ownership Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 88, 229.

124.... Makes various changes regarding certain funds and accounts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 88, 101, 114, 122,* 123, 312, 361.

125.... Revises provisions governing public employees' deferred compensation program to comply with federal law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 88, 115, 131, 139,* 364, 401.

No. *Summary, Introducer and Page Reference*

126.... Makes various changes relating to deferred compensation account in state general fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 89, 124, 138, 149,* 364, 401.

127.... Makes various changes concerning notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 89, 195, 209, 224, 225,* 493, 549.

128.... Makes various changes to provisions governing authorization, sale and issuance of state obligations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 89, 136, 149, 171, 177,* 493, 549.

129.... Revises certain limitations on investment of state money and money in trust fund for prepaid tuition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 89, 136, 149, 171, 177,* 1405, 1447, 1451, 1463.

130.... Makes various changes concerning campaigns. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 89, 124, 139, 149, 150,* 1870, 2218, 2233, 2335.

131.... Authorizes collective bargaining for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 90, 467, 481, 497,* 498.

132.... Authorizes division of state lands of state department of conservation and natural resources to establish and carry out certain programs relating to Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 90, 210, 222, 231,* 1869, 1921, 1922, 2077.

133.... Limits circumstances under which person may apply for permit to appropriate water for wildlife purposes or for benefit of environment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 90.

134.... Makes various changes to provisions governing public water systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 90, 245, 263, 272,* 1802, 1881, 1994.

135.... Revises provisions relating to nurseries and nursery stock. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 91, 219, 234, 239,* 240, 1405, 1435, 1513, 1514, 1515.

136.... Clarifies restrictions on operation of vessel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 91, 256, 271, 284, 312, 328,* 1554, 1584.

137.... Transfers responsibility for abatement of certain dangerous holes, excavations or shafts from counties to division of minerals of department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 91.

138.... Makes various changes relating to collisions, accidents and other casualties involving watercraft. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 91, 647, 795, 838,* 1405, 1435.

139.... Requires department of human resources to provide services pursuant to Medicaid program to certain persons with disabilities whose total household income is less than 250 percent of federally designated level signifying poverty. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 92, 228, 229, 506.

140.... Clarifies provisions governing testimony that may be considered in proceeding for involuntary court-ordered admission of mentally ill person to mental health facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 92, 124, 139, 150,* 1085, 1300.

141.... Revises circumstances under which mentally ill person who is involuntarily admitted to mental health facility may be released before expiration of statutory period for detention. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 92, 791, 844, 863,* 1455, 1519.

142.... Revises provisions relating to certain applications for special use permits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Von Tobel, Angle, Price, Manendo, Gustavson, Giunchigliani, Chowning, Humke, Gibbons, Tiffany, Segerblom and Collins. 96, 836, 859, 922, 1082, 1166, 1225,* 1869.

No. *Summary, Introducer and Page Reference*

143.... Creates office of ombudsman for consumers of health insurance within bureau of consumer protection in office of attorney general. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 96.

144.... Revises provisions governing patriotic observance in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Parnell and Dini; Senator Jacobsen. 96, 425, 451, 460, 461, 462,* 1311, 1323.

145.... Establishes state program for funding local programs for intersession instruction of certain pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 96.

146.... Makes appropriation for consultant to conduct study of feasibility of developing method for evaluating quality of care provided to certain recipients of Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 96, 311, 506.

147.... Requires establishment of experimental program to extend instruction of pupils beyond scheduled school days and makes appropriations to Clark County School District for various educational programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 97, 300, 325, 506.

148.... Makes appropriation to City of Las Vegas for programs for children after regularly scheduled school days. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 97, 506.

149.... Makes appropriation to City of North Las Vegas for construction and maintenance of youth center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 97, 506.

150.... Abolishes state highway payroll clearing account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 97, 287, 297, 302,* 1467, 1551.

151.... Makes appropriation to State Department of Conservation and Natural Resources for costs of certain litigation and costs of consultants on administration of water resources statewide. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 97, 506, 1327, 1342, 1354,* 1869, 1994.

152.... Excludes institution or person offering certain computer software training programs from regulation as postsecondary educational institution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany. 98, 236, 254, 265,* 273, 274,* 1587, 2010, 2155.

153.... Exempts certain sports officials from various provisions governing compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Gustavson, Koivisto, Chowning, Price, Manendo, Freeman, Anderson, Angle, McClain, Bache, Giunchigliani, Arberry and Williams. 102.

154.... Makes various changes concerning family law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Carpenter, Ohrenschall, Leslie, Gustavson, Koivisto, Angle, McClain, Claborn, Collins, Nolan, Manendo and Anderson. 103, 646, 796, 838,* 1870, 1922, 1927, 2077.

155.... Requires person to report certain hazards and criminal offenses to appropriate authorities under certain circumstances and to provide reasonable aid or assistance to others under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Dini, Perkins, Collins, McClain, Koivisto, Manendo, Ohrenschall, Leslie, Anderson, Buckley, Evans, Hettrick, Humke, Nolan, Parks, Cegavske, Williams, Beers and Segerblom. 103.

156.... Makes various changes concerning increases in rent by landlords of mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Koivisto, Freeman, Giunchigliani, Buckley, Segerblom, Chowning, Bache, Manendo, Ohrenschall, McClain, Price, Parks, Mortenson, Collins, Claborn and Parnell. 104.

157.... Prohibits certain persons from riding upon or within certain portions of certain vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Koivisto, Berman, Chowning, Mortenson, Claborn, McClain, Freeman, Giunchigliani, Bache, Parks, Segerblom and Manendo. 104, 857, 874, 923, 932,* 933.

158.... Makes various changes in statutory procedures for protection and placement of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini, Perkins, Evans, Anderson, Thomas, Parks, Bache, Segerblom, Neighbors, de Braga, Manendo, Carpenter,

No. *Summary, Introducer and Page Reference*

Koivisto, Williams, Chowning, Giunchigliani, Gibbons, Leslie, Nolan and Buckley. 104, 857, 875, 887, 892, 1327, 1344, 1354,* 1869, 1927, 1928, 1931, 2077.

159.... Provides that person who is culpable actor in felonious and intentional killing of decedent may not inherit from decedent or accrue other benefits based upon death of decedent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Chowning, Hettrick, Ohrenschall, Dini, Bache, Gustavson, Freeman, Tiffany, de Braga, Mortenson, Cegavske, McClain, Claborn, Beers, Anderson, Goldwater, Lee, Neighbors, Segerblom, Carpenter, Nolan, Leslie and Thomas. 104, 219, 234, 240,* 1691, 1770, 1781, 1915.

160.... Makes various changes relating to regulation of fireworks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Chowning, Cegavske, Gustavson, Segerblom, Ohrenschall, Von Tobel, Parks, Neighbors, de Braga, Koivisto, McClain, Lee, Humke, Brower, Giunchigliani, Manendo, Nolan, Hettrick, Mortenson, Claborn, Angle, Tiffany, Dini, Arberry, Williams, Gibbons, Leslie, Berman, Beers, Evans, Perkins, Anderson, Bache, Parnell, Freeman, Goldwater, Thomas, Price, Collins and Buckley. 109, 1084, 1085, 1087, 1222, 1234, 1292*.

161.... Requires advisory question on ballot in Clark County concerning renaming of Floyd Lamb State Park. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Von Tobel. 109.

162.... Requires certain policies of health insurance to include coverage for services related to diagnosis, treatment and management of osteoporosis. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Berman, Ohrenschall, Chowning, Freeman, Segerblom, Cegavske, Williams, Tiffany, Evans, Giunchigliani, Buckley, de Braga, McClain, Von Tobel, Angle and Koivisto. 109, 975, 978, 983, 1015,* 1016.

163.... Requires certain policies of health insurance to include coverage for annual mammograms for certain women under 40 years of age. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Berman, Ohrenschall, Chowning, Freeman, Segerblom, Cegavske, Williams, Tiffany, Evans, Giunchigliani, Buckley, de Braga, McClain, Von Tobel, Angle and Koivisto. 109, 936, 944, 953, 978*.

164.... Requires same rates and coverage for group insurance for officers, employees and retired employees of certain participating public agencies as are established for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Anderson, Williams, Arberry, de Braga, Lee, Segerblom, Gibbons, Giunchigliani, Chowning, Price, Manendo, Neighbors, Claborn, McClain, Bache and Freeman; Senator Schneider. 110.

165.... Revises various provisions concerning juveniles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Angle (by request). 110, 454, 470, 486,* 1393, 1435.

166.... Expands locations into which permittee may carry concealed firearm. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick, Cegavske, Nolan, Brower, Berman, Gustavson, Beers, Humke, Carpenter, Tiffany, Von Tobel, Angle, Lee, Gibbons, Chowning, Manendo, Ohrenschall, Collins, Koivisto, Parks, Arberry, Williams, Buckley, Freeman, Mortenson, Perkins, Price, Anderson, Goldwater, Leslie, Dini, Evans, McClain, de Braga, Marvel, Thomas, Neighbors, Segerblom, Parnell and Claborn. 110, 236, 254, 265,* 1522, 1654, 1655, 1662, 2158, 2273, 2274, 2337, 2446, 2448, 2461.

167.... Revises definition of "residential facility for groups." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick, Beers, Goldwater, Cegavske, Chowning, Parks, de Braga, Price, Dini, Perkins and Giunchigliani. 110, 528, 634,* 1302, 1323, 2202.

168.... Extends statutory deadline by which customers may begin obtaining potentially competitive services relating to provision of electric service from alternative seller. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 111.

169.... Revises provisions governing form for application to register to vote. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany. 111, 500, 528, 634,* 635, 1455, 1518, 1519, 1551.

170.... Authorizes use of supplemental allowance provided for legislators to pay costs of additional housing during legislative session under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Nolan. 111, 856, 887, 892, 2157, 2169, 2191, 2235,* 2336.

171.... Makes appropriation to White Pine County for expenses related to trial of Thomas Coleman. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. de Braga. 111, 506.

No. *Summary, Introducer and Page Reference*

172.... Requires managed care organization to cover certain services provided to person at hospital after he receives emergency services and requires pharmacy to fill a prescription for a drug by its brand name upon request. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Lee, Chowning, Claborn, Carpenter, Neighbors, Manendo, Price, Collins, Parks, Giunchigliani, Williams, Arberry, Anderson, Bache, Koivisto, McClain, Mortenson, de Braga, Humke, Berman, Segerblom and Gibbons. 111.

173.... Makes various changes concerning regulation of hazardous waste. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 112, 857, 887, 923, 933,* 1574, 1688.

174.... Authorizes board of county commissioners of Douglas County to impose local sales and use tax and conforms similar definition provision in Carson City Charter. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 112, 311, 328, 343,* 510, 640.

175.... Makes appropriation to restore balance in reserve for statutory contingency account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 112, 448, 458, 472,* 1438, 1463.

176.... Makes appropriations to benefit services fund and suspends operation of Committee on Benefits indefinitely. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 112, 173, 174, 176, 177, 178,* 191, 194.

177.... Makes appropriation to restore balance in stale claims account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 112, 173, 183, 194, 201,* 364, 401.

178.... Requires department of human resources to reimburse directly licensed clinical social workers and marriage and family therapists for certain services rendered under state plan for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Leslie, Evans, Anderson, Buckley, Goldwater, Freeman, Manendo, Parks, Gibbons, Chowning, Dini, Giunchigliani, Parnell, McClain, Thomas, de Braga, Koivisto, Claborn, Hettrick, Cegavske, Gustavson, Beers, Collins and Segerblom. 116, 646, 798, 870.

179.... Prohibits sale or use of certain highly flammable hazardous materials. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Mortenson, Claborn, Freeman, Arberry, Parks, McClain, Anderson, Ohrenschall, Gibbons, Koivisto, Manendo, Price, Segerblom, Nolan and Brower. 116, 501, 529, 633, 944, 950*.

180.... Requires certain actions to be taken against child who possesses firearm without approval while on school property, on school bus or at school activity. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Berman, Koivisto, Gibbons, Manendo, Parks, Tiffany, Beers, Hettrick, Bache, Neighbors, Buckley, Cegavske, Humke, Chowning, de Braga, Segerblom and Mortenson. 117.

181.... Makes various changes relating to provision of services relating to substance abuse and mental health. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Evans, Leslie, Parks, Goldwater, Humke, Manendo, de Braga, Ohrenschall, Koivisto, Bache, Hettrick, Cegavske, Berman, Williams, Beers, Claborn, McClain, Freeman, Arberry, Chowning, Segerblom, Neighbors, Carpenter, Lee, Buckley, Anderson, Perkins, Giunchigliani, Collins, Mortenson, Tiffany, Thomas and Dini; Senators Wiener, Rawson, Titus, Townsend and Coffin. 117, 228, 506, 1454, 1473, 1543,* 1869, 1994.

182.... Requires Department of Transportation and Clark County to enter into interlocal agreement concerning highways in which both have ownership interest. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 117, 937, 944, 953, 978,* 1869, 1989, 2077.

183.... Makes various changes to provisions concerning procedures for drivers of vehicles involved in accidents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 118, 417, 444, 451, 456, 633.

184.... Authorizes certain law enforcement officers other than police officers to provide for removal of vehicles from highways. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 118.

185.... Prohibits trucks and commercial vehicles from being driven in left lane of highway under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 118.

No. *Summary, Introducer and Page Reference*

186.... Revises requirements for licensure as operator of or instructor for school for training drivers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 118, 510, 627, 788, 832*.

187.... Limits speed at which vehicle may be driven on street or highway marked or posted with signs requiring use of traction devices, tire chains or snow tires. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 119.

188.... Revises grounds for denying, suspending or revoking license to engage in activity of broker of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 119, 501, 530, 635,* 1554, 1584.

189.... Makes various changes to public employees' retirement system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 119, 500, 530, 532, 788, 1995, 2000, 2080,* 2292, 2333, 2444.

190.... Requires testing of certain persons for communicable diseases and increases penalty for conduct likely to expose others to communicable disease. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Arberry (by request). 119.

191.... Makes appropriation to Boulder City for Boulder City Museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Segerblom, Neighbors, Parks, Manendo, Gibbons, Anderson, Freeman, Chowning, Williams, Thomas, Arberry, de Braga, Buckley, Koivisto, Collins, Evans, Goldwater, Price, Mortenson, Claborn, Hettrick, Nolan, Bache, Perkins, Leslie and Parnell; Senator Porter. 120, 506.

192.... Makes various changes concerning firearms. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Segerblom, Williams, Parks, Anderson, Gibbons, Buckley, Freeman, Arberry, Berman, Manendo, Chowning, McClain, Koivisto, de Braga, Evans, Goldwater, Giunchigliani, Mortenson and Leslie. 120.

193.... Revises provisions governing use of device for automatic dialing and announcing on telephone and establishing certain actions as deceptive trade practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Segerblom, Williams, Buckley, Neighbors, Parks, Manendo, Anderson, Freeman, Chowning, Arberry, McClain, Koivisto, de Braga, Berman, Collins, Evans, Cegavske, Goldwater, Price, Giunchigliani, Mortenson, Claborn, Nolan and Leslie. 120, 1084, 1085, 1088, 1225,* 1869, 2207, 2209, 2253.

194.... Prohibits managed care organization from committing certain acts that limit accessibility of its insureds to services provided at certain hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Williams, Buckley, Neighbors, Carpenter, Parks, Manendo, Anderson, Freeman, Chowning, Thomas, Arberry, Koivisto, de Braga, McClain, Berman, Collins, Evans, Goldwater, Humke, Price, Ohrenschall, Giunchigliani, Mortenson, Claborn, Hettrick, Nolan, Lee, Bache, Perkins, Leslie, Gibbons and Parnell. 120, 1012, 1015, 1040, 1167*.

195.... Makes various changes to provisions governing mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Manendo, Perkins, Buckley, Koivisto, McClain, Mortenson, Bache, Williams, Price, Gibbons, Parks, Carpenter, Lee, Thomas, Leslie, Giunchigliani, Von Tobel, Anderson, Chowning and Arberry. 121, 551, 785, 832, 833,* 1869, 1983, 1984, 2077.

196.... Makes various changes concerning driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Gustavson, Manendo, Humke, Cegavske, Berman, Hettrick, McClain, de Braga, Parks, Perkins, Gibbons, Bache, Tiffany, Buckley, Goldwater, Angle, Von Tobel, Lee, Nolan, Koivisto, Mortenson, Leslie, Chowning and Beers. 121.

197.... Expands Carson Water Subconservancy District and increases authorized compensation for boards of directors of water conservancy districts and irrigation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen de Braga, Dini, Hettrick and Parnell; Senators McGinness, Jacobsen and Amodei. 121, 245, 264, 272,* 1455, 1519.

198.... Revises provisions governing grazing preference rights. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Carpenter, Hettrick, Gustavson, Collins, Von Tobel, Neighbors, de Braga and Dini. 125, 402, 421, 445,* 1869, 1922, 2077.

199.... Makes various changes relating to safe boating. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Beers, Nolan, Chowning, Koivisto, de Braga, Leslie, Brower, Hettrick, Cegavske, Gibbons, Von Tobel, Parks and Thomas. 125, 792, 846, 852, 870, 1327, 1346,* 1870.

No. *Summary, Introducer and Page Reference*

200.... Provides for appointment of committees to prepare arguments for and against county and municipal ballot questions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Mortenson, Giunchigliani, Cegavske, Hettrick, de Braga, Claborn, Anderson, Williams, Parks, Collins, Manendo, Von Tobel, Price, Gibbons, Segerblom, Nolan and Beers; Senator Porter. 126, 791, 850, 863,* 864, 1869, 2020, 2024, 2155.

201.... Eliminates requirement that driver and passenger of motorcycle being driven on highway wear protective headgear. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Gustavson, Humke, Parks, Manendo, Von Tobel, Cegavske, Beers, Tiffany, de Braga, Hettrick, Collins, Lee, Williams, Angle, Bache, Marvel, Carpenter, Berman, Price, Giunchigliani, Dini, Segerblom and Brower; Senators Amodei, Shaffer and Washington. 126.

202.... Provides for removal and perpetuation of certain monuments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 126, 500, 532, 635,* 1455, 1550, 1584.

203.... Specifies duties of administrator of rehabilitation division of department of employment, training and rehabilitation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 126, 393, 415, 422,* 1454, 1519.

204.... Revises provisions relating to nursing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 127, 1012, 1015, 1040, 1167,* 1587, 1710.

205.... Makes appropriation to State Public Works Board for construction of Hi-Tech Learning Center in Pahrump. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Neighbors and Segerblom; Senator McGinness. 127, 506, 2255, 2265, 2287,* 2411.

206.... Revises provisions governing interbasin transfers of water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Neighbors, de Braga and Segerblom; Senator McGinness. 127.

207.... Includes local or state apprenticeship committee or organization that sponsors programs of apprenticeship as organization created for educational purposes for purpose of exemption from sales and use taxes and certain analogous taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Claborn, de Braga, Koivisto, Price, Collins, Anderson, Giunchigliani, Ohrenschall, McClain, Leslie, Chowning, Mortenson and Humke. 127, 509, 628, 786, 870, 1393, 1406,* 1554, 1584.

208.... Requires person who is incarcerated when he makes solicitation by telephone to disclose certain facts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Price, Collins, Chowning, de Braga, Parks, Cegavske, Giunchigliani, Arberry, Ohrenschall, Gibbons, Von Tobel, Beers, Berman, Williams, Segerblom, Buckley, Anderson, Carpenter and Bache. 128.

209.... Creates licensing board for electricians. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price, Collins, Chowning, de Braga, Parks, Giunchigliani, Arberry, Ohrenschall, Gibbons, Williams, Von Tobel, Segerblom, Buckley, Anderson, Carpenter and Bache. 128.

210.... Creates evidentiary privilege for parent for certain confidential communications between parent and his child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Chowning, Ohrenschall, de Braga, Beers, Cegavske, Arberry, Gibbons, Williams, Von Tobel, Segerblom, Buckley, Anderson, Carpenter and Bache. 128.

211.... Revises exemption from taxes for real and personal property of certain apprenticeship programs. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Price, Collins, Chowning, Claborn, de Braga, Parks, Giunchigliani, Arberry, Ohrenschall, Gibbons, Williams, Von Tobel, Segerblom, Buckley, Carpenter and Bache. 128, 509, 628, 786, 870, 1393, 1406,* 1554, 1584.

212.... Excludes certain appearances by quorum of public body from definition of "meeting" for purposes of open meeting law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Price, Chowning, Hettrick, de Braga, Parks, Cegavske, Giunchigliani, Arberry, Gibbons, Berman, Von Tobel, Anderson, Williams, Segerblom, Buckley, Beers, Carpenter and Bache; Senator Jacobsen. 129.

213.... Establishes provisions governing information obtained in investigation of conduct of officer or employee of executive department of government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 129, 347, 389, 398*.

214.... Requires certain private and public employers to grant leave to certain employees for meetings with educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on

No. *Summary, Introducer and Page Reference*

Industrial Insurance: No. Williams, Giunchigliani, Arberry, Anderson, Bache, Freeman, Tiffany, Koivisto, Parnell, McClain, Gustavson, Price, Segerblom, Gibbons, Thomas, Neighbors and Mortenson. 129, 1084, 1085, 1088, 1225*.

215.... Requires holder of escrow to record certain information regarding license or certificate of cooperation of real estate broker, broker-salesman or salesman at time of establishment of escrow for sale of real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Beers, Hettrick, Perkins, Buckley, Giunchigliani, Berman, Gibbons and Chowning. 129, 402, 421, 445,* 1454, 1519.

216.... Creates trust fund for geographic education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Humke, Dini, Hettrick, Cegavske, Williams, Gibbons, Collins, Evans and Chowning. 130, 936, 951.

217.... Provides for parental review of supplemental textbooks used in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Cegavske, Humke, Hettrick, Chowning, Mortenson, Claborn, Gustavson, Angle, McClain, Von Tobel, Berman, Beers, Nolan, Brower, Leslie, Goldwater, Collins, Price, Parks, Dini, Carpenter, Gibbons, Tiffany, Koivisto, Perkins and Manendo; Senators Jacobsen, Amodei, Care, Coffin, James, Mathews, O'Donnell, Porter, Titus, Washington and Wiener. 130, 1012, 1015, 1041, 1166, 1296, 1299*.

218.... Revises provisions governing lobbyists to include certain employees of state government who engage in lobbying. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Cegavske, Hettrick, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, Gibbons, Tiffany, Williams, Arberry, Giunchigliani, Buckley, Von Tobel, Nolan, Brower, Leslie, Anderson, Thomas, Goldwater, Collins, Beers, Berman, McClain, Price, Parks, Dini, Carpenter, Manendo and Parnell; Senators Raggio, Rawson, Porter, Titus, James, Amodei, Care, Coffin, Mathews, O'Donnell, Washington and Wiener. 130.

219.... Revises provisions regarding budgets of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Cegavske, Hettrick, Perkins and Dini; Senators Raggio, Rawson, Porter, Titus, James, Amodei, Care, O'Donnell and Washington. 130, 892, 923, 945,* 1691, 1846.

220.... Makes appropriation to advisory committee for needs assessment and implementation plan for 4-year state college in Henderson, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Perkins, Dini, Segerblom, Goldwater, Thomas, Gibbons, Cegavske, Lee, Neighbors, Berman, Bache, Price, Ohrenschall, Manendo, Parks, Anderson, Hettrick, Beers, Nolan, Mortenson, Claborn, Chowning, Humke, McClain and Williams; Senators Porter, Wiener, Care, James, O'Connell, Amodei, Carlton, Neal, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer and Townsend. 131, 936, 951, 1454, 1497, 1543, 1544,* 2292, 2333, 2334, 2444.

221.... Makes various changes concerning actions to be taken when child allegedly commits offense involving firearm or is found to have committed offense involving cruelty to animal. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Anderson, Manendo, Buckley, Segerblom, Thomas, Evans, Bache, Freeman, Parnell, Koivisto, McClain, Claborn, Mortenson, de Braga, Chowning, Humke, Giunchigliani, Goldwater, Leslie, Brower, Beers, Nolan, Hettrick, Cegavske, Perkins, Lee, Neighbors, Berman, Gibbons, Price, Ohrenschall, Von Tobel, Parks, Williams and Dini. 137, 646, 798, 827, 861, 867,* 1393, 1435.

222.... Requires police service for Airport Authority of Washoe County to be provided by county. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 137.

223.... Revises date on which term of office of county commissioner commences. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Segerblom, Mortenson, Humke, Von Tobel, Parnell, Neighbors, Thomas, Angle, Gustavson, Claborn, Hettrick, Buckley, Leslie, Evans, Perkins, Goldwater, Price, Ohrenschall, Giunchigliani, Brower and Nolan. 137, 204, 223.

224.... Makes appropriation to Department of Education for certain nonprofit public broadcasting stations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Giunchigliani, Anderson, Bache, Freeman, Parnell, Koivisto, McClain, Angle, Claborn, Mortenson, de Braga, Nolan, Leslie, Dini, Tiffany, Evans, Parks, Arberry, Williams, Thomas, Collins, Manendo, Ohrenschall, Price, Beers, Goldwater, Buckley, Neighbors, Cegavske, Hettrick, Marvel, Perkins, Berman, Segerblom, Gibbons, Brower, Gustavson, Humke, Chowning, Lee and Carpenter. 138, 506, 1916, 1919, 2006, 2007,* 2443.

225.... Makes various changes concerning tort actions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 142.

No. *Summary, Introducer and Page Reference*

226.... Exempts temporarily relatives of members of certain town boards from prohibition against certain public employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 143, 311, 342, 351,* 1351, 1367.

227.... Revises provisions governing securing of certain insurance and services by public agencies through nonprofit cooperative associations or nonprofit corporations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 143, 331, 348, 390, 398,* 1360, 1383.

228.... Repeals certain provisions governing common-interest ownership. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 143.

229.... Authorizes assignment of certain juvenile offenders to program of cognitive training and human development. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 143, 454, 470, 486,* 1393, 1432, 1451.

230.... Makes various changes concerning crimes of engagement in and solicitation for prostitution. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 143.

231.... Makes various changes to provisions relating to enforcement of child support and appointment of guardian ad litem in paternity action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 144, 267, 283, 293,* 294, 1454, 1519.

232.... Makes appropriation to Department of Education for extension of teachers' contracts by 2 days to provide professional development for teachers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 144, 506.

233.... Makes appropriation to City of Las Vegas for support of emergency shelters for homeless persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 144, 506.

234.... Repeals permanent net proceeds fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 144, 448, 458, 472,* 1554, 1584.

235.... Directs Department of Personnel to increase salaries of certain positions in Department of Prisons and Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 144, 506.

236.... Authorizes Douglas County to enter into certain contracts and agreements for certain purposes relating to operation of transit system in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblyman Hettrick; Senator Jacobsen. 145, 1084, 1085, 1090, 1225,* 1554, 1584.

237.... Authorizes grants for certain costs associated with connections to municipal water systems and for certain improvements to conserve water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Dini, de Braga and Hettrick; Senators Amodei, McGinness and Jacobsen. 145, 468, 481, 482, 788, 1393, 1406,* 1869, 2037, 2155.

238.... Provides for establishment and maintenance of system for collection and analysis of information concerning birth defects and other adverse birth outcomes and makes various changes to Uniform Anatomical Gift Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Evans, Manendo, Gibbons, Humke, Williams, Goldwater, Segerblom, Chowning, Giunchigliani, Arberry, Hettrick, Freeman and Cegavske. 145, 500, 533, 837, 864,* 1869, 1899, 1903, 2056, 2065, 2242, 2292, 2344, 2346, 2411.

239.... Makes various changes concerning background checks of volunteers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Nolan. 145, 146, 331, 349, 892, 923, 930, 945, 980, 982, 1016,* 1802, 1931, 1932, 2077, 2460.

240.... Makes appropriation to City of North Las Vegas for completion of Kiel Ranch Historic Site. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Collins, Lee, Parks, Thomas, Nolan, Manendo, Von Tobel, Ohrenschall, Price, Gibbons, Berman, Neighbors, Anderson, Bache, Koivisto, Claborn, McClain, Beers, Chowning, Williams, Mortenson, Goldwater, Carpenter and Segerblom. 146, 506.

241.... Requires Legislative Auditor to conduct audit of school districts in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen McClain, Koivisto, Parks, Manendo, Claborn, Chowning, Lee, Williams, Segerblom, Bache, Giunchigliani, Arberry, Thomas, Goldwater, Anderson, Price, Ohrenschall, Freeman, de Braga, Gustavson, Collins, Parnell, Leslie, Mortenson, Gibbons, Berman, Perkins, Beers, Neighbors, Carpenter, Angle, Tiffany,

No. *Summary, Introducer and Page Reference*

Buckley, Nolan, Hettrick, Humke, Evans and Cegavske; Senators Washington, Porter, Amodei and Shaffer. 146, 892, 923, 924, 945,* 1587, 1710.

242.... Revises period of residency for certain candidates for public office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen McClain, Koivisto, Freeman, Giunchigliani, Arberry, Parnell, Parks, Neighbors, Lee, Buckley, Perkins, Hettrick, Cegavske, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, Leslie, Brower, Evans, Carpenter, Williams, Thomas, Gibbons, Price, Beers and Segerblom; Senators O'Connell, Porter, Amodei, Shaffer, Titus, Washington and Wiener. 146.

243.... Makes various changes to program of accountability for public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 146.

244.... Establishes state program for financial support of local programs to improve academic achievement of pupils who are at risk. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Education. 147.

245.... Makes various changes regarding truancy and discipline of pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 147.

246.... Requires payment for all accrued unused sick leave of state employee in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga, Freeman, Neighbors, Segerblom, Goldwater, Bache, Mortenson, Claborn, McClain, Koivisto, Parnell, Anderson, Arberry, Giunchigliani, Williams, Parks, Collins, Manendo, Ohrenschall, Price, Gibbons, Lee, Buckley, Perkins and Chowning. 159, 228, 229, 506.

247.... Revises certain provisions governing fees charged by short-term lessor of passenger car. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Chowning (by request). 159, 792, 851, 864*.

248.... Authorizes insurer to provide copy of policy or contract of insurance in languages other than English. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Chowning, Giunchigliani, Parks, de Braga, Hettrick, Dini, Perkins, Evans, Arberry, Freeman, Gibbons, Neighbors, Beers, Parnell, Humke, Claborn, Mortenson, Koivisto, Tiffany, McClain, Brower, Leslie, Buckley, Goldwater, Segerblom, Anderson, Bache, Angle, Gustavson and Price. 160.

249.... Amends provisions governing recovery of assets pursuant to Medicaid estate recovery program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 160, 1084, 1085, 1092, 1225,* 1226, 1455, 1519.

250.... Revises provisions governing duties of specialist for rights of elderly persons within aging services division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 160, 500, 535, 635,* 1302, 1323.

251.... Authorizes county hospitals to join purchasing groups and to purchase supplies, materials and equipment under certain circumstances without complying with Local Government Purchasing Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 160, 468, 482, 498,* 1360, 1383.

252.... Revises provisions governing liens upon lands entitled to receive water from irrigation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 161, 501, 536, 635,* 1555, 1685, 1710.

253.... Removes limitation on payment of death benefit for transportation of remains of deceased employee beyond continental limits of United States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 161, 393, 415, 422,* 1587, 1710.

254.... Deletes certain requirements for incorporation of cities by general law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 161, 228, 243, 254, 255, 1454, 1519.

255.... Requires biennial report by director of department of administration on status of internal accounting and administrative controls in certain state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 161, 228, 243, 255, 1454, 1519.

256.... Increases number of members on board of county commissioners in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 161.

No. *Summary, Introducer and Page Reference*

257.... Requires Department of Personnel to add steps to pay plan for classified employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 162, 228, 506.

258.... Revises provisions concerning automotive repairs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Chowning, Segerblom, de Braga, Mortenson, Claborn, McClain, Koivisto, Freeman, Bache, Anderson, Tiffany, Thomas, Parks, Gibbons, Berman, Evans, Cegavske, Price, Arberry, Ohrenschall, Manendo, Humke, Dini, Perkins, Buckley and Brower. 162, 975, 978, 984, 1013, 1022, 1167,* 1168, 1802, 1878, 1880, 1994.

259.... Makes various changes concerning state contractors' board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Lee, Giunchigliani, Arberry, Goldwater, Thomas, Berman, Chowning, Dini, Perkins, Neighbors, Carpenter, Segerblom, Gibbons, Buckley, Hettrick, Humke, Gustavson, Angle, Claborn, McClain, Koivisto, Tiffany, Freeman, Bache, Anderson, Williams, Parks, Manendo, Collins, Ohrenschall and Price. 162, 1084, 1085, 1093, 1226*.

260.... Revises definition of "public officer" for purposes of provisions governing ethics. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 162, 300, 325, 343,* 1454, 1519.

261.... Clarifies authority of board of county commissioners to act at meeting held outside county seat. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 163, 347, 389, 399,* 1351, 1367.

262.... Revises provisions governing notification of parent, guardian or custodian of child taken into custody for committing offense. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Parks, Perkins, Bache, de Braga, Segerblom, Anderson, Neighbors, Thomas, Buckley, Lee, Arberry, Collins, Manendo, Williams, Cegavske, Beers, Brower, Tiffany, Gustavson, Chowning, Evans, Leslie, Koivisto, Freeman, Carpenter, Parnell, Gibbons, Goldwater, McClain, Dini, Nolan, Price, Berman, Von Tobel, Claborn, Mortenson, Giunchigliani, Humke and Hettrick. 163, 267, 283, 294, 326, 328, 344, 351,* 1393, 1435.

263.... Creates trust fund for money received from manufacturers of tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 163.

264.... Authorizes governing body of county to donate surplus personal property to nonprofit organization. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 163.

265.... Creates new category of medical facility for modified medical detoxification. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Assemblymen Leslie, Gibbons, Buckley, de Braga, Parnell, Parks, Williams and Manendo; Senator Townsend. 163, 975, 978, 986, 1016,* 1455, 1540, 1541, 1584.

266.... Makes appropriation to Garlic and Onion Growers' Advisory Board for research on White Rot. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Dini (by request). 164, 506.

267.... Requires person under certain circumstances to report certain violent or sexual offenses against child to law enforcement agency. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Assemblymen Perkins, Williams, Lee, Carpenter, Ohrenschall, Thomas, de Braga, Berman, Claborn, Anderson, Collins, Parnell, Neighbors, Mortenson, Segerblom, Buckley, Freeman, Evans, Goldwater, Brower, Chowning, McClain, Parks, Manendo, Bache, Tiffany, Hettrick, Price, Gibbons, Leslie, Nolan, Beers, Giunchigliani and Dini; Senators James, Rawson, Coffin, O'Donnell, Titus, Amodei, Care, Carlton, Mathews, Neal, Porter, Schneider, Shaffer, Washington and Wiener. 164, 869, 892, 896, 945,* 946, 1455, 1663, 1679, 1803, 2128, 2159, 2346, 2411.

268.... Revises certain reporting dates concerning projections and estimates of economic forum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 164, 300, 325, 343, 348, 474, 498, 547,* 548.

269.... Revises provisions governing contributions by justices of supreme court to public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 174, 347, 389, 390, 506, 1713, 1825,* 2198, 2253.

270.... Revises composition of regional transportation commission of Carson City. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 174, 393, 415, 422,* 1554, 1584.

271.... Makes various changes relating to consignment of vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 174, 501, 536, 633, 837, 861, 923, 931,* 932, 1587, 1884, 1994.

No. *Summary, Introducer and Page Reference*

272.... Revises penalty for driving without required insurance in effect. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 175, 1085, 1094, 1226,* 1802, 1903, 1913, 2158, 2335.

273.... Increases compensation of persons employed at certain correctional facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen de Braga, Neighbors, Mortenson, Evans, Parks, Freeman, Tiffany, Giunchigliani, Beers and Goldwater; Senator McGinness. 175, 506.

274.... Requires issuance of general obligation bonds of state for construction and renovation of certain schools in White Pine County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga. 175, 506.

275.... Provides for dissolution of hospital district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Neighbors and de Braga; Senator McGinness. 175, 210, 223, 231,* 827, 831, 854.

276.... Revises provisions governing appointment of members of board of wildlife commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lee and Humke. 175.

277.... Makes various changes related to development of underground electric facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Segerblom, Evans, Bache, Carpenter, Freeman, Koivisto, Claborn, Mortenson, Chowning, Parks, Buckley, Perkins, de Braga, Arberry and Giunchigliani. 180.

278.... Revises provisions relating to mortgage companies and loans secured by liens on real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Collins. 180.

279.... Establishes certain rights of lessee of safe-deposit box that is improperly opened. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Evans, de Braga, Perkins, Dini, Leslie, Claborn, Mortenson, Chowning, Hettrick, Cegavske, Giunchigliani, Segerblom, Carpenter, Gibbons, Freeman, Arberry, Williams, Lee, Neighbors, Buckley, Bache and Parks; Senators Carlton, McGinness, Neal, Titus and Wiener. 181, 856, 889, 923, 933*.

280.... Prohibits use of aversive intervention on persons with disabilities under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Buckley, Carpenter, Ohrenschall, Leslie, Thomas, Segerblom, Perkins, Giunchigliani, Lee, Arberry, Parks, Williams, Manendo, Anderson, Price, Freeman, Goldwater, Gibbons, McClain, Koivisto, Collins, Bache, Tiffany, Neighbors, Nolan, Hettrick and Evans. 181, 1084, 1085, 1095, 1226, 1232, 1233,* 1870, 1959, 1967, 2158, 2166, 2415, 2441, 2451.

281.... Makes appropriation to State Conservation Commission in State Department of Conservation and Natural Resources for support of conservation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. de Braga, Dini, Collins, Carpenter, Leslie, Anderson, Segerblom and Neighbors. 181, 506.

282.... Revises provisions governing unlawful exhibition or distribution of material that is harmful to minors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Lee, Gibbons, Segerblom, Mortenson, Neighbors, Thomas, Koivisto, McClain, Goldwater, Perkins, Cegavske and Collins. 183, 922, 938, 978,* 979, 1691, 1846.

283.... Revises provisions governing solicitation by telephone. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 183, 291, 304, 327,* 1802, 1894, 1994.

284.... Makes various changes concerning fluoridation of water. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Giunchigliani, Arberry, Parks, Bache, Williams, de Braga, Collins, Perkins, Buckley, Manendo, Lee, Evans, Anderson, McClain, Koivisto, Tiffany, Freeman, Parnell, Ohrenschall, Von Tobel, Price, Gibbons, Neighbors, Goldwater, Thomas, Carpenter, Segerblom, Leslie, Brower, Nolan, Beers, Mortenson and Claborn; Senators Rawson, Coffin, Titus, Jacobsen, Amodei, Care, Carlton, Mathews, Neal, Schneider, Shaffer and Wiener. 192, 646, 800, 838,* 1467, 1541, 1542, 1584.

285.... Establishes program to protect Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 193, 468, 483, 788, 1415, 1441, 1442,* 2198, 2289, 2290, 2444.

286.... Requires licensing of commercial resident agents. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Anderson, McClain, Thomas, Manendo, Buckley, Carpenter, Ohrenschall, Nolan, Claborn, Koivisto, Leslie, Collins, Angle, Parnell, Chowning, Segerblom, Freeman, Bache, Perkins, Giunchigliani, Arberry, Neighbors and Evans; Senator Care. 193.

No. *Summary, Introducer and Page Reference*

287.... Revises provisions governing proceedings and awards in actions relating to eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Gibbons, Williams, Parks, Buckley, Manendo, Freeman, de Braga, Collins, Berman, Neighbors, Tiffany, Evans, Cegavske, Anderson, Goldwater, Gustavson, Humke, Price, Giunchigliani, Mortenson, Claborn, Hettrick, Angle, Nolan, Carpenter and Beers. 196, 501, 537, 788, 2157, 2169, 2191, 2194, 2236,* 2400.

288.... Revises provisions governing compensation paid to State of Nevada for cost of collecting certain taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 196, 506, 1327, 1342, 1354,* 1869, 1994.

289.... Enacts provisions governing operation of vending machines located in visitors' areas of institutions and facilities of department of prisons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 196, 501, 538, 636,* 1714, 1897, 2056, 2166, 2243, 2247, 2443, 2455, 2466.

290.... Makes appropriation to Nevada Supreme Court for operational costs of Commission on Racial and Economic Bias within the Judicial System. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 196, 506.

291.... Makes appropriation to Division of Agriculture of Department of Business and Industry for development of statewide data base and economic analysis of grazing trends on public lands. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 197, 506.

292.... Revises provisions governing filling of containers and repair of appliances for use of liquefied petroleum gas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 197.

293.... Makes various changes concerning health insurers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Nolan, Beers, Brower, de Braga, Chowning, Evans, Leslie, Hettrick, Cegavske, Gustavson and Angle. 197, 975, 978, 987, 1016,* 1870, 2129, 2150, 2211.

294.... Revises provisions regarding literacy in public schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Angle, Nolan, Carpenter, Von Tobel, Gustavson, McClain, Mortenson, Price, Tiffany, Claborn, Lee, Cegavske, Hettrick, Manendo, Collins, Segerblom, Arberry, Gibbons and Humke; Senators Washington, Rawson and Jacobsen. 197.

295.... Makes various changes concerning certain water districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Von Tobel. 198, 646, 801, 838,* 1587, 1706, 1846.

296.... Requires board of wildlife commissioners to make certain revisions to criteria for issuance of special incentive elk tags. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 198, 501, 538, 636,* 1587, 1710.

297.... Requires employer or former employer of applicant for position as peace officer with law enforcement agency to make certain information regarding applicant available to law enforcement agency under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 198, 448, 458, 473, 486, 487,* 1802, 1875, 1876, 1994.

298.... Requires bidders on public works projects to qualify before bidding in certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 198, 1084, 1085, 1124, 1226,* 1227, 1870, 2038, 2052, 2155.

299.... Revises various provisions regarding medium-term obligations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 199, 256, 271, 284,* 1370, 1402.

300.... Makes appropriation for management of estray horses in Virginia Range area. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Natural Resources, Agriculture, and Mining. 199, 506.

301.... Makes various changes regarding child care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Williams, Price, Gibbons, Koivisto, McClain, Ohrenschall, Segerblom, Neighbors, Carpenter, Manendo, Parks, Freeman, Lee, Arberry, Anderson, Evans, Goldwater, Giunchigliani, Collins, Chowning, Bache, Tiffany, Humke, Beers, Berman, Buckley, Nolan, de Braga and Von Tobel; Senators Neal and Schneider. 199.

302.... Makes various changes regarding services and facilities for care of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Freeman, Williams, Arberry, McClain, Leslie, Evans, Gibbons, Von Tobel, Tiffany, Parnell, Bache, Anderson,

No. *Summary, Introducer and Page Reference*

Giunchigliani, Parks, Collins, Manendo, Ohrenschall, Price, Koivisto, Angle, Chowning, Mortenson, Neighbors, Berman, Perkins, de Braga, Thomas, Claborn, Goldwater, Segerblom and Lee; Senators Townsend, Wiener, Porter, Amodei, James, Schneider and Titus. 200, 646, 803, 806, 870.

303.... Provides for counting of certain service performed by certain injured employees towards eligibility for retirement as police officer or fireman. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 205, 500, 538, 636,* 1554, 1584.

304.... Makes various changes concerning complaints against peace officer. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 205, 869, 892, 898, 1013, 1033, 1044, 1216, 1227,* 1467, 1551.

305.... Changes names of mental hygiene and mental retardation division of department of human resources and certain other entities, budget accounts and facilities of division. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 205, 448, 459, 473, 487,* 1085, 1300.

306.... Revises provisions governing community redevelopment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani, Buckley, Arberry, Anderson, Bache, Freeman, Tiffany, Parnell, de Braga, Williams, Parks, Segerblom, Collins, Manendo, Ohrenschall and Goldwater. 206, 1163, 1174, 1189, 1227,* 1870, 1967, 2077.

307.... Makes various changes concerning discipline of pupils for carrying or possessing certain electronic devices for paging or communicating on school grounds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 206.

308.... Requires department of prisons to establish program to use dogs to detect presence of controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Gibbons, Segerblom, Mortenson, Berman, Tiffany, Humke, Von Tobel, Anderson, Carpenter, Manendo, Leslie, Collins, Ohrenschall, Price, Parks, Bache, Koivisto, McClain, Gustavson, Brower and Angle. 206, 468, 483, 484, 788.

309.... Makes various changes to charter of City of Reno. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 207, 448, 459, 473, 487, 502, 548,* 1714, 1915.

310.... Establishes office of ombudsman for health care within bureau of consumer protection in office of attorney general. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Buckley, Ohrenschall, Carpenter, Leslie, Koivisto, McClain, Claborn, Nolan, Collins, Manendo, Anderson, Perkins, Arberry, Giunchigliani, Williams, Parks, Von Tobel, Price, Gibbons, Berman, Thomas, Beers, Evans, Segerblom, Goldwater, Parnell, de Braga, Freeman, Bache, Chowning, Mortenson, Neighbors, Humke, Tiffany, Gustavson, Lee, Hettrick, Cegavske, Marvel and Brower. 211, 276, 506.

311.... Revises provisions governing employment practices of certain employers to prohibit discrimination based upon sexual orientation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 211, 467, 484, 492, 499, 548,* 1802, 1877, 1878, 1994.

312.... Makes appropriation to legislative fund for expenditure by Closeup Foundation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Von Tobel, Gibbons, Neighbors, Lee, Parnell, Segerblom, Freeman, Bache, Tiffany, Thomas, Carpenter, Ohrenschall, Price, Berman, Hettrick, Cegavske, Chowning, de Braga, Mortenson, Claborn, Nolan, Collins, Leslie, Anderson, Manendo, Parks, Giunchigliani, Angle, Brower, Evans, Williams, Humke, Beers, Arberry, McClain, Koivisto, Dini, Buckley, Perkins and Goldwater; Senators Porter, Rawson, Washington, Amodei and James. 220, 506.

313.... Revises provisions governing education. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Chowning, Parks, Evans, Buckley, Anderson, Bache, Freeman, Koivisto, McClain, de Braga, Williams, Segerblom, Collins, Manendo, Lee, Ohrenschall, Goldwater, Thomas, Neighbors, Berman, Gibbons and Price. 220, 1173, 1174, 1191, 1227,* 1870, 1945, 1953, 2158.

314.... Provides mechanism for funding certain regional facilities for children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Assemblymen Dini, Hettrick, de Braga and Parnell; Senators Jacobsen, Amodei and McGinness. 220, 311, 343, 352,* 1528, 1554, 1584.

315.... Makes various changes regarding adoption of children and protection of children from abuse and neglect in accordance with certain federal requirements. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Judiciary. 220.

No. *Summary, Introducer and Page Reference*

316.... Makes appropriation to Lyon County for expansion of Lyon County Museum and restoration of Thompson School House. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Dini (by request). 221, 506.

317.... Revises provisions regarding payment of merit increases in University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Von Tobel, Hettrick, Gibbons, Cegavske, Giunchigliani, Williams, Beers and Humke. 221.

318.... Makes various changes regarding conveyance of certain money and property by county or city to nonprofit organization or governmental entity. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley. 221, 402, 421, 445,* 1870, 1967, 1968, 2158, 2166, 2257, 2259, 2292.

319.... Requires disclosure of surcharge required to be paid for use of automated teller. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Williams, Mortenson, Manendo, Lee, Carpenter, Leslie, Segerblom, Parks, Price, Von Tobel, Collins, Giunchigliani, Ohrenschall, Arberry, Cegavske, Bache, Tiffany, Freeman, Parnell, Koivisto, McClain, Gustavson, Anderson and Neighbors. 221.

320.... Makes appropriation to account for local cultural activities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 225, 506, 1587, 1588, 1628, 1698,* 2443.

321.... Makes appropriation to legislative fund for additional equipment and software for information systems for Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 225, 506, 1301, 1312, 1322,* 2079, 2211.

322.... Makes appropriation to Legislative Counsel Bureau for reproduction of older Nevada Reports. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 226, 448, 459, 473, 487,* 1438, 1463.

323.... Makes appropriation to Division of Agriculture of Department of Business and Industry for support of Advisory Council for Organic Agricultural Products. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Dini, Neighbors, de Braga, Marvel, Hettrick, Carpenter and Parnell. 226, 506, 1713, 1714, 1717, 1825,* 2198, 2253.

324.... Revises provisions governing certain educational, research, outreach and service programs and makes appropriation to agricultural extension department of public service division of University and Community College System of Nevada for abatement of tall white top. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Dini, Neighbors, de Braga, Marvel, Hettrick, Arberry, Carpenter and Parnell. 226, 393, 506, 1916, 1919, 2007,* 2248, 2335.

325.... Makes appropriation to Washoe County for establishment of community-based, early intervention program for certain pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Leslie, Anderson, Freeman, Gibbons and Evans. 229, 506.

326.... Makes various changes concerning industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 229, 1084, 1085, 1127, 1227*.

327.... Prohibits person from seeking noneconomic damages resulting from accident involving motor vehicle if person owned or was operating or using motor vehicle without insurance for motor vehicle at time of accident. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 230.

328.... Prohibits person from using portable telephone while operating moving motor vehicle. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 230.

329.... Expands circumstances under which special license plates may be used on motor vehicles loaned by dealers and rebuilders of vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 230, 647, 806, 839,* 1691, 1846.

330.... Makes appropriation for portion of funding for construction of new juvenile detention facility and juvenile addiction center in Washoe County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

No. *Summary, Introducer and Page Reference*

Assemblymen Evans, Anderson, Freeman, Leslie, Humke, Gibbons, Brower and Gustavson; Senators Mathews, Townsend and Raggio. 240, 506, 2291, 2292, 2338,* 2443.

331 .... Authorizes state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than restrictions imposed pursuant to state law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman, Ohrenschall, Gibbons, Leslie, Humke, Chowning, de Braga, Parks, Von Tobel, Price, Berman, Buckley, Perkins, Evans, Tiffany, Carpenter, Segerblom, Claborn and Thomas. 240.

332 .... Makes various changes regarding evaluation and admonition of educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Anderson, Bache, Freeman, Parnell, Koivisto, Claborn, Mortenson, Ohrenschall, McClain, Buckley, Leslie, Collins and Manendo. 240, 467, 484, 498,* 1870, 1991, 1993, 2077.

333 .... Includes within crime of involuntary manslaughter violation of certain laws resulting in death of another person. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Hettrick. 241, 500, 539, 1013, 1019,* 1020, 1021.

334 .... Provides for industrial insurance coverage for domestic workers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Hettrick, Humke, Collins, Perkins, Dini, Cegavske, Beers, Nolan, Leslie, Evans, Goldwater, Thomas, Carpenter, Segerblom, Gustavson, Chowning, de Braga, Mortenson, Claborn, McClain and Koivisto; Senators Townsend, O'Connell and Rhoads. 241, 1012, 1015, 1042, 1168,* 1690, 1846.

335 .... Revises provisions regarding support by county of certain programs that provide free legal services to elderly and indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany, Bache, Gibbons, Humke, Parnell, Von Tobel, Williams, Lee, Neighbors, Freeman, Segerblom, Berman and Mortenson. 241.

336 .... Authorizes court to order person convicted of certain crimes relating to distribution of controlled substances to persons under 18 years of age to pay restitution for costs of victim for participating in program of treatment for abuse of controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblyman Neighbors; Senator McGinness. 242, 311, 343, 353,* 1393, 1432, 1451.

337 .... Creates public assistance fund to be funded by money from abandoned property trust fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Buckley, Perkins, Goldwater, Lee, Neighbors, Berman, Gibbons, Price, Ohrenschall, Manendo, Collins, de Braga, Segerblom, Bache, Parks, Dini, Anderson, Evans, Carpenter, Leslie, Koivisto, McClain, Claborn and Nolan. 242, 474, 506, 788.

338 .... Prohibits insurer from taking certain actions regarding certain types of policies of casualty or property insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Collins, Claborn, Parks, Leslie, Williams, McClain, Giunchigliani, Arberry, Bache, Koivisto, Anderson, Freeman, Tiffany, Manendo, Von Tobel, Ohrenschall, Price, Marvel, Gibbons, Neighbors, Lee, Perkins and Berman. 246, 646, 807, 839*.

339 .... Makes various changes concerning orders for protection against domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Evans, Chowning, de Braga, Claborn, Koivisto, McClain, Parnell, Anderson, Cegavske, Humke, Mortenson, Gustavson, Angle, Buckley, Leslie and Brower; Senators Amodei, Mathews, Shaffer and Wiener. 247, 501, 539, 636,* 1691, 1846.

340 .... Repeals certain obsolete provisions relating to married women. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Cegavske, Von Tobel, Berman, Angle, Giunchigliani, de Braga, Buckley, Evans, Ohrenschall, Gibbons, Segerblom, Leslie, McClain, Koivisto, Chowning, Tiffany, Parnell and Freeman; Senators Wiener, Titus, Carlton, O'Connell and Mathews. 247, 331, 348, 350, 390, 399, 400,* 1302, 1323.

341 .... Makes appropriation to Department of Motor Vehicles and Public Safety to purchase customer management systems for certain offices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 247, 506, 1393, 1408, 1417,* 1418, 1869, 1994.

342 .... Makes appropriation to Registration Division of Department of Motor Vehicles and Public Safety for expenses related to production of license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 247, 506, 1713, 1714, 1717, 1825,* 2198, 2253.

343 .... Makes appropriation to Division of Parole and Probation of Department of Motor Vehicles and Public Safety for completion of Agency Automation Project. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 247, 506, 1454, 1497, 1544,* 1869, 1994.

No. *Summary, Introducer and Page Reference*

344.... Makes supplemental appropriation to Division of Agriculture of Department of Business and Industry for Veterinary Medical Services for shortfall in revenue for personnel services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 248, 506, 1318, 1337, 1346,* 1869, 1994.

345.... Makes supplemental appropriation to state distributive school account for additional anticipated expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 248, 506, 510, 629, 788, 833,* 1311, 1323.

346.... Makes appropriation to Motor Pool Division of Department of Administration for purchase of additional vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 248, 506, 1454, 1497, 1544,* 1995, 2155.

347.... Makes various changes to statutory provisions relating to Southern Nevada Water Authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 248, 869, 892, 898, 946,* 1870, 2052, 2053, 2155.

348.... Revises provisions governing charter schools and makes various changes to public education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen McClain, Buckley, Carpenter, de Braga, Segerblom, Berman, Dini, Manendo, Williams, Lee, Thomas, Price, Ohrenschall, Gibbons, Von Tobel, Collins, Parks, Koivisto, Arberry, Giunchigliani, Freeman, Chowning, Anderson, Gustavson, Leslie, Claborn, Beers, Nolan, Brower, Hettrick, Humke, Perkins, Evans, Parnell, Mortenson, Bache, Cegavske, Neighbors, Goldwater, Marvel, Tiffany and Angle; Senators Porter, Titus, O'Connell, Washington, Wiener, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer and Townsend. 249, 1012, 1015, 1043, 1085, 1161, 1165, 1301, 1312,* 1313, 2474, 2516, 2517, 2523, 2525.

349.... Makes changes to provisions governing notice of certain amendments to master plan or zoning regulation and applications for granting of variances, special and conditional use permits and other special exceptions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Assemblymen Thomas, Parnell, Segerblom, Buckley, Neighbors, Lee, Perkins, Hettrick, Humke, Chowning, de Braga, Cegavske, Mortenson, Claborn, Gustavson, McClain, Koivisto, Williams, Beers, Leslie, Freeman, Angle, Arberry, Giunchigliani, Parks, Collins, Manendo, Ohrenschall, Price, Marvel, Gibbons, Goldwater, Evans, Anderson, Brower, Berman, Carpenter and Bache; Senators Porter, Titus and Wiener. 249, 922, 938, 979*.

350.... Designates official colors for reproduction or facsimile of state seal. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 249, 300, 326, 344,* 1351, 1367, 1411, 1564, 1570, 1577,* 1691, 1846.

351.... Revises standards for determining whether organization is created for religious, charitable or educational purposes for determining exemptions from sales and use taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 249.

352.... Makes appropriation to University and Community College System of Nevada for Southern Nevada Writing Project and Northern Nevada Writing Project. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Freeman, Anderson, Lee, de Braga, Leslie, Arberry, Bache, Tiffany, McClain, Koivisto, Claborn, Price, Ohrenschall, Collins, Parks, Gibbons, Neighbors, Segerblom, Goldwater, Evans, Carpenter and Williams. 250, 936, 944, 951, 954.

353.... Removes provision that provides for different treatment of nonresidents in distribution of compensation provided to certain victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 258, 331, 348, 351, 390, 400,* 1085, 1300.

354.... Creates and provides for use of account to improve quality of services for child care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Leslie, Freeman, Giunchigliani, Gibbons, Chowning, Thomas, Evans, Parnell, de Braga, Manendo, Anderson, Koivisto, McClain, Von Tobel, Tiffany, Buckley and Ohrenschall. 258.

355.... Revises provisions governing legislative measures which require local governments to establish, provide or increase programs or services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 258.

356.... Makes appropriation to Clark County School District for continuation of pilot program for instruction of pupils whose primary language is not English. Fiscal Note: Effect on Local Government: No. Effect

No. *Summary, Introducer and Page Reference*

on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Chowning, de Braga, Claborn, Koivisto, Freeman, McClain, Bache, Anderson, Arberry, Giunchigliani, Williams, Parks, Collins, Manendo, Ohrenschall, Brower, Cegavske, Perkins, Price, Humke, Gibbons, Mortenson, Parnell, Thomas, Evans, Beers, Leslie, Segerblom, Dini, Hettrick and Goldwater. 259, 506.

357.... Makes appropriation to Department of Education for programs, personnel and educational services for American Indian children and culturally diverse children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Chowning, de Braga, Claborn, Koivisto, Freeman, McClain, Bache, Anderson, Arberry, Giunchigliani, Williams, Collins, Manendo, Ohrenschall, Cegavske, Perkins, Price, Humke, Mortenson, Parnell, Thomas, Gibbons, Evans, Leslie, Beers, Dini, Hettrick, Segerblom and Goldwater. 259, 506.

358.... Revises provisions governing procedures to be followed if Federal Government files realty action concerning purchase of private land in Nevada or exchange of public land for private land in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 259, 647, 807, 839,* 1691, 1846.

359.... Dedicates portion of insurance premium tax for support of state fire marshal division of department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini. 259, 393, 394, 506.

360.... Makes appropriation to State Public Works Board for feasibility studies regarding construction of Hi-Tech Learning Centers in Lyon County and in Douglas County, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Dini. 260, 506, 1995, 1997, 2080,* 2081, 2443.

361.... Prohibits certain increase in rent in mobile home parks based on size of mobile home. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Bache, Buckley, Manendo, Ohrenschall, Nolan, Leslie, Koivisto, McClain, Anderson, Claborn, Williams, Giunchigliani and Humke; Senators Titus, Carlton, Care and Amodei. 260.

362.... Makes appropriation to State Arts Council of Department of Museums, Library and Arts for support of certain arts programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Leslie, Claborn, Thomas, Parnell, Parks, Collins, de Braga, Beers, Chowning, Mortenson, Koivisto, Evans, Giunchigliani, Freeman, Anderson, Price, Manendo, Gibbons, Lee, Bache, McClain, Goldwater, Williams, Buckley and Von Tobel; Senator Rawson. 260, 506.

363.... Makes various changes concerning crimes of stalking and aggravated stalking. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Leslie, Anderson, Brower, Parnell, Gibbons, Giunchigliani, Perkins, Dini, Bache, Koivisto, McClain, Claborn, de Braga, Hettrick, Lee, Nolan, Arberry, Thomas, Parks, Neighbors, Goldwater, Beers, Chowning, Price, Freeman, Ohrenschall, Evans, Collins, Manendo, Mortenson, Humke, Carpenter, Cegavske, Williams, Gustavson, Segerblom, Berman, Buckley, Von Tobel, Tiffany and Marvel; Senators Townsend, Titus, Mathews and James. 260, 333, 334, 335, 336, 454, 472, 487,* 1714, 1863, 1915.

364.... Creates office of chief information officer and information technology commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Tiffany. 261, 506.

365.... Provides for continuation of financial support for certain children after their adoption by relatives. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Williams, Giunchigliani, Parks, Manendo, Collins, Von Tobel, Ohrenschall, Price, Perkins, Buckley, Lee, Neighbors, Berman, Gibbons, Marvel, Carpenter, Segerblom, Anderson, Freeman, Thomas, Tiffany, Chowning, Evans, Arberry, Goldwater, Mortenson and Parnell. 261.

366.... Makes various changes relating to training and professional development of teachers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 261, 856, 889, 923, 933*.

367.... Makes contingent appropriation to Department of Transportation for construction of extension to sound barrier on east side of U.S. Highway 261, 647, 809, 870.

368.... Requires annual audit of certain expenditures by certain school districts and development of policy to renovate or reconstruct certain school facilities by certain school districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 262, 646, 809, 870, 2169, 2191, 2196, 2197, 2218, 2233, 2249, 2250,* 2336.

369.... Requires public body to allot equal time for certain testimony at public meeting. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mortenson, Claborn,

No. *Summary, Introducer and Page Reference*

Gustavson, Beers, Nolan, Brower, Humke, Chowning, Hettrick, Cegavske, Tiffany, Parnell, Segerblom, Carpenter, Goldwater, Giunchigliani, Arberry, Williams, Parks, Manendo, Von Tobel, Ohrenschall, Price, Gibbons, Berman, Neighbors, Lee, Buckley and Anderson. 268.

370.... Establishes for next biennium amount to be paid by state for group insurance for participating officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Parnell, Gibbons, de Braga, Bache, Segerblom, Neighbors, Leslie, Anderson, Lee, Freeman, Koivisto, McClain and Chowning. 268, 506, 1370, 1389, 1401,* 1869, 1994.

371.... Authorizes use of arbitration in adjustment of certain grievances of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Parnell, Gibbons, de Braga, Bache, Segerblom, Neighbors, Leslie, Anderson, Lee, Freeman, Koivisto, McClain and Chowning. 268, 425, 449, 506, 1301, 1312, 1322*.

372.... Makes certain provisions concerning protection of older persons from abuse, neglect, exploitation and isolation applicable to certain persons with mental disabilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Arberry, Williams, Parks, Neighbors, Collins, Manendo, Ohrenschall, Price, Gibbons, Chowning, Freeman, de Braga, Evans, Leslie, Nolan, Claborn, Mortenson, Lee, Buckley, Bache, Anderson, Perkins, Koivisto, McClain and Parnell. 268, 501, 502, 788.

373.... Makes various changes concerning certain health care facilities and mentally ill or mentally retarded persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Arberry, Parks, Williams, Collins, Manendo, Ohrenschall, Price, Gibbons, Berman, Chowning, Freeman, de Braga, Evans, Leslie, Nolan, Claborn, Mortenson, Lee, Neighbors, Buckley, Bache, Anderson, Perkins, Koivisto, McClain and Parnell. 269, 1084, 1085, 1128, 1216, 1220, 1222, 1995, 2004, 2081,* 2443.

374.... Authorizes commission for cultural affairs to grant certain money as financial assistance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 269, 331, 348, 454, 472, 487,* 488, 1351, 1367.

375.... Makes various changes relating to financial administration of counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 269, 500, 539, 636,* 637, 1360, 1383.

376.... Makes various changes regarding provision of police services in certain public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 269, 1012, 1015, 1043, 1168,* 1714, 1883, 2056, 2129, 2286, 2337.

377.... Requires director of department of motor vehicles and public safety to enter into contract with person to carry out certain duties of department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Angle, Gustavson, Humke, Cegavske, Tiffany, Beers, Von Tobel, Segerblom, Gibbons, Berman, Claborn, Mortenson, Nolan, Lee, Neighbors, Marvel, Hettrick, Carpenter and Brower. 270.

378.... Requires director of department of motor vehicles and public safety to enter into contract with person to carry out certain duties of department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gustavson, Angle, Mortenson, Claborn, Carpenter, Tiffany, Freeman, Arberry, de Braga, Cegavske, Von Tobel, Gibbons and Beers. 270.

379.... Provides for increased penalties for distribution or sale of controlled substance to minor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Gustavson, Arberry, Angle, de Braga, Bache, Manendo, Koivisto, Cegavske, Brower, Ohrenschall, Chowning, Collins, McClain, Tiffany, Von Tobel, Price, Gibbons, Berman, Neighbors, Lee, Perkins, Hettrick, Humke, Claborn, Beers, Nolan and Leslie. 270.

380.... Revises provisions governing priority, forfeiture and adjudication of water rights. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 273, 857, 861, 922, 1222, 1292,* 2252, 2262, 2263, 2264, 2444.

381.... Makes appropriation to Churchill County for expenses related to operation of veterans' field service office in Churchill County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. de Braga, Chowning, Mortenson, Claborn, McClain, Koivisto, Parnell, Tiffany, Freeman, Bache, Anderson, Arberry, Williams, Parks, Collins, Manendo, Ohrenschall, Price, Gibbons, Berman, Neighbors, Lee, Buckley, Perkins and Humke. 277, 506.

382.... Makes appropriation to Department of Education for award of grants to schools for establishment and expansion of programs for peer mediation and conflict resolution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Leslie, Anderson, Parnell, Thomas, Koivisto, Evans,

No. *Summary, Introducer and Page Reference*

Giunchigliani, Freeman, Manendo, Gibbons, Lee, Bache, McClain, Goldwater, Williams, Buckley and Segerblom; Senator Wiener. 278, 500, 540, 788.

383.... Requires managed care organizations to pay for medical services provided to insureds by certain providers in areas with low population densities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblyman Neighbors; Senator McGinness. 278.

384.... Makes appropriation to town of Pahrump for two traffic-control devices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblyman Neighbors; Senator McGinness. 278, 506.

385.... Makes appropriation to Nye County for improvements to Tonopah Mining Park. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblyman Neighbors; Senator McGinness. 278, 506.

386.... Makes various changes concerning financial matters affecting medical treatment provided to low-income persons in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 278, 448, 449, 506, 1995, 1997, 1998, 2081,* 2291, 2444.

387.... Revises provisions governing general building contractors in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga, Chowning, Mortenson, Tiffany, Bache, McClain and Koivisto. 279.

388.... Makes various changes to process of land use planning in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani. 279, 975, 983, 1005, 1016*.

389.... Makes allowance against selling price given by retailer for used construction machinery or equipment not subject to local sales and use taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Cegavske. 279.

390.... Revises provisions governing consideration of prisoners for parole. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 279, 393, 415, 422,* 423, 1311, 1323.

391.... Makes technical corrections to statutes concerning credits against sentences of certain prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 280, 402, 421, 445,* 446, 1311, 1323.

392.... Revises provisions concerning use of alternative methods to resolve certain disputes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 280, 869, 892, 898, 946, 947, 974, 982, 1016, 1017,* 1714, 1863, 1915.

393.... Makes contingent appropriation to Department of Transportation for construction of sound barrier along ramps of Interstate Highway No. 515 near Boulder Highway. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblywoman McClain; Senators Titus and Care. 280, 792, 851, 870.

394.... Makes appropriation to Clark County School District for restoration of historic Logandale School. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Von Tobel. 280, 506.

395.... Makes appropriation to University and Community College System of Nevada for design and development of Nevada Center for Sustainable Living. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Thomas, Goldwater, Perkins, Giunchigliani, Lee, Leslie, Chowning, Arberry, Segerblom, Evans, Collins, Parks, Dini, Gibbons, Hettrick, McClain, de Braga, Price, Ohrenschall, Von Tobel, Neighbors, Carpenter, Brower, Beers, Anderson, Nolan, Manendo, Koivisto, Williams, Claborn, Gustavson, Buckley, Bache, Parnell, Mortenson, Humke, Freeman, Angle, Marvel and Berman; Senators Jacobsen, Titus, Porter and Care. 280, 506.

396.... Transfers responsibility for collection of taxes and fees imposed on certain fuels from department of taxation to department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 281.

397.... Makes various changes to provisions concerning landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goldwater, Buckley, Thomas, Segerblom, Gibbons, Neighbors, Perkins, Giunchigliani, Williams, Parks, Collins, Manendo, Ohrenschall, Price, Evans, Leslie, Koivisto, Parnell, McClain, Claborn and Bache. 281, 975, 978, 990, 1017,* 1587, 1710.

398.... Increases amount of longevity payments to state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Williams, Dini, Perkins, Buckley, Anderson and Giunchigliani. 281, 506.

No. *Summary, Introducer and Page Reference*

399.... Makes appropriation to Clark County Public Education Foundation for support and enhancement of public education in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Arberry, Giunchigliani, Bache, Lee, Parks, Buckley, Williams, Goldwater and Anderson. 281, 506.

400.... Revises provisions concerning wills, intestate succession, trusts and estates of decedents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lee, Anderson, Bache and Goldwater. 282, 646, 810, 839,* 1870, 1932, 1933, 2077.

401.... Makes appropriation to Nevada Partners for support of programs that prepare certain persons to enter workforce. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Arberry and Williams; Senator Neal. 282, 506.

402.... Expands authority and jurisdiction of certain marshals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry (by request). 282.

403.... Revises manner in which fees collected by short-term lessors of passenger cars are required to be distributed. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Parks and Chowning. 282.

404.... Requires Legislative Auditor to conduct performance audit of Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblyman Carpenter; Senator Rhoads. 294.

405.... Requires inclusion of statement of consent on forms used by providers of certain utility services to obtain signature of customer to change his provider of such service. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price. 294.

406.... Makes various changes concerning probationers who are supervised by departments of alternative sentencing. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Assemblymen Hettrick, Cegavske, Anderson, Bache, Tiffany, Koivisto, McClain, Angle, Gustavson, Claborn, Mortenson, Beers, Nolan, Brower, Leslie, Evans, Perkins, Humke, Berman, Collins, Thomas, Lee, de Braga, Neighbors, Parks, Von Tobel, Segerblom, Goldwater, Dini, Buckley, Giunchigliani, Arberry, Gibbons, Carpenter and Marvel; Senator Jacobsen. 295, 937, 944, 955, 979,* 1714, 1863, 1864, 1915.

407.... Makes various changes concerning punishment for first violation within 7 years of driving under influence of alcohol or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 295, 646, 811, 839,* 840.

408.... Revises provisions relating to appropriation of water and revises method for calculating certain charge for water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 295, 448, 459, 473, 488,* 1870, 2199, 2202, 2255, 2257, 2346, 2348, 2401.

409.... Extends limited immunity from liability regarding emergency care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gustavson, Nolan, Beers, Brower, Leslie, Evans, Cegavske, Hettrick, Lee, Berman, Von Tobel, Carpenter, Gibbons, Angle, Tiffany, Freeman, Bache, Anderson, Arberry, Parks, Ohrenschall, Price, Buckley, Giunchigliani, Thomas and Chowning. 295, 646, 815, 840,* 1467, 1551.

410.... Repeals certain requirements relating to submission of statement concerning compliance with court order for child support as condition to issuance or renewal of driver's license. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 296, 402, 421, 446,* 1554, 1584.

411.... Provides prospectively for legal counsel for board of regents of University of Nevada from office of attorney general. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Price. 297, 836, 853.

412.... Revises provisions relating to certain water rights. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Brower. 304.

413.... Authorizes pilot program for formation of community school boards. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Brower and Gibbons. 304.

414.... Makes various changes concerning county recorders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 305, 467, 484, 498, 499,* 1454, 1519.

415.... Makes appropriation to City of Las Vegas for revitalization of Herbert Gerson Park into mixed-use, mixed-income development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 305, 506.

No. *Summary, Introducer and Page Reference*

416.... Makes appropriations and requires assessments of certain state agencies for benefit services fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 305, 506, 1351, 1361, 1378,* 1467, 1551.

417.... Makes appropriation to Lander County for expenses related to trial of Kyle Ray and Colby Becker. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 305, 506.

418.... Makes various changes relating to mobile homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Ohrenschall, Koivisto, Claborn, McClain, Leslie, Buckley, Price and Manendo; Senators Care, Carlton, Titus and Wiener. 306, 509, 629, 786, 852, 853, 864*.

419.... Provides credit for recycling materials against tax on conducting business. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Ohrenschall, Carpenter, Anderson, Manendo, Claborn, McClain, Brower, Leslie and Price. 306.

420.... Prohibits requirement of secondary identification for acceptance of credit card. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Price and Manendo. 306.

421.... Revises provisions governing alimony. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Collins, Manendo, McClain, Buckley, Koivisto and Ohrenschall. 306.

422.... Makes various changes relating to certain law enforcement agencies. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Claborn and Collins. 306.

423.... Revises provisions regarding taxation of real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman, Gibbons, Humke, Leslie and Evans. 306, 647, 815, 840,* 1587, 1710.

424.... Makes various changes to process of regional planning in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Freeman, Gibbons, Humke, Leslie, Evans and Anderson. 307, 1084, 1085, 1131, 1227, 1228,* 1870, 1969, 1970, 2077.

425.... Revises provisions governing Moapa Valley Water District. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Von Tobel. 307, 646, 816, 840,* 1455, 1519.

426.... Provides that irrigation districts that generate, produce, transmit and sell electricity are not subject to jurisdiction of public utilities commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 309.

427.... Revises provisions regarding control of emissions from vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Gibbons (by request). 309.

428.... Excludes first five employees from computation of tax on business. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Lee, Gibbons, Parnell, Von Tobel, Humke, Freeman, Tiffany, Williams, Segerblom, Gustavson, Beers, Claborn, Goldwater, Collins, Manendo, Perkins, Hettrick, Cegavske, Chowning, de Braga, Mortenson, McClain, Koivisto and Parks. 313.

429.... Makes various changes concerning division of health care financing and policy of department of human resources and children's health insurance program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 313, 937, 944, 956, 979,* 1870, 2010, 2018, 2155.

430.... Makes appropriation to Clark County for establishment of pilot program to provide guardians ad litem for children who are abused or neglected. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 314, 506.

431.... Revises protections provided to individual buyers, lessees, borrowers, guests of public accommodations and recipients of workers' compensation benefits. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 314, 1219, 1222, 1239, 1292,* 1870, 1977, 1983, 2158, 2166, 2441, 2451.

432.... Revises provisions governing practice of optometry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 314, 975, 978, 992, 1017,* 1587, 1877, 1994.

433.... Clarifies exemption for certain governmental entities from certain provisions governing contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 314.

No. *Summary, Introducer and Page Reference*

434.... Revises provisions governing qualifications of applicant for certificate of registration to practice interior design. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 315, 975, 978, 992, 1013, 1020, 1168*.

435.... Revises provisions relating to execution of certain powers of attorney. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Berman, Segerblom, Carpenter, Leslie, Nolan, Beers, Gibbons, Marvel, Price, Ohrenschall, Von Tobel, Manendo, Collins, Parks, Williams, Giunchigliani, Arberry, Bache, Buckley, Tiffany, Hettrick, Brower and Humke. 315.

436.... Makes various changes concerning granting rights to visitation with child to persons other than parents of child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Berman, Carpenter, Leslie, Nolan, Segerblom, Beers, Gibbons, Marvel, Price, Ohrenschall, Von Tobel, Manendo, Collins, Parks, Arberry, Bache, Buckley, Tiffany, Hettrick, Brower and Humke. 315, 975, 978, 993, 1017,* 1393, 1435.

437.... Authorizes recovery by division of wildlife of state department of conservation and natural resources of certain expenses associated with events involving vessels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 315, 647, 816, 840,* 1405, 1435.

438.... Makes various changes to provisions governing abandoned vessels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 315, 647, 817, 840,* 841, 1393, 1435.

439.... Revises provisions governing use of state parks and other recreational areas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 316, 837, 860, 931,* 1467, 1539, 1540, 1584.

440.... Authorizes imposition of fee upon certain persons who reside in state housing within various state parks and other recreational areas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 316.

441.... Revises provisions governing expenditure of money from account for maintenance of state parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 316, 647, 817, 853, 865,* 1438, 1463.

442.... Revises provisions governing civil actions involving constructional defects and deficiencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 316.

443.... Authorizes juvenile court to require parent or guardian of child who is on probation or parole to pay costs associated with supervision of child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 317.

444.... Makes various changes concerning city elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 317, 500, 541, 637,* 1370, 1402, 1897.

445.... Exempts contracts for purchase of computer hardware and associated peripheral equipment and devices from requirements for competitive bidding set forth in Local Government Purchasing Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 317, 857, 889, 923, 933, 934,* 1455, 1519.

446.... Repeals limitation on amount of unused sick leave employee in public service is entitled to carry forward from year to year. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 317, 500, 788.

447.... Revises provisions relating to regulation of persons who perform certain acts with regard to real estate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 318, 467, 485, 499,* 1454, 1519.

448.... Prohibits animal shelter from releasing animals for research or experimentation under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Segerblom (by request). 318.

449.... Revises procedures for consideration by public utilities commission of Nevada of applications for certain orders concerning securities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Leslie, Gibbons, Brower, Nolan, Anderson, Freeman, Koivisto, McClain, Von Tobel, Manendo and Parks. 318.

450.... Revises provisions governing certain fees imposed for support of division of minerals of department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 318, 647, 817, 853, 865,* 1455, 1519.

No. *Summary, Introducer and Page Reference*

451.... Provides for inspections by various state and local agencies of certain regulated facilities where certain explosives are manufactured, used, processed, handled, moved on site or stored. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 318, 319, 1012, 1015, 1044, 1168,* 1581, 1714, 1893, 1894, 1994.

452.... Prohibits inclusion of certain statements regarding mileage in certificates of ownership of certain vehicles and revises provisions concerning salvage of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 319, 501, 542, 637,* 1587, 1884, 1994.

453.... Provides that operator's policy of liability insurance does not satisfy requirements for liability insurance for motor vehicle that is registered or required to be registered in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 319, 1219, 1222, 1241, 1292*.

454.... Makes various changes concerning controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Perkins. 319, 417, 444, 449, 506, 2157, 2169, 2191, 2197, 2236,* 2291, 2444.

455.... Provides exemption from vehicle privilege tax for certain vehicles registered by elderly persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Perkins. 320, 647, 819, 852, 1013, 1015.

456.... Makes various changes concerning custody of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins. 320, 646, 820, 853, 865,* 1393, 1435.

457.... Prohibits person from committing certain acts that constitute aggressive driving. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Assemblymen Parks, Leslie, Koivisto, Bache, Freeman, Tiffany, Cegavske, Hettrick, Manendo, Berman, Gustavson, Gibbons, Williams, Anderson, Goldwater, Segerblom, Giunchigliani, Ohrenschall, Von Tobel, de Braga, Nolan, Angle and Neighbors; Senator Amodei. 320, 922, 942, 979,* 1802, 1915.

458.... Makes various changes relating to crimes involving theft of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Parks, Chowning, Collins, Manendo, Gibbons, Lee, Arberry, Freeman, Anderson, Williams, Angle, Tiffany, Von Tobel, Neighbors and Leslie. 320, 922, 942, 979, 980, 1014, 1015, 1351, 1366,* 1870, 1990, 2077.

459.... Revises provisions governing expenditure of proceeds of optional tax on revenues from rental of transient lodging to benefit public transportation within certain county transportation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 321, 509, 629, 788, 833,* 1554, 1584.

460.... Revises provisions relating to department of museums, library and arts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 321, 509, 629, 631.

461.... Makes various changes relating to land use planning in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 321, 869, 892, 899, 947,* 1454, 1519.

462.... Makes various changes concerning landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Anderson, Carpenter, Manendo, McClain, Leslie, Koivisto, Claborn, Collins, de Braga and Williams. 322, 417, 444,* 1522, 1584.

463.... Requires board of county commissioners to levy tax and to support county museum or historical society. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel and de Braga (by request). 322.

464.... Provides additional penalty for committing certain offenses relating to controlled or counterfeit substances on grounds of public park. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman, Parks, Parnell, Mortenson, Von Tobel, Gibbons, Manendo, Ohrenschall, Nolan, Leslie, Price, Koivisto, Humke, Hettrick, Cegavske, Berman, McClain, Collins, Carpenter and Gustavson. 322, 417, 444,* 1393, 1435.

465.... Authorizes additional redistricting of county commissioner election districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany. 322, 500, 542, 543, 951, 980, 1017, 1018, 1171, 1173, 1228*.

466.... Provides for reconfiguration of school districts in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany. 323.

467.... Revises provisions relating to unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Goldwater, Buckley, Koivisto and Perkins;

No. *Summary, Introducer and Page Reference*

Senators Carlton, Coffin, James, Porter, Schneider, Shaffer and Titus. 323, 869, 892, 900, 947,* 1555, 1679, 1680, 1710.

468.... Revises provisions regarding use of sick leave by state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Arberry, Giunchigliani, Williams and Goldwater; Senator Neal. 323, 647, 788, 821, 822.

469.... Revises provisions concerning spendthrift trusts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goldwater. 323, 857, 889, 923, 934,* 1455, 1680, 1710.

470.... Makes various changes concerning provision of benefits for workers' compensation and filing of rates for industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Goldwater and Buckley. 324, 1222, 1250, 1293,* 1870, 2028, 2035, 2155.

471.... Reduces and prospectively eliminates certain special motor vehicle privilege tax in Washoe County. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Humke, Freeman, Gibbons, Brower, Anderson, Angle, Gustavson, Evans and Manendo. 324, 1173, 1174, 1192, 1228,* 1467, 1551.

472.... Increases additional salary for longevity paid to certain justices and judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Buckley, Goldwater, Mortenson, Parks, Anderson, Dini, Claborn, de Braga, Chowning, Parnell, Koivisto, McClain, Williams, Neighbors, Lee, Thomas, Segerblom and Perkins. 324, 506, 2082, 2083, 2085, 2203,* 2209, 2209,* 2451, 2459.

473.... Makes various changes concerning domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. McClain, Manendo, Collins, Claborn, Leslie, Koivisto, Anderson, Evans, Nolan, Beers, Parnell, Tiffany, Freeman, Bache, Giunchigliani, Williams, Parks, Von Tobel, Chowning, Humke, Ohrenschall, de Braga, Perkins, Lee, Neighbors, Mortenson, Segerblom, Gibbons, Buckley, Arberry and Carpenter. 332, 869, 892, 901, 947,* 1870, 1933, 1939, 2077.

474.... Facilitates use of money from federal tobacco settlements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Evans, Perkins, Dini, Arberry, Marvel, Giunchigliani, Hettrick, Beers, Goldwater, Cegavske, Chowning, Parks, de Braga, Price, Leslie, Segerblom, Thomas, Gibbons, Ohrenschall, Von Tobel, Manendo, Buckley, Bache, Parnell, Williams, Anderson, Freeman, Koivisto, McClain, Angle, Gustavson, Claborn, Mortenson, Humke, Lee, Carpenter, Collins, Berman, Tiffany and Neighbors; Senators Amodei, Care, Carlton, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 332, 448, 506, 2540, 2557,* 2560.

475.... Provides that determination of whether misrepresentation by insured concerning claim is material is matter of law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 337.

476.... Provides privilege of confidentiality for certain information obtained during audits of insurers to determine compliance with state and federal law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 337.

477.... Makes various changes concerning mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 337, 1219, 1222, 1255, 1294,* 1522, 1571, 1714, 1761, 2301, 2401.

478.... Makes various changes to provisions governing distribution of alcoholic beverages. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Cegavske, Hettrick, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, McClain, Koivisto, Tiffany, Parks, Manendo, Von Tobel, Ohrenschall, Leslie, Goldwater, Brower, Nolan, Beers, Bache, Anderson, Gibbons, Berman, Neighbors, Lee, Buckley, Marvel and Carpenter. 338, 975, 978, 994, 997, 1044, 1080, 1168, 1169,* 1171, 1221.

479.... Revises various provisions concerning elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 338.

480.... Makes appropriation to White Pine County School District for payment of short-term debts incurred by school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen de Braga, Mortenson, Chowning, Manendo and Ohrenschall; Senator McGinness. 338, 506, 1916, 1919, 1920, 2007,* 2252, 2332, 2444.

481.... Revises provisions relating to bees and apiaries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 338, 501, 543, 637,* 1691, 1846.

No. *Summary, Introducer and Page Reference*

482.... Makes various changes to provisions governing actions resulting from constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Manendo, Leslie, Parks, Freeman, Collins, Claborn, McClain, Koivisto, Ohrenschall and Carpenter. 339.

483.... Authorizes law enforcement officer, correctional officer, emergency medical attendant, fireman and any other person who is employed by agency of criminal justice or employer of such person to petition court to require person who may have exposed employee to contagious disease to be tested for human immunodeficiency virus and hepatitis B surface antigen. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Anderson, Manendo, Leslie, Parks, Freeman, Buckley, Carpenter, Ohrenschall, Brower, Gustavson, Koivisto, Angle, McClain, Nolan, de Braga, Hettrick and Goldwater. 339, 869, 892, 905, 907, 935, 1393, 1406,* 1574, 1688.

484.... Extends powers of housing authorities to new types of development. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Segerblom (by request). 339, 1174, 1192, 1228*.

485.... Requires bail agents and bail enforcement agents to notify local law enforcement agency after apprehending defendant and before forcibly entering inhabited dwelling. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Koivisto, Anderson, Manendo, Mortenson, Parnell, Segerblom, McClain, Claborn, Freeman, Bache, de Braga, Parks, Chowning, Williams and Buckley. 339, 869, 892, 908, 947,* 1351, 1367.

486.... Requires certain governmental entities to consider impact of regulations on small businesses and rules on businesses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Goldwater, Lee, Perkins, Buckley, Neighbors, Berman, Gibbons, Marvel, Price, Ohrenschall, Anderson, Freeman, Parnell, Koivisto, McClain, Angle, Mortenson, Humke, Claborn, de Braga, Chowning, Bache, Evans, Leslie, Nolan, Giunchigliani, Arberry, Williams, Collins, Manendo, Parks, Beers, Carpenter, Segerblom, Thomas and Dini; Senators Rawson, O'Connell and Titus. 340, 1219, 1222, 1257, 1294,* 1870, 1984, 1985, 2077.

487.... Requires persons convicted of driving under influence of intoxicating liquor or controlled substance to display distinctive license plates on certain motor vehicles registered to them. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Gibbons, Segerblom, Marvel, Cegavske, Beers, Von Tobel and Manendo. 340.

488.... Prohibits person who has received refund for hunting license from being denied bonus points for additional chances to obtain hunting tag. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons (by request). 340.

489.... Establishes section for enforcement and section for safety and health consultation, education, information and training. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Gibbons, Segerblom, Goldwater, Marvel, Berman, Hettrick, Cegavske, Humke, Chowning, Beers, de Braga, Von Tobel, Collins, Carpenter, Mortenson and Leslie. 341, 509, 631, 788, 827, 870, 1301, 1322,* 1455, 1519.

490.... Revises provisions governing river channel clearance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick, de Braga, Carpenter, Dini and Parnell. 341, 1084, 1085, 1134, 1228,* 1522, 1687, 1688, 1710.

491.... Establishes external review panel to hear appeals of denials of benefits or treatment under health care plans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman, Mortenson, Segerblom, Gibbons, Parnell, Thomas, Neighbors, Bache, Lee, Tiffany, Williams, Ohrenschall, Manendo, Koivisto, Arberry, Buckley, Goldwater, Nolan, Evans, Claborn, McClain, de Braga and Angle. 341.

492.... Revises provisions regulating schools that train drivers of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke (by request). 341, 342, 1219, 1222, 1258, 1294,* 1802, 1889, 1994.

493.... Makes various changes concerning regional planning. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani, Arberry, Williams, Parks, Collins, Manendo, Ohrenschall, Bache, Segerblom, Neighbors, Buckley, Perkins, Thomas, Gibbons and Anderson. 344, 1174, 1196, 1229,* 1869.

494.... Requires personnel commission to adopt regulations relating to determination of work schedules of certain state employees who work in shifts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Parnell, Segerblom, Bache, Neighbors, Williams, Lee, Thomas, Gibbons, Koivisto, McClain, Ohrenschall, Claborn and Manendo. 353, 869, 892, 908, 947,* 948.

495.... Establishes minimum amount of taxes due for applicability of provisions requiring seizure and sale of personal property to satisfy unpaid taxes and costs. Fiscal Note: Effect on Local Government: Yes.

No. *Summary, Introducer and Page Reference*

Effect on the State or on Industrial Insurance: Yes. Beers, Goldwater, Nolan, Brower, Leslie, Evans, Cegavske, Hettrick, Perkins, Buckley, Lee, Neighbors, Berman, Gibbons, Price, Ohrenschall, Von Tobel, Manendo, Collins, Parks, Anderson, Humke, McClain, Koivisto, Tiffany, Bache, Giunchigliani and Thomas. 353.

496.... Revises provisions concerning interception and disclosure of wire, radio or oral communications. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Beers, Arberry, Parks, Williams, Collins, Manendo, Ohrenschall, Price, Bache, Segerblom, Hettrick, Neighbors, Lee, Buckley, Cegavske, Chowning, Thomas, Goldwater, Dini, Carpenter, Gibbons, Berman, de Braga and Mortenson. 354.

497.... Repeals business tax prospectively. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Price (by request). 354.

498.... Revises provisions governing entertainment by referral services. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price (by request). 354.

499.... Prohibits assignment of certain prisoners to custody of division of parole and probation of department of motor vehicles and public safety to serve term of residential confinement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Brower. 354.

500.... Requires court to order persons convicted of second offense of driving under influence of intoxicating liquor or controlled substance within 7 years to attend program of treatment for abuse of alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Cegavske, Gibbons, Hettrick, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, McClain, Koivisto, Tiffany, Anderson, Parks, Manendo, Von Tobel, Ohrenschall, Price, Leslie, Brower, Nolan, Beers, Buckley, Perkins and Carpenter. 355.

501.... Authorizes formation by county or municipality of consumer group to obtain electric services at competitive prices for residents and small businesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mortenson, Thomas, Tiffany, Freeman, Lee, Segerblom, Gibbons, Manendo, Anderson, Koivisto, Williams, Von Tobel, Humke, Price, Claborn, de Braga, Chowning, Cegavske, Ohrenschall, Parks, Giunchigliani, Arberry, McClain, Beers, Nolan, Evans, Goldwater, Carpenter and Berman. 355.

502.... Prohibits smoking of tobacco in all public areas of stores principally devoted to sale of food for human consumption off premises of store. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Angle, Gustavson, Freeman, Parks, Von Tobel, Leslie, Buckley, Nolan, Price, Gibbons, Berman, Humke, de Braga and Mortenson. 355.

503.... Expands information director of department of motor vehicles and public safety may release to licensed private investigator. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblyman Hettrick; Senator Jacobsen. 355, 975, 978, 997, 1018,* 1691, 1885, 1994.

504.... Authorizes additional counties to impose taxes for development of open-space land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblyman Hettrick; Senator Jacobsen. 356, 869, 892, 909, 923, 934,* 935, 1870, 2018, 2155.

505.... Creates presidential preference primary election. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Assemblymen Hettrick and Collins; Senators Rhoads and Wiener. 356.

506.... Makes various changes regarding tax on net proceeds of minerals. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Marvel, Carpenter, Brower, de Braga, Hettrick, Cegavske, Dini and Neighbors; Senators Rhoads, McGinness and Amodei. 356, 1173, 1174, 1201, 1229,* 1393, 1411, 1412, 1435.

507.... Establishes program of voucher schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Gustavson, Angle, Tiffany, Von Tobel, Marvel, Gibbons, Cegavske, Beers, Hettrick, Humke and Nolan; Senators Washington, O'Donnell, O'Connell, McGinness and Raggio. 356.

508.... Revises requirements for passing certain ordinances, resolutions or other instruments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gustavson, Gibbons, Carpenter, Tiffany, Mortenson, Williams, Berman, Marvel, Von Tobel, Beers, Nolan, Brower, Humke and Angle. 357.

509.... Authorizes county to institute court action on behalf of landowner to require enforcement of federal law requiring removal of wild horses from private property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 357, 1084, 1085, 1136, 1229,* 1522, 1584.

No. *Summary, Introducer and Page Reference*

510.... Revises provisions regarding residential construction tax for parks and impact fees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman, Gibbons, Williams and Giunchigliani. 357.

511.... Makes various changes to provisions governing supervision of juvenile sex offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Ohrenschall, Carpenter, Buckley, Anderson, Manendo, Nolan, Claborn, McClain, Koivisto, Williams, Price, Gibbons, Neighbors, Parks, Giunchigliani, Beers, Lee, Berman, Arberry and Bache; Senators Shaffer and Care. 357, 869, 892, 909, 935.

512.... Makes contingent appropriation to City of Las Vegas for library and community center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Ohrenschall, Manendo, Gibbons, Beers, Price, Collins, Parks, Williams, Giunchigliani, Anderson and Bache. 72, 73, 358, 506.

513.... Requires security in civil action by uninsured motorist. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Ohrenschall, Chowning, Carpenter, Nolan, Claborn, McClain, Koivisto, Williams, Price, Gibbons, Neighbors, de Braga, Humke, Lee, Mortenson, Beers, Berman, Giunchigliani, Manendo, Collins, Parks and Bache; Senators Shaffer and Care. 358.

514.... Proposes to exempt hearing aids from taxes on retail sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Ohrenschall, Manendo, de Braga and Lee; Senator Shaffer. 358.

515.... Makes various changes relating to services covered by policies of health insurance and health care plans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga, Segerblom, Neighbors, Collins, McClain, Chowning, Buckley, Lee, Berman, Gibbons, Price, Ohrenschall, Mortenson, Claborn, Freeman, Evans, Parnell and Koivisto. 358, 1084, 1085, 1138, 1229, 1260, 1289, 1295,* 1802, 1895, 1896, 1994.

516.... Makes various changes concerning managed care organizations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman, Koivisto, Parnell, Bache, McClain, Anderson, Arberry, Ohrenschall, Williams, Parks, Manendo, Gibbons and Price. 359.

517.... Revises provisions concerning guardianship of adults. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Freeman, Gibbons, Arberry, Giunchigliani, Williams and Parks. 359, 975, 978, 997, 1018,* 1022, 1165, 1172,* 1714, 1864, 1865, 1915.

518.... Revises provisions regarding reporting of expenditures by lobbyists. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Mortenson, Koivisto, Gibbons, Collins, McClain, Parnell, Williams, Lee, Manendo, Carpenter, Goldwater, Brower, Beers, Perkins, Arberry, Giunchigliani, Parks, Ohrenschall, Price, Chowning, de Braga, Anderson, Tiffany, Freeman, Neighbors, Thomas, Humke and Berman. 359, 500, 543, 637,* 1454, 1519.

519.... Requires administrator of division of child and family services of department of human resources to appoint certain deputies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Buckley, Arberry, Berman, Perkins, Nolan, Beers, Parks, Goldwater, Segerblom, Giunchigliani, Carpenter, Thomas, Anderson, Bache, Freeman, Tiffany, Koivisto, McClain, Claborn, Mortenson, de Braga, Chowning, Gustavson and Angle. 359, 791, 852, 870, 2169, 2236,* 2400.

520.... Makes various changes to provisions governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 361, 869, 892, 909, 948,* 1691, 1782, 1915.

521.... Makes various changes relating to discipline of pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Dini, Perkins, Buckley, Arberry, Evans, Giunchigliani, Parks, Price, Williams, Manendo, Chowning, Koivisto, de Braga, Bache, Ohrenschall, Lee, Neighbors, Thomas, Mortenson, Leslie, Goldwater, Anderson, McClain, Segerblom, Collins, Freeman, Parnell, Claborn, Hettrick, Gibbons, Beers, Marvel, Carpenter, Nolan, Von Tobel, Tiffany and Humke. 361, 836, 854, 870, 2169, 2170, 2233, 2249, 2250, 2251,* 2534, 2535, 2540.

522.... Revises provisions governing location of gaming establishments in residential neighborhoods. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 369, 869, 892, 912, 945, 974, 982*.

523.... Makes various changes concerning domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 369.

No. *Summary, Introducer and Page Reference*

524.... Expressly validates trusts for care of animals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 369.

525.... Creates task force for long-term financial analysis and planning. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Evans, Arberry, Goldwater, Giunchigliani, Humke, Dini, Buckley, Segerblom, Nolan, Berman, Perkins, Lee, Claborn, Gibbons, Neighbors, Marvel, Bache, Chowning, Anderson, Freeman, Leslie, de Braga, Parnell, Collins, McClain, Manendo, Koivisto, Thomas, Parks and Ohrenschall. 369, 501, 788, 1393, 1408, 1418,* 2079, 2211.

526.... Increases tax on transient lodging to fund artistic and cultural programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Parks, Gibbons, Segerblom, Mortenson, Koivisto, Giunchigliani, Bache, Thomas, Evans, Ohrenschall, Chowning, Collins, Manendo, Williams, Freeman, Claborn, Neighbors, Price and Berman. 370.

527.... Revises provisions regarding bonding for facilities of University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Parks, Segerblom, Mortenson, Bache, Giunchigliani, Thomas, Buckley, Ohrenschall, Chowning, Collins, Manendo, Williams, McClain, Claborn, de Braga, Humke, Hettrick, Cegavske, Perkins, Lee, Neighbors, Berman, Gibbons, Marvel and Price. 370, 1012, 1015, 1045, 1169,* 1415, 1893, 2018, 2020, 2158, 2166, 2217, 2248, 2444.

528.... Authorizes creation of regional development corporations by local governments in area of Nevada Test Site. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Neighbors and Dini; Senator McGinness. 370, 936, 944, 959, 980,* 1714, 1915.

529.... Revises provisions governing group insurance for employees of certain local governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Neighbors, Bache, Giunchigliani, Williams, Lee, Chowning, Collins and Parks. 371.

530.... Revises provisions regarding meetings of Nevada veterans' services commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Neighbors, Carpenter and Dini; Senators McGinness and Jacobsen. 371, 509, 632, 788, 833,* 1870, 1970, 2077, 2129.

531.... Clarifies and limits liability of certain persons who provide foster care for children in their care. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 371, 937, 944, 961, 980,* 981, 1455, 1519.

532.... Revises definition of police officer to include certain personnel of capitol police division of department of motor vehicles and public safety for purpose of qualifying for certain benefits for occupational disease. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Parnell. 371, 791, 827, 870.

533.... Makes various changes to provisions governing county hospital districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Brower. 371, 1084, 1085, 1140, 1229,* 1870, 1959, 2077.

534.... Prohibits division of wildlife of state department of conservation and natural resources from charging or collecting fee for issuing commercial license for possession of live wildlife under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 372.

535.... Expands and revises provisions governing regulation of facilities where highly hazardous substances are produced, used, stored or handled. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 372, 1012, 1015, 1045, 1169,* 1574, 1688, 1880, 1881.

536.... Requires certain permits to be obtained by facility or place of employment where highly hazardous substances or explosives are located. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture, and Mining. 372, 1012, 1015, 1049, 1169,* 1170, 1802, 1880, 1881, 1994.

537.... Authorizes additional redistricting of county commissioner election districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 372.

538.... Makes various changes to provisions governing master plans for land use and zoning regulations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 372.

539.... Makes various changes to charter of Carson City. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 373, 646, 822, 853, 865,* 1691, 1769, 1915.

No. *Summary, Introducer and Page Reference*

540.... Provides for credit against certain gaming fees for gaming licensees who sponsor construction of affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Leslie and Buckley. 373, 869, 892, 913, 935.

541.... Prohibits certain acts relating to sale, distribution, possession or use of laser pointers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 373.

542.... Revises provisions concerning driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 373, 1084, 1085, 1142, 1230, 1290, 1295, 1296, 1299, 1300,* 1802, 1885, 1939, 2077.

543.... Provides that certain lawsuits against manufacturer or dealer of firearms or ammunition or trade association related to firearms or ammunition by governmental entity may be brought only by State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 374, 869, 892, 913, 948, 974, 982,* 1587, 1781, 1915.

544.... Makes various changes concerning parent moving child out of this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 374, 869, 892, 914, 948,* 1393, 1435.

545.... Makes various changes concerning fees charged by reporter of district court. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 374, 501, 544, 638,* 1393, 1433, 1451.

546.... Prohibits person from offering or paying remuneration to common motor carrier for soliciting or recommending patronage for or distributing coupons for business. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 374.

547.... Revises priority of certain liens acquired for storage, maintenance or repair of motor vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 374.

548.... Provides exemption from enforcement of judgment for certain property of elderly persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 375, 501, 519*.

549.... Makes various changes concerning tobacco products. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 375, 922, 942, 981,* 1009, 1014, 1020*.

550.... Revises provisions relating to registration fees and special fuel taxes applicable to certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 375.

551.... Revises provisions regarding health insurance coverage for certain digestive disorders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Anderson, Parks, Manendo and Carpenter. 375.

552.... Makes various changes concerning drivers' licenses issued to persons under age of 18 years. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblywoman Cegavske; Senator O'Donnell. 375, 1013, 1015, 1052, 1170,* 1438, 1463, 1710, 1837, 1838, 1893, 1918, 2465.

553.... Authorizes governing bodies of certain governmental entities to use expedited process for executing certain written agreements relating to certain highway projects in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Parks. 376, 1219, 1222, 1260, 1297,* 1554, 1584.

554.... Requires certain cities and counties to continue to levy and collect certain license taxes which are pledged for payment of certain obligations and authorizes pledge of certain license and other excise taxes to payment of revenue bonds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 376, 922, 923, 925, 948,* 1554, 1584.

555.... Partially exempts issuance of charitable-gift annuities from regulation as insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Manendo, Koivisto, Bache, Claborn, Mortenson, Goldwater, Neighbors, Leslie, Gibbons, Price, Freeman, Gustavson, Berman, McClain, Buckley, Carpenter, Ohrenschall, Nolan, Perkins, Williams, Chowning, Humke, Evans, Thomas, Segerblom, Collins, Parks, Giunchigliani, Arberry, Anderson, Lee, Brower, de Braga, Dini, Beers, Parnell, Angle, Tiffany, Von Tobel, Marvel, Hettrick and Cegavske; Senators Titus, Wiener, Rawson, Amodei, Care and Washington. 376, 1012, 1015, 1053, 1170,* 1869, 1994.

No. *Summary, Introducer and Page Reference*

556.... Provides for establishment of procedure to amend certification of population of political subdivisions of state for apportionment of proceeds from certain taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 376.

557.... Conforms definition of common elements in planned community to other common-interest communities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Beers. 377.

558.... Requires mortgage company to disclose certain costs to buyers and sellers of real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Beers. 382.

559.... Revises provisions governing operation of motor vehicle or vessel while under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Manendo, Gustavson, Claborn, Angle, McClain, Koivisto, Leslie, Carpenter, Anderson, Segerblom, Chowning, Price, Mortenson, Williams, Gibbons, Parks, Berman, Lee, Freeman, Thomas, Ohrenschall and Evans. 383, 937, 944, 951, 961.

560.... Provides for issuance of gaming tokens by State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Gustavson, Angle, Marvel, Gibbons, Hettrick, Berman, Neighbors, Cegavske, Humke, Mortenson, Carpenter, de Braga, Dini, Beers and Von Tobel. 383, 857, 861, 870.

561.... Requires Director of Department of Prisons to establish pilot program for offender management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Angle, Nolan, Manendo, Carpenter, Gustavson, Tiffany, Freeman, Hettrick, Collins, Cegavske, Humke, Mortenson, Claborn and Brower; Senator Washington. 383.

562.... Provides exemption from personal property tax for employer who provides free on-site child care for employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Thomas, Giunchigliani, Evans, Goldwater, Buckley, Chowning, de Braga, Mortenson, Claborn, McClain, Koivisto, Parnell, Freeman, Bache, Anderson, Manendo, Ohrenschall, Price, Neighbors, Carpenter, Berman, Segerblom, Beers, Nolan, Leslie and Gibbons. 384, 1012, 1015, 1054, 1165, 1166.

563.... Establishes provisions to promote infill development in smart growth zones. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Thomas, Giunchigliani, Evans, Goldwater, Buckley, Chowning, Mortenson, Koivisto, Claborn, Bache, Anderson, Manendo, Ohrenschall, Leslie, Parnell and Perkins. 384, 1174, 1202, 1230*.

564.... Broadens applicability of provisions relating to availability of programs for recycling or disposal of solid waste. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Thomas, Giunchigliani, Evans, de Braga, Goldwater, Buckley, Chowning, Mortenson, Claborn, McClain, Koivisto, Parnell, Freeman, Bache, Anderson, Collins, Manendo, Ohrenschall, Price, Neighbors, Berman, Lee, Carpenter, Segerblom, Beers, Leslie, Humke and Perkins. 384, 975, 978, 999, 1014, 1015, 2400, 2404,* 2460.

565.... Establishes provisions requiring dedication of certain proportion of common open space and common recreational space in certain residential subdivisions in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Thomas, Goldwater, Carpenter, Segerblom, Berman, Lee, Buckley, Perkins, Chowning, de Braga, Mortenson, Koivisto, Bache, Anderson, Beers, Giunchigliani, Evans, Claborn, Freeman, Collins, Manendo, Ohrenschall, Price, Nolan, Leslie, Neighbors and Parnell. 384.

566.... Makes various changes concerning land use planning. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Thomas, Giunchigliani, Evans, de Braga, Buckley, Chowning, Mortenson, Goldwater, Claborn, Anderson, Collins, Manendo, Ohrenschall, Price, Leslie, Carpenter and Parnell. 385, 1084, 1085, 1144, 1230*.

567.... Provides partial exemption from personal property tax for employer who provides free pass for public transit to employee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Thomas, Parnell, Goldwater, Carpenter, Segerblom, Marvel, Gibbons, Buckley, Williams, Parks, Ohrenschall, Price, Berman, Collins, Manendo, Lee, Beers, Leslie, Evans, Chowning, de Braga, Mortenson, Neighbors, Claborn, McClain, Koivisto, Perkins, Freeman, Brower and Dini. 385, 1012, 1015, 1055, 1166, 1173*.

568.... Provides for payment by others of cost of extending streets and utilities to site of new school. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Thomas, Goldwater, Carpenter, Segerblom, Claborn, Mortenson, de Braga, Chowning, Giunchigliani, Evans, Buckley, Koivisto, Bache, Anderson, Manendo, Ohrenschall, Price, Leslie, Dini and Parnell. 385.

569.... Makes various changes relating to zoning regulations, restrictions or boundaries in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Williams and Giunchigliani. 385, 1163, 1174, 1204, 1230,* 1870, 1970, 1974, 2077.

No. *Summary, Introducer and Page Reference*

570.... Revises provisions regarding rights of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Chowning (by request). 386.

571.... Increases tax on transient lodging in largest county. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mortenson. 386.

572.... Requires apportionment of certain revenues between attracting visitors and developing recreational facilities for permanent residents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mortenson. 386.

573.... Revises provisions governing criminal histories of employees and independent contractors of certain health care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke and Freeman. 386, 1084, 1085, 1146, 1230,* 1231, 1714, 1883, 1884, 1994.

574.... Revises provisions regarding method of analysis of water performed as condition precedent to sale of real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, de Braga, Ohrenschall, Hettrick, Lee and Segerblom. 386, 792, 852, 865,* 866, 1574, 1688.

575.... Revises provisions governing issuance of credits to certain public water systems for addition of new customers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Tiffany, Bache, Mortenson, Lee, Gibbons, Segerblom and Williams. 387.

576.... Revises provisions regarding qualifications of superintendent of schools of school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 387, 1012, 1015, 1055, 1170,* 1574, 1688.

577.... Revises penalties for possessing marihuana. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani. 387, 1219, 1222, 1262, 1291, 1293, 1294, 1296.

578.... Increases penalty for driving while under influence of intoxicating liquor or controlled substance if person convicted had certain previous convictions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Gibbons (by request). 387.

579.... Makes all prior offenses count in determining penalty for subsequent offenses of driving under influence of intoxicating liquor or controlled substance regardless of when prior offenses occurred. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Brower. 387.

580.... Requires dissemination of information concerning scientific link between induced abortion and increased rate of breast cancer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Assemblymen Angle, Gustavson, Berman, Von Tobel and Gibbons; Senators O'Connell, O'Donnell, Rawson and Washington. 388.

581.... Proposes to authorize legislature to provide not more than 2 weeks without sales tax on school supplies. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Williams, Manendo, Collins, Von Tobel, Ohrenschall, Parks, Giunchigliani, Arberry, Carpenter, Segerblom, Price, Gibbons and Lee; Senators Amodei and Washington. 388, 1012, 1015, 1056, 1165, 1166.

582.... Makes appropriation to Office of Attorney General for statewide training program by Nevada Network for Domestic Violence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Williams, Chowning, Ohrenschall, Collins, de Braga, Manendo, Parnell, Koivisto, Arberry, Price and Giunchigliani. 388, 506.

583.... Revises public policy concerning gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 388, 869, 892, 914, 949,* 1714, 1865, 1915.

584.... Transfers responsibility for collection of taxes and fees imposed on certain fuels from department of taxation to department of motor vehicles and public safety and revises provisions relating to imposition and collection of tax on certain types of motor vehicle fuel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 389, 1012, 1015, 1059, 1165, 1166, 1393, 1407,* 1554, 1584.

585.... Makes various changes concerning managed care organizations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 390.

586.... Revises provisions relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 390, 937, 944, 962, 965, 983.

No. *Summary, Introducer and Page Reference*

587.... Authorizes temporary advance from state general fund to Western Interstate Commission for Higher Education's fund for student loans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 394, 509, 892, 923, 925, 949,* 1438, 1463.

588.... Makes various changes to provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 395, 509, 632, 788, 833,* 1455, 1551, 1584.

589.... Increases annual salaries of certain elected county officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 395.

590.... Revises provisions of North Las Vegas City Charter regarding election of city councilmen. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 395, 1084, 1085, 1150, 1231,* 1714, 1915.

591.... Requires chief of purchasing division of department of administration to assess fees for use of procurement and inventory services of purchasing division. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 395, 892, 923, 926, 935, 1351, 1366,* 1714, 1915.

592.... Revises formula for calculation of pensions of justices of supreme court and district court judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 395, 869, 892, 915, 935.

593.... Provides that certain gaming employees who work in more than one location are not required to obtain more than one work permit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 396, 975, 978, 1000, 1018,* 1455, 1519.

594.... Clarifies class of counties in which state fire marshal may enforce certain laws and regulations and investigate certain violations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 396.

595.... Authorizes supreme court of Nevada to enter into long-term lease for office space in Clark County which extends in duration beyond current biennium. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 396, 506, 2157, 2169, 2175, 2236,* 2336.

596.... Makes appropriation to City of Sparks for remodeling and renovation of Sparks Heritage Museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 396, 506.

597.... Revises provisions regarding school facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 396, 788, 892, 923, 926, 927, 2305, 2309, 2338,* 2461, 2473.

598.... Revises provisions regarding public works projects. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 397, 857, 889, 892, 2291, 2293, 2338,* 2460.

599.... Revises provisions relating to certain county fair and recreation boards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 397, 646, 822, 853, 866,* 1714, 1915.

600.... Establishes allowance and increases compensation for legislators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 397, 506.

601.... Revises method of appraising real property for taxation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 397, 857, 891, 923, 934,* 1554, 1584.

602.... Postpones date and eliminates extensions for reporting net proceeds of minerals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 397.

603.... Requires conditional use permit to commence operation of certain hazardous facilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 398, 401, 1012, 1015, 1062, 1170,* 1555, 1582, 1583, 1688, 1794.

604.... Provides for creation of districts for maintenance of roads. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 398, 1163, 1174, 1206, 1231,* 1870, 1974, 2077.

No. *Summary, Introducer and Page Reference*

605.... Revises provisions relating to state public works board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 408, 836, 860, 923, 931, 935.

606.... Establishes severe financial emergency fund for loans to local governments in severe financial emergency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 408, 646, 823, 853, 866,* 1554, 1584.

607.... Makes various changes regarding duties of state fire marshal. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 408.

608.... Expands provisions regarding occupational diseases to include certain additional peace officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 409, 857, 891, 930, 935.

609.... Revises provisions governing certificates of registration issued to certain business organizations and associations by state board of architecture, interior design and residential design. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 409.

610.... Revises provisions regarding practice of interior design. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 409, 1012, 1015, 1063, 1171,* 1870, 1975, 1977, 2158, 2335.

611.... Revises provisions governing financial disclosure statements of certain public and judicial officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 409, 646, 823, 853, 866,* 1455, 1519, 1551.

612.... Revises provision regarding procedure upon refusal of state agency to revise administrative regulation objected to by legislative commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 409, 467, 485, 499,* 1454, 1519.

613.... Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 410.

614.... Makes various changes to provisions regarding elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Elections, Procedures, and Ethics. 410, 936, 944, 965, 980, 1013, 1020,* 1870, 2024, 2025, 2155.

615.... Makes various changes to provisions relating to elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 410, 1009, 1024, 1171,* 1802, 1897, 1898, 2065, 2243, 2246, 2256.

616.... Increases penalty for certain crimes involving unauthorized, forged or counterfeit trade-mark or design. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 411, 1084, 1085, 1151, 1231,* 1555, 1583, 1688.

617.... Makes various changes concerning crime of nonpayment of child support or spousal support. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 411, 937, 944, 970, 981,* 1555, 1680, 1681, 1803, 2249, 2292.

618.... Authorizes certain persons to petition for post-conviction writ of habeas corpus on behalf of real party in interest under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 411.

619.... Clarifies and expands authority of board of state prison commissioners and director of department of prisons regarding administration and employees of department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 411.

620.... Revises provisions concerning certification of certain devices used to test intoxication of person. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 418, 501, 519,* 1554, 1584.

621.... Makes various changes concerning central repository for Nevada records of criminal history. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 418, 1012, 1015, 1064, 1171,* 1870, 1940, 1945, 2077.

622.... Increases benefits for surviving spouses of justices of supreme court and district judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 419, 791, 870, 2158, 2169, 2176, 2236,* 2237, 2336.

623.... Provides for additional judge in fifth judicial district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Judiciary. 419.

No. *Summary, Introducer and Page Reference*

624.... Revises provision concerning procedure for awards of attorney's fees in civil action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 419, 500, 544, 638,* 1455, 1519.

625.... Makes various changes regarding public records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 419.

626.... Makes various changes to provisions relating to emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 419, 509, 632, 788, 834,* 1455, 1685, 1686, 1710.

627.... Makes various changes concerning advertising signs and certain directional and informational signs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 420, 1085, 1152, 1231,* 1555, 1686, 1687, 1710.

628.... Revises provisions governing public transit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 420, 1085, 1154, 1156, 1220, 1234, 1297,* 1870, 2035, 2037, 2155.

629.... Provides that in certain counties board of county commissioners may determine whether to increase number of justices of the peace when population of township provides for increase. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 420.

630.... Revises provisions governing types of facilities for neighborhood parks for which money from residential construction tax may be expended. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 420, 509, 633, 788, 834,* 1438, 1463.

631.... Makes various changes regarding administration of state legislature and legislative counsel bureau. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 421, 869, 892, 915, 949,* 1870, 2025, 2027, 2028, 2150, 2153, 2211.

632.... Makes various changes to provisions governing architects, registered interior designers and residential designers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 426, 1084, 1085, 1156, 1231, 1232*.

633.... Makes various changes to provisions concerning contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 426, 1219, 1222, 1268, 1297,* 1802, 1988, 1989, 2077.

634.... Makes various changes to provisions governing contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 426, 1233, 1275, 1297, 1298,* 1802, 2066, 2070, 2198, 2207, 2269, 2273, 2337.

635.... Provides for regulation of captive insurers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 427, 1084, 1085, 1157, 1232,* 1870, 2251, 2252, 2335.

636.... Establishes account from which certain owners of single-family residences may recover actual damages suffered as result of inadequate service by licensed contractor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 427, 975, 978, 1001, 1018, 1171,* 1172, 1691, 1876, 1994.

637.... Makes various changes to charter of City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 427, 646, 824, 853, 866,* 1714, 1915.

638.... Makes changes concerning accounting of revenue receivable by state agency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 428, 500, 502, 892, 923, 927, 949,* 1714, 1915.

639.... Revises provisions regarding advertisement of contracts and solicitation of bids for purchases by certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 428, 892, 923, 927, 949,* 950, 1455, 1551, 1584.

640.... Revises provisions relating to annexation of land in certain cities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 428, 646, 824, 853, 866, 867,* 1454, 1519.

641.... Authorizes certain cities and counties to represent themselves and bring certain actions with respect to certain matters involving use of federal land and authorizes certain counties to create areas for the preservation of species or subspecies of wildlife threatened with extinction. Fiscal Note: Effect on

No. *Summary, Introducer and Page Reference*

Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 428, 892, 923, 928, 950,* 1691, 1768, 1769, 1915.

642.... Authorizes cities to establish special districts to defray cost of providing certain services and improvements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 428.

643.... Revises procedure for granting trials anew for certain matters that have been arbitrated. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 429.

644.... Revises provisions governing obligations for support of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 429, 646, 824, 853, 867,* 1454, 1519.

645.... Makes various technical changes to provisions of Nevada Revised Statutes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 429, 500, 544, 638,* 1555, 1681, 1685, 1710.

646.... Makes various changes relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 429, 869, 892, 919, 950,* 1714, 1865, 1866, 1915.

647.... Makes various changes concerning disposal of stolen or embezzled property and property evidencing crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 430, 975, 978, 1004, 1019,* 1393, 1433, 1451.

648.... Authorizes attorney general to represent justice of the peace or municipal judge under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 430, 646, 832,* 1393, 1433, 1435, 1451.

649.... Removes certain obsolete provisions concerning certain protective services for older persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 430, 501, 519,* 1302, 1323.

650.... Makes various changes concerning use of electronic means to create, file, store and reproduce certain legal documents and to issue certain misdemeanor citations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 430, 869, 892, 921, 950,* 1574, 1688.

651.... Makes various changes relating to manufacture, sale and distribution of gaming devices and associated equipment and inter-casino linked systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 430, 1084, 1085, 1158, 1160, 1221, 1233,* 1455, 1519.

652.... Facilitates use of money from federal tobacco settlements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 431, 506.

653.... Revises provisions relating to peace officers employed by state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 431, 1013, 1015, 1071, 1295, 1298*.

654.... Makes appropriation to Clark County for support of Greater Las Vegas Inner-City Games. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 431, 506.

655.... Makes appropriations for statewide automated system of information concerning pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 431, 506.

656.... Makes supplemental appropriation to Division of Insurance of Department of Business and Industry for additional expenses relating to projected salaries, travel and operating costs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 432, 506, 1327, 1342, 1354,* 1355, 1869, 1994.

657.... Makes supplemental appropriation to Department of Motor Vehicles and Public Safety for additional operating expenses of Nevada Highway Patrol Division. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 432, 506, 1393, 1408, 1418,* 1869, 1994.

658.... Makes supplemental appropriation to Division of Parole and Probation of Department of Motor Vehicles and Public Safety for additional anticipated expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 432, 506, 1327, 1343, 1355,* 1869, 1994.

No. *Summary, Introducer and Page Reference*

659.... Makes appropriation to Office of the Governor for support of statewide AmeriCorps programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 432, 506.

660.... Revises provisions governing employees of office of governor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 432, 930, 1351, 1361, 1378,* 1802, 2459, 2460.

661.... Makes supplemental appropriation to Department of Motor Vehicles and Public Safety for health insurance premium stale claim. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 433, 506, 923, 944, 981,* 1869, 1994.

662.... Makes appropriation to Division of Agriculture of Department of Business and Industry for imported fire ant survey. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 433, 506.

663.... Revises provisions regarding Tricounty Railway Commission of Carson City, Lyon and Storey counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 433, 506, 1574, 1590, 1698,* 2443.

664.... Revises provisions governing state public works board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 433, 506.

665.... Authorizes certain persons to provide psychological services to offender at institution of department of prisons without obtaining license to practice psychology. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 434.

666.... Revises provisions relating to off-track pari-mutuel wagering. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 434, 937, 944, 971, 981*.

667.... Requires all manufacturers of tobacco products to participate in settlement with this state or to place money in escrow. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 434, 1173, 1174, 1208, 1232,* 1554, 1584.

668.... Makes various changes relating to assessment of property for taxation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 434, 1173, 1174, 1213, 1232, 1291, 1298,* 1870, 2053, 2155.

669.... Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 434, 1012, 1015, 1071, 1172,* 1870, 2018, 2066, 2159, 2166, 2348, 2349, 2451.

670.... Provides that provisions governing establishment of department of family, youth and juvenile services apply to county whose population is 100,000 or more. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 434, 500, 544, 638*.

671.... Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 435.

672.... Provides additional means to enforce Nevada's claim to public lands. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Constitutional Amendments. 435.

673.... Provides for regulation of service contracts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 435, 1219, 1222, 1272, 1275, 1291, 1295, 1846, 1847, 1854, 1893, 1918,* 2248, 2335.

674.... Provides for establishment of provisions regarding use of digital signatures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 435, 836, 860, 870, 1351, 1363, 1408, 1410, 1418,* 1869, 1994.

675.... Revises provisions relating to hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 436.

676.... Revises provisions relating to mortgage companies and loans secured by liens on real property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 436.

677.... Provides immunity under certain circumstances for short-term lessors of vehicles from penalties that may be imposed by transportation services authority for unlawful use of vehicles leased by short-term lessors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 436, 1013, 1015, 1077, 1172,* 1691, 1914, 1994.

No. *Summary, Introducer and Page Reference*

678.... Authorizes use of digital images on drivers' licenses and identification cards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 436, 551, 786, 834,* 1554, 1584.

679.... Partially reorganizes department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 437, 510, 788, 2169, 2178, 2237,* 2443.

680.... Makes various changes to provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 442, 975, 978, 1005, 1019,* 1870, 2070, 2076, 2198, 2207, 2350, 2352, 2451.

681.... Revises provisions governing investigations of criminal histories of certain persons employed by or associated with medical facilities and certain facilities for dependents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 442.

682.... Makes appropriation to City of Las Vegas for California-Nevada Super Speed Ground Transportation Commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1343.

683.... Revises particular purposes and extends periods for expenditure of certain money previously appropriated for park improvement projects and authorizes issuance of bonds for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 1455, 1571, 2078, 2083, 2086, 2203,* 2336.

684.... Authorizes commission for the preservation of wild horses to spend money in Heil trust fund for wild horses to conduct study of feasibility of establishing private foundation for promotion of public adoption of wild horses and burros. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 1455, 1571, 1713, 1714, 1719, 1825,* 2292, 2443, 2444.

685.... Revises provisions governing conversion of nonprofit hospital, medical or dental service corporations to for-profit corporations or entities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1455, 1571, 2157, 2169, 2180, 2237, 2534, 2555*.

686.... Creates Commission on School Safety and Juvenile Violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Education (emergency request of Dini). 1512, 1827, 1846, 1851,* 2198, 2253.

687.... Authorizes director of department of prisons to allow transfer of funds from offenders' store fund to compensate center for purpose of making restitution for certain costs incurred by center under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1575, 1717, 1916, 1919, 1920, 2007,* 2248, 2335.

688.... Amends Assembly Bill No. 456 of 1999 Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1589, 2078, 2083, 2086, 2203,* 2400.

689.... Amends Assembly Bill No. 284 of 1999 Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1717, 2157, 2169, 2181, 2183, 2237,* 2336, 2401, 2403, 2411, 2412, 2442, 2466.

690.... Makes appropriation to Department of Prisons for equipment and supplies to open Cold Creek State Prison. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 1917, 2078, 2083, 2088,* 2291, 2444.

691.... Authorizes travel expenses for certain persons employed at Men's Prison 1917, 2157, 2169, 2183, 2237,* 2336.

692.... Makes appropriation to Clark County for support of Enterprise Community Federal Credit Union. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1917.

693.... Revises provisions governing certain fees imposed by state board of agriculture and state department of agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1917, 2157, 2169, 2184, 2237, 2238,* 2336.

694.... Revises provisions relating to packaging for retail sale of fluid dairy products. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural

No. *Summary, Introducer and Page Reference*

Resources, Agriculture, and Mining (emergency request of Dini). 1997, 2157, 2169, 2186, 2238,* 2451, 2458.

695.... Grants to Joseph E. Dini, Jr., use of special legislative license plate designated "State Assemblyman 1" as lifetime endowment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams (emergency request of Dini on behalf of Perkins). 2055, 2078, 2083, 2088, 2091,* 2092, 2291, 2444.

696.... Authorizes department of prisons to enter into lease of Southern Nevada Correctional Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 2155, 2255, 2266, 2287,* 2411.

697.... Makes appropriations for support of civil government of state. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2198, 2248, 2249, 2250, 2251,* 2336.

698.... Requires Legislative Commission to conduct interim study of pension plan for certain justices and judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 2246, 2343,* 2460.

699.... Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2256, 2291, 2297,* 2411.

700.... Makes various changes relating to education and makes appropriations for class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2268, 2291, 2297,* 2411.

701.... Increases salaries of certain public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2400, 2404,* 2460.

702.... Revises provisions relating to compensation and titles of certain legislative employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 2412, 2446, 2450,* 2466.

703.... Makes appropriations for various projects and programs that benefit residents of this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2450, 2451, 2459,* 2466.

VETOED ASSEMBLY BILLS OF THE 69th SESSION

No. *Summary, Introducer and Page Reference*

512.... Revises provisions relating to contractors who construct residential swimming pools or spas. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Lee, Hickey, Tiffany, Parks, Amodei, Mortenson, Braunlin, Williams, Neighbors, Perkins, Bache, Humke, Von Tobel, Carpenter, Sandoval, Gustavson, de Braga, Marvel, Evans, Koivisto, Hettrick, Price, Chowning, Cegavske, Manendo, Freeman, Goldwater, Giunchigliani, Ohrenschall, Krenzer, Lambert, Herrera and Buckley 22, 71.

596.... Creates Incline Village school district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Lee, Hickey, Tiffany, Parks, Amodei, Mortenson, Braunlin, Williams, Neighbors, Perkins, Bache, Humke, Von Tobel, Carpenter, Sandoval, Gustavson, de Braga, Marvel, Evans, Koivisto, Hettrick, Price, Chowning, Cegavske, Manendo, Freeman, Goldwater, Giunchigliani, Ohrenschall, Krenzer. 22, 71, 73.

VETOED ASSEMBLY BILLS OF THE 70th SESSION

No. *Summary, Introducer and Page Reference*

105.... Revises fees that may be collected for regulation of persons who sell time shares. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 84, 219, 233, 239,* 425, 464, 506, 641, 642,* 647.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Urges Congress to authorize withdrawal by United States Air Force of public land within Nellis Air Force Range for indefinite period subject to certain conditions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 25, 173, 183, 194, 201, 202,* 1870, 1974, 1975, 2159, 2166, 2274, 2337.

2.... Urges Congress to amend provisions of Wild Free-Roaming Horses and Burros Act to require population of wild horses to be maintained at certain level. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Collins. 25, 256, 271, 284,* 1522, 1584.

3.... Proposes to amend Nevada Constitution to require Nevada supreme court to decide each case in conformity with applicable decisions of United States Supreme Court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke. 26.

4.... Proposes to amend Nevada Constitution to repeal constitutional rule against perpetuities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goldwater. 26, 267, 283, 293, 308, 309,* 1393, 1435.

5.... Urges Congress to enact legislation to provide for payment of lump sums to certain recipients of social security benefits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Manendo. 26, 108, 122, 132,* 312, 361.

6.... Proposes to amend Nevada Constitution to grant right to vote to person convicted of felony who has been lawfully released from all obligations of incarceration and restitution for that offense. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Williams, Anderson, Bache, Arberry, Leslie, Manendo, Buckley, McClain, Collins, Chowning, Ohrenschall, de Braga, Segerblom, Giunchigliani, Parks and Price. 113, 500, 545, 639, 1588, 1593*.

7.... Proposes to amend Nevada Constitution to exempt state contracts for improvement, acquisition and construction of facilities for schools from state debt limit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 141, 1173, 1174, 1216, 1233*.

8.... Expresses support for development of SPACEPORT NEVADA and other commercial activities at Nevada Test Site and commends Nevada Congressional Delegation for its continued support of Nevada Test Site Development Corporation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures, and Ethics. 192,* 205, 243.

9.... Urges Congress to prohibit federal recoupment of money recovered by states from tobacco settlement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 195, 276.

10.... Urges Congress to oppose extension of mandatory Social Security coverage of newly hired state and local governmental employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 237, 291, 304, 327,* 645, 834.

11.... Proposes to amend Nevada Constitution to require each regular session of Legislature to commence on first Monday in March. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 292, 425, 451, 462*.

12.... Urges Federal Government to invest all surplus money in Federal Insurance Contributions Act to benefit Social Security system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Beers, Buckley, Perkins, Manendo, Hettrick, Berman, Parks, de Braga, Thomas, Segerblom, McClain, Tiffany, Nolan, Brower, Angle, Gustavson, Chowning, Mortenson, Carpenter, Gibbons, Neighbors, Lee, Arberry, Giunchigliani, Collins, Von Tobel, Ohrenschall and Price; Senator Amodei. 293, 856, 891, 923, 934,* 1455, 1519.

13.... Proposes to amend Nevada Constitution to revise term of office of justice of the supreme court or judge of district court who is appointed to fill vacancy. Fiscal Note: Effect On Local Government: No.

No. *Summary, Introducer and Page Reference*

Effect on the State or on Industrial Insurance: No. Committee on Constitutional Amendments. 297, 551, 786, 834,* 1870, 2055, 2056, 2155.

14.... Commends Dr. Daniel L. Peterson for his work on behalf of persons with chronic fatigue syndrome and urges Congress to provide financial support for additional scientific research to combat this disease. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 301, 468, 485, 492,* 493, 510, 640.

15.... Urges Congress to rectify inequities that occur between federal and state regulatory agencies regarding Employee Retirement Income Security Act of 1974 as it relates to appeals processes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 301, 468, 486, 499, 548,* 1467, 1551.

16.... Proposes to amend Nevada Constitution to authorize Legislature to establish fee to be collected from each person who is convicted of crime in this state and to establish formula for distribution of money collected from fee among community colleges in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Ohrenschall, Manendo, Collins, Parks, Claborn, Mortenson, de Braga, Chowning, Neighbors, Carpenter, Segerblom, Leslie, Tiffany, Nolan, Gibbons and Berman. 360.

17.... Proposes amendment to Nevada Constitution to limit amount of property tax and provide for retention of taxable value on real property until transfer of ownership. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Assemblymen Gustavson, Gibbons, Beers, Nolan, Brower, Berman, Von Tobel, Claborn, Mortenson, Humke, Angle and Price; Senator Washington. 364, 367.

18.... Proposes to amend Nevada Constitution to require legislature to provide by law for staggered terms of office for district judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Constitutional Amendments. 367, 1437, 1458, 1516*.

19.... Urges Secretary of the Interior to comply with certain regulations regarding surface mining regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 394, 501, 545, 639,* 1393, 1435.

20.... Urges United States Environmental Protection Agency to reconsider certain recent regulatory actions regarding Toxics Release Inventory. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 394, 501, 546, 639,* 1574, 1688.

21.... Urges United States Environmental Protection Agency to reconsider certain proposed regulations for animal feeding operations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture, and Mining. 394, 647, 826, 853, 867,* 1574, 1688.

22.... Proposes to amend Nevada Constitution to create intermediate appellate court and revise term of person appointed to fill vacancy in supreme court or court of appeals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Constitutional Amendments. 437, 1453, 1498, 1544,* 2198, 2253.

23.... Commends and expresses support for United States servicemen captured in Yugoslavian armed conflict. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Dini, Gibbons, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 644, 645,* 792, 854.

24.... Urges Congress to adopt federal legislation mandating warning label on products that contain steroid ingredient. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Ohrenschall, Freeman, de Braga, Manendo, Chowning, Gibbons and Parks; Senators Rawson and Titus. 1394, 1587, 1588, 1628, 1698,* 1699, 2198, 2253.

25.... Expresses sympathy, support and condolences to grieving families and students of Columbine High School, community of Littleton, Colorado, and residents of State of Colorado relating to recent tragedy in Littleton, Colorado. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 1555, 1698, 1706, 1707, 1761,* 1762, 1869, 1994.

26.... Proposes to amend Nevada Constitution to exempt state contracts for improvement, acquisition and construction of facilities for schools from state debt limit. Fiscal Note: Effect on Local Government:

No. *Summary, Introducer and Page Reference*

No. Effect on the State or on Industrial Insurance: No. Assemblywoman Giunchigliani; Senator O'Connell. 1588, 1589, 1688, 1691, 1762,* 1995, 2155.

27.... Proposes to amend Nevada Constitution to provide that state controller is appointed by and serves at pleasure of governor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Assemblymen Bache and Giunchigliani; Senators O'Connell and Rhoads. 1996.

ASSEMBLY JOINT RESOLUTIONS OF THE 69th SESSION

No. *Summary, Introducer and Page Reference*

5.... Proposes to amend Nevada constitution to provide for limited annual legislative sessions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Giunchigliani, Carpenter, Goldwater, Lambert, Sandoval, Manendo, Arberry, Mortenson, Lee, Segerblom, Evans, Freeman, Bache, Krenzer, Chowning, Nolan, Koivisto, Anderson, Buckley, Ohrenschall, Amodei, Close, Herrera, Parks, Cegavske, Williams, Berman, de Braga, Neighbors, Tiffany. 21, 22, 423, 444, 482, 499, 548, 549,* 1917, 2214, 2217, 2292, 2316, 2403, 2443.

17.... Proposes to amend Nevada constitution to require that Governor and Lieutenant Governor be affiliated with same political party and be elected jointly. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections, Procedures. 21, 25, 291, 298.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Adopts Joint Standing Rules of Senate and Assembly for 70th Legislative Session. Committee on Elections, Procedures, and Ethics. 26, 69, 92.

2.... Encourages Administrative Office of the Courts to improve use of technology in judicial system and to develop consistent accounting procedures for courts in this state. Committee on Judiciary. 38, 95, 102, 108, 301, 345.

3.... Directs Director of Department of Transportation to conduct interim study to determine feasibility of transferring certain highways owned, controlled or maintained by state to counties or cities in exchange for certain roads or streets owned, controlled or maintained by counties or cities. Collins. 69, 501, 514, 552, 1522, 1584.

4.... Urges family courts to coordinate and integrate certain cases and to ensure that certain parties and children are directed to appropriate agencies and services in timely manner and directs Chief Judges of Second and Eighth Judicial Districts to submit certain information to Nevada Legislature. Committee on Judiciary. 76, 136, 142, 1085, 1300.

5.... Amends Joint Rules of Senate and Assembly to restrict consideration of certain legislation. Committee on Elections, Procedures, and Ethics. 76, 300, 313, 332.

6.... Encourages Department of Human Resources to contract with community-based organizations and essential community providers to reach out to and provide incentives to such organizations and providers to reach out to low-income families to encourage participation in Children's Health Insurance Program. Committee on Health and Human Services. 76, 276, 292, 293, 296, 1342, 1357.

7.... Urges Department of Human Resources to access maximum appropriation available from Federal Government to pay for increased administrative costs of making eligibility determinations for Medicaid as result of Welfare Reform Act and to use part of appropriation to provide grants to community-based organizations that assist Department of Human Resources in complying with Welfare Reform Act. Committee on Health and Human Services. 77.

8.... Urges Department of Human Resources to comply with federal law requiring staff to be available at certain health care facilities to determine whether certain persons are eligible for Medicaid. Committee on Health and Human Services. 77.

9.... Urges Department of Human Resources to increase access to services of personal care assistants for recipients of Medicaid. Committee on Health and Human Services. 77, 204.

10.... Urges Bureau of Licensure and Certification of Health Division of Department of Human Resources to use continuous quality improvement approach to monitor quality of care provided to residents of certain facilities for long-term care. Committee on Health and Human Services. 77, 276, 292.

11.... Directs Legislative Commission to appoint interim committee to continue review and evaluation of services and treatment provided to persons who are mentally ill and to persons who are affected with mental retardation in this state. Committee on Health and Human Services. 77, 500, 515, 517.

No. *Summary, Introducer and Page Reference*

12.... Urges Department of Human Resources to provide reimbursement for cost of living in assisted living facility for recipients of Medicaid in appropriate circumstances. Committee on Health and Human Services. 78, 347, 364, 646, 794, 837.

13.... Directs Legislative Commission to continue study of system of juvenile justice in Nevada. Committee on Elections, Procedures, and Ethics. 116, 2078, 2083, 2191, 2292, 2444.

14.... Directs Legislative Commission to conduct interim study of requirements for reapportionment and redistricting. Evans. 116.

15.... Urges Nevada Legislature to provide money for special education program units in amount that is commensurate with current costs incurred to operate units. Committee on Education. 133, 1993, 1996.

16.... Urges Department of Education to establish advisory group to review requirements for pupil with disability to graduate with standard diploma. Committee on Education. 133, 836, 858, 1574, 1688.

17.... Expresses support for programs and policies that encourage residents of State of Nevada to master English language and other languages. Chowning, Ohrenschall, Parks, de Braga, Hettrick, Giunchigliani, Dini, Perkins, Evans, Arberry, Cegavske, Beers, Parnell, Freeman, Bache, Neighbors, Von Tobel, Lee, Segerblom, Gibbons, Thomas, Goldwater and Williams. 142, 311, 332, 364, 401.

18.... Memorializes former Nevada Legislator and engineer Max J. Bennett. Assemblymen Hettrick, Cegavske, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 158, 159, 194.

19.... Urges all Nevadans who agreed to donate organs and tissues to direct that their anatomical gifts first be offered to transplant candidates living in Nevada. Gibbons, Von Tobel, Segerblom, Tiffany, Freeman, Parnell, Mortenson, Bache, Lee, Humke, Carpenter, Ohrenschall, Beers, Anderson, Cegavske, Hettrick, Nolan, Leslie, Evans, Thomas, Price, Goldwater, Berman, Buckley and Williams. 225, 468, 474, 1360, 1383.

20.... Amends Joint Standing Rules of Senate and Assembly for 70th legislative session to authorize holding of committee meetings through use of audio or video equipment. Assemblymen Nolan, Perkins, Giunchigliani, Berman, Segerblom, Goldwater, Parks, Beers, Buckley, Dini, Humke, Evans, Cegavske, Collins, Manendo, Bache, McClain, Thomas, Carpenter, Marvel, Von Tobel, Ohrenschall, Price, Williams, Neighbors, Lee, Tiffany, Koivisto, Gustavson, Claborn, Mortenson, de Braga and Chowning; Senators James, O'Connell, Neal, O'Donnell and Washington. 237.

21.... Declares last week of June as Nevada Amateur Radio Week in Nevada. Assemblymen Collins, Beers, Anderson, Cegavske, Hettrick, Nolan, Brower, Leslie, Evans, Goldwater, Thomas, Carpenter, Segerblom, Gibbons, Berman, Neighbors, Lee, Buckley, Bache, Humke, Manendo, Parnell, de Braga, Freeman, Parks, Giunchigliani, Tiffany, Koivisto, McClain, Gustavson, Perkins, Price, Mortenson, Claborn, Arberry, Chowning, Ohrenschall, Marvel and Angle; Senators Porter, McGinness, Neal, James, Coffin, Amodei, Care, Carlton, Jacobsen, Mathews, O'Donnell, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 246, 402, 408, 473, 475, 502, 549.

22.... Recognizes March 2, 1999, as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday. Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 257, 277, 298.

23.... Grants administrative leave to legislative employees in recognition of their service to 70th session of Nevada Legislature. Assemblymen Price, Dini, Hettrick, Parks, Arberry, Anderson, Gibbons, Perkins, Bache, Manendo, Chowning, Ohrenschall, Von Tobel, Collins, Lee, Brower, Leslie, Cegavske, Freeman, Tiffany, Neighbors, de Braga, Carpenter, McClain, Mortenson, Claborn, Segerblom, Berman, Marvel, Williams, Thomas, Goldwater, Buckley, Parnell, Gustavson, Beers, Nolan, Humke, Evans, Giunchigliani, Koivisto and Angle; Senators Raggio, Jacobsen, Rawson, Neal, O'Connell, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, O'Donnell, Porter, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 288, 2158, 2253.

24.... Urges Division of Wildlife of State Department of Conservation and Natural Resources to consider certain factors when making wildlife management decisions. Carpenter. 292, 403, 418, 1386, 1402.

25.... Directs Legislative Committee on Education to study feasibility of certain educational reforms. Carpenter. 292, 856, 870, 1574, 1706, 1707, 1846.

No. *Summary, Introducer and Page Reference*

26.... Urges Nevada Supreme Court to adopt rules requiring certain judges to allow parties to address court personally under certain circumstances. Angle (by request). 301.

27.... Directs Legislative Commission to conduct interim study of residential facilities for elderly persons. Assemblymen Ohrenschall, Carpenter, Leslie, Brower, Koivisto, McClain, Claborn, Collins, Manendo and Price; Senator Titus. 308.

28.... Commends Nevada Board of Medical Examiners for 100 years of dedicated service ensuring that residents of State of Nevada receive quality medical care. Committee on Elections, Procedures, and Ethics. 312, 347, 391.

29.... Directs Legislative Commission to conduct interim study on funding for maintenance of state parks. Assemblymen Von Tobel, Collins, Lee, Thomas, Mortenson, Tiffany, Williams, Arberry, Berman, Neighbors, Segerblom, Cegavske, Marvel, Gibbons, Gustavson, Angle, McClain, Koivisto, Freeman, Anderson, Claborn, Nolan, de Braga, Chowning, Humke and Giunchigliani; Senator Porter. 352.

30.... Amends Joint Rules of Senate and Assembly to require final action and recorded vote be taken on each legislative measure heard by standing committee. Ohrenschall, Gibbons, Price, Williams and Manendo. 368.

31.... Directs Legislative Commission to conduct interim study of feasibility and desirability of statewide health insurance program for residents who are not otherwise able to secure health insurance. Assemblymen Ohrenschall, Manendo, Gibbons, Beers, Price, Collins, Parks, Williams, Giunchigliani, Arberry, Bache and Freeman; Senator Shaffer. 368.

32.... Directs Legislative Commission to conduct interim study to develop comprehensive state energy policy. Thomas, Goldwater, Carpenter, Segerblom, Gibbons, Berman, Neighbors, Lee, Buckley, Arberry, Giunchigliani, Williams, Parks, Collins, Manendo, de Braga, Ohrenschall, Price, Evans, Humke, Chowning, Mortenson, Claborn, Freeman, Anderson, Beers, Nolan, Leslie, Dini and Von Tobel. 368.

33.... Memorializes former Assemblyman Louis W. Bergevin. Assemblymen Marvel, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 403, 405, 406, 407, 417, 452.

34.... Requests return to Assembly from Governor's office of Assembly Bill No. 108 of this session. Committee on Elections, Procedures, and Ethics. 407, 408, 412, 415.

35.... Directs Legislative Commission to conduct interim study concerning evaluation of sex offenders by panels. Committee on Judiciary. 426.

36.... Directs Legislative Commission to conduct interim study of availability of health care in rural areas of this state. Committee on Health and Human Services. 443, 444.

37.... Urges University and Community College System of Nevada to increase efforts to develop course offerings, academic programs and student activities for students from all racial and ethnic backgrounds. Committee on Education. 444, 836, 858, 1555, 1584.

38.... Designates March 23, 1999, as Nevada Diabetes Awareness Day. Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 449, 468, 506.

39.... Designates March 24, 1999, as HIV/AIDS Awareness Day in State of Nevada. Assemblymen Parks, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 455, 456, 468, 506.

40.... Memorializes former Chief Clerk of Nevada Assembly, Linda B. Alden. Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning,

No. *Summary, Introducer and Page Reference*

Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 476, 478, 479, 480, 502, 549.

41.... Congratulates University of Nevada School of Medicine on its 30th Anniversary and commends Dean Robert M. Daugherty, Jr. for leadership and guidance he has provided to its students. Assemblymen Evans, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 494, 496, 497, 510, 640.

42.... Memorializes former Chief of Legislative Police Jerry A. Kenney. Assemblymen Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 510, 513, 552, 788.

43.... Commends Carol Van Wagoner for her outstanding watercolor paintings of state symbols of Nevada. Assemblymen Cegavske, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators James, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 514, 552, 788.

44.... Commends Sheriff Richard Kirkland and employees of Washoe County Consolidated Jail for innovative management philosophy. Assemblymen Gustavson, Angle, Anderson, Humke, Brower, Leslie, Freeman, Gibbons, Evans, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Townsend, Washington, Jacobsen, Raggio, Mathews, Amodei, Care, Carlton, Coffin, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus and Wiener. 642, 644, 792, 854.

45.... Commends Reno Chamber Orchestra for 25 years of contribution to arts in State of Nevada. Assemblymen Evans, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 792, 794, 837, 867.

46.... Directs Legislative Commission to conduct interim study concerning statutory limitation on damages that may be awarded to person in tort action against State of Nevada, its political subdivisions or certain other persons. Committee on Elections, Procedures, and Ethics. 892, 2078, 2083, 2191, 2292, 2444.

47.... Designates April 21, 1999, as E Clampus Vitus Day at the Nevada Legislature. Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1311, 1312, 1319, 1339.

48.... Memorializes former legislator and distinguished public servant, Raymond L. Knisley. Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson,

No. *Summary, Introducer and Page Reference*

Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1319, 1320, 1327, 1348.

49.... Memorializes civil rights pioneer Dr. James B. McMillan. Assemblymen Williams, Arberry, Parks, McClain, Collins, Manendo, Segerblom, Gibbons, Von Tobel, Ohrenschall, Price, Marvel, Berman, Neighbors, Lee, Buckley, Perkins, Hettrick, Cegavske, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, Koivisto, Parnell, Tiffany, Freeman, Bache, Anderson, Giunchigliani, Goldwater, Thomas, Carpenter, Nolan, Leslie, Brower, Evans, Beers and Dini; Senators Neal, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1327, 1329, 1342, 1357.

50.... Memorializes former Speaker of the Assembly, Berkeley L. Bunker. Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Wiener, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend and Washington. 1330, 1332, 1342, 1357.

51.... Commends Nevada's top two youth volunteers named by National Prudential Spirit of Community Awards for 1998. Assemblymen Von Tobel, Carpenter, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany and Williams; Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1332, 1333, 1342, 1357.

52.... Memorializes former Mayor of City of North Las Vegas, James Kent Seastrand. Lee. 1333, 1336, 1342, 1357.

53.... Directs Legislative Commission to conduct interim study of integration of state and local child welfare systems in this state. Committee on Judiciary. 1342, 2078, 2083, 2084, 2191, 2292, 2444.

54.... Designates April 28, 1999, as Workers' Memorial Day in State of Nevada. Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 1351, 1352, 1360, 1383.

55.... Urges public bodies to allot equal time for certain testimony at public meetings. Committee on Government Affairs. 1352, 1404, 1417.

56.... Commemorates 150th anniversary of first discovery of gold in Nevada and proclaims July 17 and 18, 1999, Nevada Gold Sesquicentennial Celebration. Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1371, 1373, 1386, 1402.

57.... Memorializes former Assemblyman Richard Kenneth McNeel. Assemblymen Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1373, 1374, 1386, 1402.

No. *Summary, Introducer and Page Reference*

58.... Memorializes former Assemblyman Arthur P. Espinoza. Assemblymen Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1374, 1376, 1386, 1402.

59.... Memorializes former Assemblyman R. Guild Gray. Assemblymen Segerblom, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Thomas, Tiffany, Von Tobel and Williams; Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1387, 1388, 1393, 1435.

60.... Urges State Board of Education and educational personnel to consider unique needs of deaf and hard of hearing children. McClain, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1388, 1466, 1522, 2198, 2253.

61.... Requests return to Assembly from Governor's office of Assembly Bill No. 350 of this session. Committee on Elections, Procedures, and Ethics. 1394, 1398, 1402.

62.... Memorializes former Legislator and Wolf Pack Hall of Fame inductee, James C. Bailey. Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 1395, 1397, 1405, 1435.

63.... Memorializes former Assemblywoman Juanita Greer White. Assemblymen Segerblom, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Thomas, Tiffany, Von Tobel and Williams; Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1416, 1417, 1438, 1463.

64.... Memorializes Fred A. Olson. Assemblymen Ohrenschall, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 1438, 1440, 1455, 1519.

65.... Commends retired Walker River Irrigation District Director Peter A. Fenili. Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1456, 1457, 1467, 1551.

66.... Commends Nevada Opera and founders Ted and Deena Puffer upon 30 years of success. Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James,

No. *Summary, Introducer and Page Reference*

Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1457, 1458, 1467, 1551.

67.... Requires establishment of task force to study penalties for misdemeanors. Committee on Elections, Procedures, and Ethics. 1589, 2078, 2083, 2084, 2161, 2405, 2406, 2412.

68.... Requests return to Assembly from Governor's office of Assembly Bill No. 552 of this session. Committee on Elections, Procedures, and Ethics. 1593, 1594, 1654, 1688.

69.... Revises Joint Standing Rules of Senate and Assembly for 70th legislative session governing notices of reconsideration and exemption of bills from rules relating to limitations on introductions and requests for legislative measures and schedule for their enactment. Committee on Elections, Procedures, and Ethics. 1714, 1717, 1802, 1915.

70.... Commends Henry C. Hodges Sr. for his valuable contributions toward research and development in field of vehicular transportation. Assemblymen Cegavske, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 1803, 1805, 1869, 1994.

71.... Provides for compensation of clergy for services rendered to Assembly and Senate during 70th session of Nevada Legislature. Assemblymen Dini, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 1807, 1917, 2077.

72.... Urges Council to Establish Academic Standards for Public Schools to incorporate study of certain historical documents into standards of content and performance that Council establishes for subject of social studies. Committee on Education. 1918, 2446, 2449, 2451, 2466.

73.... Expresses support for Desert Space Station. Assemblymen Neighbors, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senator McGinness. 2079, 2080, 2158, 2253.

74.... Commends Nevada businessman and inventor Paul C. Fisher. Assemblymen Segerblom, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Thomas, Tiffany, Von Tobel and Williams; Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 2159, 2161, 2198, 2335.

75.... Commends William H. "Bob" Bailey and Anna Bailey for their years of public activism and service and contributions toward social and economic change in this state. Assemblymen Williams, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany and Von Tobel; Senators Neal, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 2161, 2166, 2198, 2335.

76.... Commends Claude "Blackie" Evans for his public service to people in this state. Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener. 2167, 2168, 2198, 2335.

No. *Summary, Introducer and Page Reference*

77.... Commends Chief and staff of State Printing Division of Department of Administration for services rendered to Nevada Legislature. Committee on Elections, Procedures, and Ethics. 2168, 2198, 2335.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Provides for appointment of attachés. Committee on Elections, Procedures, and Ethics. 38, 69.

2.... Provides allowances for periodicals, stamps, stationery and communications. Committee on Elections, Procedures, and Ethics. 38, 69.

3.... Adopts Assembly Standing Rules for 70th legislative session. Committee on Elections, Procedures, and Ethics. 38, 69.

4.... Provides for appointment of additional attachés. Committee on Elections, Procedures, and Ethics. 180, 203.

5.... Provides for appointment of additional attachés. Committee on Elections, Procedures, and Ethics. 246, 288.

6.... Expresses appreciation to staff of Assembly and designates April 21, 1999, as Assembly Staff Appreciation Day. Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1313, 1339.

7.... Commends staff of Legislative Counsel Bureau. Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1468, 1584.

8.... Congratulates Patrick Hummel of Las Vegas for winning chess championship. Beers, Anderson, Angle, Arberry, Bache, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1574, 1710.

9.... Designates certain members of Assembly as regular and alternate members of Legislative Commission. Dini, Perkins and Hettrick. 1996.

LISTING OF SENATE BILLS AND ACTION THEREON

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

No. *Summary, Introducer and Page Reference*

1.... Makes appropriation to legislative fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Raggio and Titus. 65, 66,* 69.

6.... Extends protection of certain civil and criminal provisions to certain proprietary words, names, symbols, emblems, signs and insignia of United States Olympic Committee and International Olympic Committee. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Townsend. 101, 102.

7.... Revises qualifications and duties of certain laboratory personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Rawson. 137, 138, 1318, 1337,* 1357.

8.... Makes various changes concerning practice of barbering. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Rawson. 137, 138, 1404, 1422, 1442,* 1463, 1869, 1870, 2191, 2238,* 2335.

9.... Requires school districts to pay costs for teachers to purchase retirement credit under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 552, 1867,* 1994.

10.... Makes various changes concerning children's health insurance program as it relates to Indian children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Human Resources and Facilities. 510, 517, 1587, 1588, 1628, 1699,* 1870, 1915.

11.... Repeals rule that for prosecution of murder or manslaughter, death of victim must occur within 1 year and 1 day of criminal act which caused death of victim. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Senator Titus; Assemblyman Perkins. 158, 165, 245, 264, 272,* 277, 301, 329.

13.... Revises various provisions governing practice of cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 158, 165, 1466, 1523, 1565,* 1688.

14.... Authorizes certain public entities to lend securities under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 256, 262, 1404, 1422, 1442,* 1522, 1551.

15.... Creates advisory committee to oversee proficiency examination administered to pupils in 11th grade. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 645, 648.

16.... Prohibits discrimination in employment based on genetic testing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 237, 242, 1453, 1499, 1544,* 1545, 1870, 1914, 2065, 2292, 2301, 2302.

18.... Prohibits certain acts related to biological weapons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 141, 147, 267, 283, 294,* 345.

19.... Clarifies meaning of "street address" of resident agent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 141, 147, 300, 326, 344,* 391.

20.... Enacts Uniform Prudent Investor Act and Uniform Principal and Income Act (1997). Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 137, 138.

21.... Makes various changes regarding administration and security of achievement and proficiency examinations in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 552, 1586, 1588, 1629, 1699,* 1870, 1915.

No. *Summary, Introducer and Page Reference*

22.... Makes various changes regarding teachers, administrators and probationary employees of school districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Human Resources and Facilities. 552.

24.... Makes various changes concerning psychology. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mathews. 101, 102, 1318, 1337, 1338, 1346, 1356,* 1383.

25.... Requires license or permit that may be required for sale of fireworks to be issued by licensing authority of city or county. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Neal. 1302, 1392, 1408, 1418,* 1463.

27.... Revises various provisions governing telegraphs, telephones and community antenna television systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wiener. 191, 193, 1392, 1408, 1418,* 1419, 1463.

30.... Increases monetary limits relating to small claims in justices' courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on I ndustrial Insurance: No. Amodei. 179, 181, 1467, 1523, 1565,* 1691, 1781, 1870, 2053, 2054, 2211.

31.... Changes legal holiday to observe Nevada Day to last Friday in October and revises provision governing transaction of banking business on holidays. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Amodei. 158, 165, 1712, 1714, 1719, 1825,* 1826, 2158, 2211.

32.... Revises provisions concerning constructional defects and insurance for home protection. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1522, 1556, 1577, 1578,* 1802, 1915.

35.... Requires department of motor vehicles and public safety to issue expedited service permits that entitle certain persons with disabilities to expedited service from state agencies under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus. 510, 517, 1454, 1499, 1545,* 1587, 1688.

36.... Accelerates payment of homeowners' refunds to senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. James (by request). 426, 437, 1310, 1320,* 1321, 1348.

37.... Makes various changes regarding industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 854, 1386, 1389, 1472, 2092, 2154, 2155,* 2255, 2335, 2559.

38.... Makes various changes concerning industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1712, 1714, 1721, 1826,* 2065, 2155.

39.... Revises various provisions governing credit unions and deposit of money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Amodei. 300, 307, 1586, 1588, 1630, 1699,* 1870, 1915.

41.... Authorizes parents of certain pupils to choose which public school pupils will attend. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Washington. 645, 648.

42.... Revises provisions governing payment of workers' compensation for subsequent injuries from subsequent injury funds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1085, 1163.

44.... Authorizes certain associations of self-insured private employers to determine certain requirements that employer must meet to become member of association. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1085, 1163, 1404, 1423, 1442,* 1463.

45.... Excludes certain persons from definition of "secondhand dealer." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1085, 1163.

46.... Requires increased salaries for public school teachers with national certification. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Finance. 425, 443, 1454, 1499, 1545,* 1584.

47.... Makes appropriation to Department of Education for reimbursement of certain costs of public school teachers to acquire national certification. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 425, 443, 1846, 1847, 1893, 1918,* 2158, 2211.

No. *Summary, Introducer and Page Reference*

48.... Revises provisions governing funds to stabilize operation of local government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 158, 165, 1453, 1499, 1500, 2553, 2557.

49.... Revises provisions regarding council to establish academic standards for public schools and commission on educational technology. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 301, 307, 1521, 1560, 1578,* 1710.

50.... Authorizes boards of trustees of school districts to negotiate for payment of unused sick leave to certain licensed teachers in form of additional retirement credit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 256, 262, 1586, 1588, 1634, 1699,* 1700, 1915.

51.... Authorizes school districts to give teachers credit for out-of-state teaching service in determining salaries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 256, 262, 1586, 1588, 1634, 1700,* 1870, 1915.

52.... Revises provisions governing cooperative agreements to allow certain transactions by public agencies with Indian tribes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mathews. 158, 165, 1467, 1524, 1565,* 1688.

53.... Specifies information administrator of division of industrial relations of department of business and industry can require certain insurers to provide on claims the insurers process. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 510, 518, 1404, 1423, 1441, 1523, 1550,* 1584.

54.... Requires administrator of division of industrial relations of department of business and industry to provide certain information to department of taxation upon request. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 347, 360, 1350, 1363, 1378, 1389,* 1438, 1451.

55.... Makes various changes regarding industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1085, 1163.

56.... Requires certain policies of health insurance that provide coverage for drugs approved by Food and Drug Administration for use in treatment of medical condition to include coverage for certain other uses of those drugs. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 301, 308, 1360, 1383, 1389, 1394, 1401,* 1451.

57.... Makes various changes concerning therapeutic communities in prisons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Wiener. 645, 648, 1360, 1383, 1386, 1522, 1565,* 1566, 1688.

59.... Revises provisions regarding commission on professional standards in education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 510, 518.

61.... Makes various changes concerning statutes relating to business. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1013, 1014, 1350, 1361, 1587, 1625, 1700,* 1870, 1915.

62.... Revises provisions of Uniform Commercial Code concerning secured transactions. Fiscal Note: Effect on Local Government: No Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 277, 282, 1350, 1361,* 1402.

63.... Provides additional penalty for murder or attempted murder of person who is 65 years of age or older. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 141, 147, 311, 343, 353, 390, 400,* 423.

64.... Authorizes notice of civil action to recover damages for industrial injury to be given by attorney or representative of injured employee or his dependents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 468, 469, 1350, 1363, 1380, 1389, 1390,* 1438, 1451.

65.... Authorizes department of motor vehicles and public safety to issue placards for certain persons who respond to emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Jacobsen. 552, 553, 1351, 1363, 1381,* 1402.

67.... Authorizes department of motor vehicles and public safety to design, prepare and issue special license plates upon request. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wiener and Titus. 468, 469, 1351, 1363, 1381,* 1382, 1388.

68.... Reorganizes peace officers' standards and training committee into peace officers' standards and training commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Jacobsen. 1013, 1014, 1404, 1405, 1713, 1714, 1721, 1826,* 2158, 2211.

No. *Summary, Introducer and Page Reference*

69.... Makes various changes to provisions concerning identity fraud, false status and unlawful use of personal identifying information of another person. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 179, 181.

70.... Revises provisions governing program of accountability for public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 2198, 2199, 2286, 2287,* 2444.

71.... Provides for preparation of legislative proposal for budget for state government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 975, 976, 1454, 1500, 1512, 2204, 2205, 2238, 2257, 2338.

73.... Allows second evaluation requested by client admitted to mental health facility to be conducted by psychiatrist or psychologist who does not have contractual relationship with or financial interest in facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 975, 976, 1454, 1500, 1545,* 1584.

74.... Revises provisions governing insurance guaranty associations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 645, 649, 1690, 1691, 1762,* 2065, 2155.

75.... Makes various changes regarding insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1085, 1163.

77.... Authorizes juvenile courts and probation officers to allow certain juvenile offenders to participate in programs of restitution through work that includes instruction in skills for employment and work ethics. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Wiener, Care, McGinness, Porter, Titus and Washington. 179, 182, 331, 348,* 401.

80.... Revises provisions governing speed limits in school zones. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. O'Donnell. 645, 649, 1704, 1706, 1707, 1713, 2157, 2169, 2204,* 2336, 2444.

81.... Revises circumstances under which certain fines are increased for violating limitation of weight of motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 256, 262, 1454, 1500, 1545,* 1584.

87.... Authorizes juvenile court to require certain children to participate in supervised program for the arts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Wiener, McGinness, Porter, Titus and Washington. 179, 182, 331, 348,* 401.

92.... Clarifies applicability of provisions governing occupational diseases to various provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 347, 360, 1341, 1352,* 1353, 1383.

96.... Revises provisions relating to liability of mortgagee or trustee for deed of trust who fails to record discharge of mortgage or deed of trust when underlying debt is satisfied. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Shaffer. 179, 182, 393, 415, 423,* 464.

97.... Revises composition of commission on mental health and developmental services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Wiener. 256, 262, 1521, 1560, 1578,* 1714, 1846.

99.... Revises educational requirements for obtaining original real estate broker's or broker-salesman's license. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 312, 325, 1318, 1337,* 1357.

100.... Revises provisions governing veterinarians, euthanasia technicians and veterinary technicians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 179, 182, 1318, 1337,* 1357.

101.... Makes various changes to provisions governing pharmacy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 179, 182, 1341, 1352,* 1353, 1383.

103.... Revises provisions relating to professional engineers and land surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1712, 1714, 1721, 1826,* 2065, 2155.

104.... Revises provisions regarding council to establish academic standards for public schools and dates for administration of certain achievement and proficiency examinations in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 1013, 1014, 1827, 1846, 1852,* 2065, 2290, 2291, 2401, 2451, 2455.

No. *Summary, Introducer and Page Reference*

105.... Authorizes board of wildlife commissioners to adopt regulations setting forth circumstances under which person may fish in certain lakes or ponds without license, permit or stamp. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 256, 263, 1454, 1500, 1546,* 1584.

106.... Defines "license" and "permit" for purposes of assessment of demerit points for wildlife convictions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 277, 283, 1454, 1500, 1546,* 1584.

108.... Revises provisions governing applications for use of water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 645, 649, 1454, 1500, 1546,* 1584.

111.... Clarifies provisions governing purchase by state agency of service credit in public employees' retirement system on behalf of certain employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 312, 325, 1310, 1319, 1321, 1336, 1343, 1355, 1366,* 1367, 1691, 1710.

114.... Authorizes county or city to seek reimbursement from nonindigent prisoner for cost of booking and releasing prisoner. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 179, 182.

115.... Authorizes county or city to seek reimbursement of costs for administering program as alternative to incarceration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 179, 182, 975, 1021, 1022,* 1300.

117.... Authorizes chairman of Nevada commission on aging to appoint former members of commission and other interested persons to serve in advisory capacity to commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Wiener. 256, 263, 1587, 1588, 1636, 1700,* 1701, 1870, 1915.

118.... Requires use of judgment of conviction as warrant or authority for execution of sentence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 179, 182, 1454, 1500, 1546,* 1584.

120.... Expands circumstances under which interception of wire or oral communications is authorized. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 179, 182.

121.... Revises provisions governing required disclosures regarding certain residences and notices concerning proposed changes in zoning. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 552, 553, 1341, 1353, 1367,* 1467, 1519, 1797.

123.... Makes various changes to form for written plea agreement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 179, 182.

125.... Transfers duties of division of unclaimed property of department of business and industry to secretary of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 403, 412, 1586, 1588, 1636, 1700, 1806, 1829.

126.... Prohibits placement of pupils in special education programs for disciplinary reasons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 552, 553, 1827, 1845,* 1994.

128.... Authorizes state contractors' board to request that telephone number be disconnected and to request beeper number be switched or disconnected if telephone or beeper number is included in unlawful advertisements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Donnell, O'Connell, Amodei, Coffin, Jacobsen, James, Mathews, McGinness, Neal, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend and Washington. 1302, 1303, 1714, 1722, 1829,* 2056, 2153, 2210, 2337, 2352, 2353.

129.... Establishes staggered terms of office for representatives of certain regional transportation commissions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 256, 263, 1454, 1500, 1546,* 1547, 1584.

130.... Revises requirements for brokerage agreement that includes provision for exclusive listing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 191, 193.

131.... Requires certain cities and counties to establish requirements for maintenance of records by certain resellers of paging services. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1303, 1350, 1361, 1467, 1524, 1566,* 1714, 1846.

No. *Summary, Introducer and Page Reference*

132.... Revises provisions governing benefits for industrial insurance for certain police officers and firemen. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1085, 1163, 1690, 1691, 1692, 1762,* 2065, 2155.

133.... Establishes provisions governing consolidated insurance programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1303, 1690, 1691, 1692, 1762,* 1763, 2056, 2154, 2210, 2337, 2353, 2358.

139.... Revises provisions relating to transfer and sale of surplus property of state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 256, 263, 1467, 1525, 1566,* 1802, 1915, 2258.

140.... Requires insurers to include certain information concerning premiums for insurance with notices of renewal. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Connell. 1302, 1303, 1404, 1423, 1442,* 1443, 1463.

144.... Makes various changes concerning payments to contractors, subcontractors and suppliers for public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1302, 1303, 1690, 1691, 1694, 1763, 1765,* 1994.

145.... Makes various changes concerning health insurers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Connell and Townsend. 1302, 1303, 1466, 1527, 1556, 1588, 1592,* 1593, 1846.

146.... Provides enhanced penalty for assault or battery of taxicab driver. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus, Amodei, Mathews, O'Donnell, Porter, Raggio, Rawson and Shaffer. 277, 283, 1301, 1312,* 1339.

148.... Revises provisions relating to category E felonies and presentence investigations and reports. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 837, 1467, 1527, 1566,* 1691, 1710.

149.... Makes commission of certain acts by prisoners unlawful. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 301, 308, 1012, 1085, 1226, 1995, 2000, 2005, 2081,* 2336, 2444.

152.... Revises definition regarding minimum content of alcohol required to be in blood or breath of person to be considered operating vehicles and vessels under influence of intoxicating liquor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 331, 342, 1573, 1594, 1700, 1806, 1819, 1824, 1829, 1847, 1856,* 2158, 2211.

153.... Revises definition of "used vehicle" as used in provisions concerning sale of certain used vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 277, 283, 1311, 1319, 1321, 1337, 1394, 1401, 1407,* 1587, 1688.

154.... Revises provisions governing use of devices for restraining certain children being transported in motor vehicles in this state. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 510, 518, 1574, 1619.

157.... Requires courts to report disposition of charges and appeals in criminal cases to central repository for Nevada records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 975, 976.

158.... Authorizes Nevada athletic commission to recover certain costs associated with issuance and reinstatement of licenses and disciplinary proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 301, 308, 448, 460, 473, 488,* 549.

159.... Makes appropriation to restore balance in emergency account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 645, 649, 1393, 1408, 1419,* 1463.

161.... Provides for regulation of halfway houses for alcohol and drug abusers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Titus. 1302, 1303, 1454, 1500, 1547,* 1587, 1688, 1730, 1733.

163.... Provides for licensure of homes for individual residential care. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 1302, 1303, 1454, 1503, 1547,* 1584.

165.... Creates committee for public safety telecommunications operators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Amodei. 2198, 2199, 2286, 2287, 2288,* 2444.

No. *Summary, Introducer and Page Reference*

166.... Revises provisions governing terms of members of district board of agriculture for certain agricultural districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Rhoads. 256, 263, 1326, 1343, 1344,* 1367.

167.... Makes various changes to provisions governing handling of hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources. 1522, 1523, 1846, 1847, 1848, 1893, 1918, 1919,* 2158, 2202, 2255, 2269, 2274, 2275.

168.... Clarifies authority of department of transportation to pay incentive for early completion of construction, improvement, maintenance or repair of highway or appurtenance to highway. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Senator Schneider; Assemblywoman Buckley. 975, 976, 1574, 1619, 1701*.

169.... Makes various changes relating to program of accountability for public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 1915.

173.... Revises provisions governing discovery in criminal cases. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 237, 242, 1310, 1320,* 1321, 1348.

175.... Revises penalties for failure of employer to provide and secure or maintain workers' compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 347, 360, 1341, 1352,* 1353, 1383.

177.... Makes various changes concerning manufactured buildings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 645, 649, 1392, 1408, 1419,* 1522, 1551.

178.... Revises provisions relating to private investigator's licensing board. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1303.

179.... Establishes minimum standards for operation of skydiving business. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Senator McGinness; Assemblyman de Braga. 1220, 1454, 1503, 1547,* 1584.

181.... Makes various changes to provisions governing practice of dentistry and dental hygiene. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators Rawson, Raggio, Wiener, Townsend, Neal and Coffin; Assemblymen Perkins, Dini and Goldwater. 312, 325, 1453, 1503, 1523, 1588, 1593,* 1870, 1915.

182.... Revises method of calculating fee charged to user of water for beautification of city. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 331, 342, 1521, 1561, 1578,* 1710.

183.... Provides that criminal investigators employed by secretary of state have powers of peace officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 552, 553, 1310, 1319, 1321, 1338,* 1357, 1721.

184.... Provides that certain prisoners may be assigned to custody of division of parole and probation of department of motor vehicles and public safety to participate in program of treatment for abuse of alcohol or drugs and makes appropriation to Second Judicial District Court and Eighth Judicial District Court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1996, 1997, 2305, 2339,* 2443.

190.... Revises provisions relating to certain revolving accounts of rehabilitation division of department of employment, training and rehabilitation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Commerce and Labor. 502, 1522, 1561, 1578,* 1579, 1710.

191.... Establishes requirements relating to projects of significant impact in Las Vegas urban growth zone. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Titus. 645, 649, 1712, 1714, 1723, 1826, 1847, 1855, 1856,* 2158, 2211.

192.... Makes various changes concerning common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Rawson. 1220, 1222, 1714, 1727, 1835,* 2158, 2233, 2337, 2374, 2401.

193.... Makes various changes relating to emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Rawson, O'Donnell and Jacobsen. 2400, 2403, 2446, 2449, 2534, 2555*.

194.... Extends use of fund to stabilize operation of local government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators Rawson, Amodei,

No. *Summary, Introducer and Page Reference*

James, McGinness, O'Donnell, Porter and Titus; Assemblymen Cegavske, Goldwater, Manendo and Tiffany. 1302, 1303, 1554, 1576, 1591,* 1592, 1802, 1915.

197.... Establishes certain programs relating to prevention and treatment of fetal alcohol syndrome. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Wiener, Rawson, Townsend, Titus, Mathews, Care, Porter and Schneider. 858, 1437, 1459, 1516,* 1574, 1584.

199.... Revises provisions relating to osteopathic medicine. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 426, 443.

202.... Makes various changes concerning taxes, fees and assessments owed to department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 403, 412, 1310, 1320,* 1321, 1348.

203.... Revises requirements for obtaining driver's license, motorcycle driver's license or instruction permit by applicant who was born outside United States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 312, 325, 1704, 1706, 1708, 1784,* 2158, 2211.

204.... Authorizes board of directors of Las Vegas Valley water district to establish and maintain desert preserve located in or within vicinity of Big Spring Archeological District. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 331, 342, 1301, 1312, 1322,* 1348.

209.... Requires temporary placard for use in place of license plate to be provided to buyer or lessee by certain sellers and lessors of vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 510, 518, 1351, 1363, 1381,* 1402, 1884.

210.... Provides for regulation of persons who counsel alcohol and drug abusers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Townsend. 1085, 1164, 1714, 1729, 1836,* 2158, 2211.

211.... Makes various changes regarding operation of division of wildlife of state department of conservation and natural resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. O'Connell. 1302, 1304, 1587, 1588, 1637, 1701,* 1870, 1915.

213.... Provides for certain public services for children in private schools, charter schools and home schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. O'Connell. 858.

215.... Makes various changes to charter of City of Sparks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 364, 389, 1586, 1588, 1638, 1701,* 1994.

216.... Revises provisions governing payment of fees by public agencies to cities and counties with regard to regulation of construction. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 1085, 1164, 1437, 1459, 1516,* 1584.

217.... Authorizes board of county commissioners to establish wetlands mitigation bank. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 364, 389, 1310, 1320,* 1321, 1348.

218.... Makes various changes to provisions relating to marriage and family therapists. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider (by request). 975, 976, 1392, 1409, 1419,* 1463.

224.... Makes various changes concerning assessment commissioner of insurance may impose upon insurers to pay for program to investigate certain violations and fraudulent acts of insurers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1304.

225.... Makes various changes to provisions governing investigation and prosecution of insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1302, 1304.

227.... Allows person who is not licensed as attendant to drive ambulance under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Rhoads, McGinness, Amodei and Jacobsen. 645, 649.

232.... Makes various changes to provisions governing placement of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators Porter, Rawson, Townsend, Schneider, Washington, Jacobsen, Amodei, Care, James, McGinness, Rhoads and Wiener; Assemblywoman Segerblom. 403, 412, 1301, 1312,* 1339, 1344.

No. *Summary, Introducer and Page Reference*

233.... Revises provisions governing rate of interest if there is no written contract fixing rate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 418, 421.

235.... Revises provisions governing use of highway. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 510, 518, 1574, 1619, 1701,* 1915.

236.... Makes appropriation to Lincoln County School District for construction of elementary school to replace unsafe existing school. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Senator McGinness; Assemblyman Neighbors. 2198, 2199, 2248, 2249, 2250,* 2335.

238.... Clarifies provisions governing administration of exemption from sales and use tax on food for human consumption. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 364, 389, 1310, 1319, 1322, 1338,* 1357.

241.... Makes various changes to provisions governing deceased persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Shaffer. 300, 308, 1392, 1409, 1419,* 1522, 1551.

242.... Revises provisions requiring inclusion of social security numbers and certain other information in judgments of divorce and court orders for child support. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 403, 412, 1405, 1423, 1444,* 1691, 1781, 1870, 2205, 2207, 2444.

243.... Changes date by which certain fees for storage of extremely hazardous materials must be paid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 300, 308, 1350, 1361,* 1402.

244.... Makes various changes relating to sale of cigarettes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Jacobsen (by request). 975, 976, 1573, 1619, 1702,* 1870, 1915.

245.... Allows justice or judge who retired under public employees' retirement system and who is recalled to active service to earn credit toward supplemental pension. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. McGinness. 1467, 1473.

250.... Makes appropriation to Budget Division of Department of Administration to reimburse Legal Division of Legislative Counsel Bureau for expenses involved in preparing bill drafts requested by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 364, 389, 1393, 1409, 1420,* 1463.

255.... Revises provisions governing funding for railroad suppression and grade separation projects and ratifies and clarifies construction of certain actions of Washoe County and City of Reno. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators Raggio, Townsend, Jacobsen, Washington and Mathews; Assemblymen Gibbons, Anderson, Brower, Gustavson, Evans, Humke, Angle, Freeman and Leslie. 312, 325, 425, 451, 462,* 502, 506.

259.... Revises provisions governing licensing of businesses that create or produce motion pictures. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Porter. 1302, 1304, 1587, 1588, 1638, 1702, 1713, 2336, 2339, 2400, 2404,* 2525.

262.... Creates presumption that certain tangible personal property initially used in interstate or foreign commerce outside this state was not purchased for storage, use or other consumption in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 975, 976, 1415, 1440, 1441, 1460,* 1551.

263.... Creates office of veterans' services and changes name of certain other offices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Jacobsen. 468, 469, 1350, 1363, 1377, 1995, 2000, 2006,* 2158, 2211.

266.... Imposes fee for priority processing by department of motor vehicles and public safety of certificate of title. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1013, 1014, 1454, 1505, 1547,* 1548.

267.... Provides for manufacturing of certain license plates under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1220, 1386, 1400, 1407,* 1451, 1718.

268.... Revises provisions governing appraisal of abandoned vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 403, 412, 1311, 1320,* 1321, 1348.

No. *Summary, Introducer and Page Reference*

273.... Makes various changes to provisions governing bail. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Neal (by request). 1302, 1304, 1454, 1505, 1523, 1587, 1592, 1702,* 1870, 1915.

274.... Amends charter of City of Las Vegas to create six wards under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators Neal and Coffin; Assemblymen Giunchigliani, Bache, Williams, Berman, Freeman, Gibbons, Humke, Lee, Mortenson, Neighbors, Parnell, Segerblom, Thomas, Tiffany and Von Tobel. 645, 649, 1404, 1425, 1444,* 1467, 1519, 1898.

277.... Makes supplemental appropriations to Department of Museums, Library and Arts for administration of Department, to offset unanticipated shortfalls in revenue from admissions at certain museums and for additional utility expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 510, 518, 1351, 1363, 1382,* 1402.

278.... Makes supplemental appropriation to fund for class-size reduction for additional anticipated expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 364, 389, 501, 547, 639,* 834.

279.... Extends reversion date of prior appropriation to Department of Motor Vehicles and Public Safety for completion of Phase II of Implementation Plan for Business Process Re-Engineering Project and makes appropriations for implementation of Project Genesis Phase II and related enabling technologies and for additional expenses for registration of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1869, 1871, 2255, 2267, 2287, 2288,* 2401.

280.... Makes appropriation to Department of Motor Vehicles and Public Safety for purchase of modular furniture for remodeled office in Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1869, 1871, 2213, 2214, 2239,* 2240, 2335.

281.... Makes supplemental appropriation to State Department of Conservation and Natural Resources for shortfall in salaries and operating expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 425, 443, 1351, 1363, 1382,* 1405, 1435.

282.... Reallocates appropriation for education made by 69th session of Nevada Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 425, 443, 1713, 1714, 1734, 1836,* 2065, 2155.

283.... Makes appropriation to restore balance in contingency fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1869, 1871, 2157, 2169, 2204,* 2335.

284.... Revises reversion for certain previously appropriated money for Medicaid Managed Care Program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 645, 649, 1522, 1561, 1579,* 1710.

285.... Requires public schools to provide certain instruction in American government to pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators James, Porter, Washington, O'Connell, Care, Carlton, Mathews, McGinness, O'Donnell, Schneider and Titus; Assemblymen Cegavske, Ohrenschall, Brower, Gustavson, Chowning, Hettrick, Lee, Manendo, Marvel, Nolan and Parks. 792, 794.

287.... Revises procedures for imposition of tax on fuel for jet or turbine-powered aircraft. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Porter. 1302, 1304, 1454, 1505, 1542, 1564, 1570, 1579,* 1802, 1915.

288.... Authorizes certain counties to enter into agreement to establish pilot program to provide continuity of care for children who receive protective services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Washington. 975, 976, 1393, 1409, 1417, 1451, 2009, 2054, 2081,* 2082, 2255, 2335.

289.... Clarifies provision regarding prohibition of nonsecular activities in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Washington. 1013, 1015, 1586, 1588, 1639, 1702,* 1915.

291.... Clarifies authorized extent of use of water from domestic well. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Jacobsen (by request). 792, 794, 1467, 1527, 1566,* 1691, 1710.

No. *Summary, Introducer and Page Reference*

292.... Authorizes increase in reimbursement for certain educational expenses of members of active Nevada National Guard. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Rhoads. 1467, 1473, 1713, 1714, 1735, 1836,* 1994.

297.... Prohibits hazing at high schools, colleges and universities in this state. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Titus. 837, 841, 1405, 1426, 1444,* 1574, 1584.

300.... Revises provisions governing removal and disposition of abandoned vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 417, 421, 1574, 1619, 1703,* 1915.

301.... Provides for prompt payment of subcontractors for construction and improvement of highways. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 552, 553, 1351, 1364, 1382,* 1402.

302.... Requires that certain gates comply with certain safety standards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 975, 976, 1713, 1714, 1735, 1837, 1846, 1852,* 2158, 2291, 2337, 2401, 2441, 2466.

303.... Revises provisions governing National College of Juvenile and Family Law Endowment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1370, 1383, 1454, 1505, 1548,* 1584.

304.... Revises provisions governing fund for the National Judicial College. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1370, 1383, 1454, 1506, 1548,* 1584.

305.... Extends reversion date of certain prior appropriations to Department of Administration and makes appropriations for completion of Phase III and for continued development of Integrated Financial Management System. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriations included and not included in Executive Budget. Committee on Finance. 1869, 1871, 2213, 2214, 2240,* 2335.

308.... Makes appropriation to Department of Museums, Library and Arts for remodeling of Boulder City Railroad Museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1869, 1871, 2157, 2169, 2204,* 2335.

310.... Creates rangeland resources commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Rhoads, McGinness, Jacobsen and Amodei. 975, 977, 1587, 1588, 1640, 1703,* 1870, 1915.

312.... Makes various changes relating to meeting of public bodies. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 403, 412, 1712, 1714, 1735, 1836*.

314.... Revises and clarifies certain provisions governing municipal judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 468, 469, 1405, 1417, 1467, 1528, 1567,* 1691, 1710.

315.... Requires certain information concerning arbitration to be presented at trial de novo before jury. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 502, 1393, 1409, 1417, 1460, 1462,* 1551.

318.... Revises provisions governing collection of taxes on transfer of real property and clarifies responsibility for payment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1302, 1304, 1454, 1506, 1548,* 1584.

322.... Revises various provisions governing resale of time shares. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Schneider. 858, 1712, 1714, 1737, 1836, 1837,* 2065, 2154, 2211, 2256, 2259, 2260, 2444.

323.... Makes various changes regarding manufactured homes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Senator Amodei; Assemblywoman Buckley. 1013, 1015, 1712, 1714, 1737, 1837,* 2158, 2211.

326.... Revises provisions governing writs of mandamus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 468, 469, 1310, 1321, 1338,* 1360, 1367.

327.... Authorizes release of certain records of criminal history to authorized agent of employer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1013, 1015.

No. *Summary, Introducer and Page Reference*

329.... Authorizes issuance of general obligation bonds under certain circumstances to assist in construction of California Immigrant Trail Interpretive Center in Elko County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Senator Rhoads; Assemblyman Carpenter. 1869, 1871, 2405, 2407, 2412, 2413,* 2525.

330.... Requires state quarantine officer to maintain confidentiality of certain notifications. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Rhoads. 1013, 1015, 1467, 1523,* 1584.

332.... Revises provisions governing charging of benefits for unemployment against record for experience rating of employer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Porter. 510, 518, 1404, 1426, 1444,* 1463.

334.... Exempts certain persons from provisions governing licensure of private investigators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider. 1085, 1164.

336.... Revises composition of board of directors of department of transportation and of certain regional transportation commissions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. O'Donnell. 1085, 1164.

338.... Revises provisions regarding handicapped parking. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Rawson. 975, 977, 1704, 1706, 1708, 1784,* 1915.

339.... Provides for issuance of certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Rhoads, Jacobsen, McGinness, Amodei and James. 792, 794, 1386, 1398, 1417, 1429, 1444,* 1445, 1587, 1688.

341.... Makes various changes to provisions governing purchasing by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 449, 450, 1437, 1459, 1517, 1556, 1569, 1579,* 1803, 1915, 2512.

342.... Prohibits public bodies from requiring contractor or subcontractor to agree to certain requirements as condition of bidding on, being awarded or working pursuant to contract for public work. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. O'Connell. 1302, 1304.

343.... Revises provisions governing payment of storage fees for vessel stored to preserve evidence of crime. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 645, 649, 1454, 1506, 1548,* 1584.

344.... Revises provisions governing options of certain persons to purchase mineral interests owned by state in certain trust lands. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 645, 650, 1326, 1343, 1344,* 1367.

346.... Revises composition and duties of commission on substance abuse education, prevention, enforcement and treatment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Human Resources and Facilities. 975, 977, 1467, 1528, 1567,* 1691, 1710.

347.... Revises provisions regarding appointment and replacement of guardian of minor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wiener, Washington, Care, Amodei, Coffin, James, Mathews, McGinness, Porter, Schneider, Shaffer and Titus. 552, 553, 1301, 1312,* 1339.

349.... Makes various changes to provisions governing special fuels. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Jacobsen. 1302, 1304, 1522, 1561, 1579,* 1580, 1710.

351.... Makes various changes relating to licensure of short-term lessors of passenger cars and their employees who solicit or sell optional insurance to lessees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Townsend. 837, 841, 1392, 1409, 1420,* 1463, 2122.

352.... Makes various changes in certain procedures for enforcement of child support. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 792, 795, 827, 1318, 1337, 1347,* 1367, 1424.

353.... Directs Department of Personnel to increase salaries of certain classified positions in Department of Prisons and to conduct occupational study of those positions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Jacobsen. 2336, 2337, 2343, 2405*.

357.... Requires State Board of Physical Therapy Examiners to appoint advisory committee to recommend legislation concerning regulation of athletic trainers. Fiscal Note: Effect on Local Government: Yes.

No. *Summary, Introducer and Page Reference*

Effect on the State or on Industrial Insurance: No. Wiener, Shaffer, Rawson, Mathews and Amodei (by request). 1302, 1304, 1466, 1529, 1567,* 1688.

359.... Revises provisions relating to appointment of temporary guardians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 468, 469.

360.... Revises penalties for certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 552, 553, 1350, 1364, 1365, 1467, 1542, 1567,* 2065, 2128, 2211, 2292, 2302, 2305, 2411, 2412, 2441.

361.... Makes various changes concerning writs of habeas corpus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 552, 553, 1301, 1312,* 1339.

362.... Makes various changes to provisions governing collection and payment of taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Connell. 1302, 1305, 1806, 1807, 1846, 1852,* 2065, 2155.

363.... Provides incentives for removal or remediation of environmental contamination. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Titus. 1714, 1717, 1838, 2157, 2169, 2187, 2238,* 2336, 2444.

365.... Establishes committee on emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Senator Amodei; Assemblyman Dini. 1085, 1164, 1454, 1506, 1549,* 1587, 1688.

366.... Amends prospective expiration of certain provisions concerning surcharge on telephone services in certain counties to enhance 911 system in those counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1302, 1305, 1467, 1530, 1567,* 1568, 1803, 1915.

367.... Revises provisions governing deferred compensation program for employees of political subdivisions to comply with federal law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 645, 650, 1310, 1320,* 1321, 1348.

368.... Requires state to pay connection fees for connection of state buildings and other facilities to sewage system of Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 1869, 1871, 2157, 2169, 2204,* 2205, 2335.

369.... Makes various changes to provisions governing state revenue bonds for industrial development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1302, 1305, 1404, 1426, 1427, 1467, 1542, 1543, 1568,* 1803, 1898, 2065, 2269, 2275, 2276.

370.... Provides that senior citizens are eligible for Medicaid upon purchasing and receiving benefits from certain policies of insurance for long-term care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Human Resources and Facilities. 2534, 2540, 2556*.

371.... Authorizes University and Community College System of Nevada to issue revenue bonds for Desert Research Institute building. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators Titus and Raggio; Assemblyman Dini. 552, 553, 1454, 1506, 1549,* 1584.

372.... Revises provisions governing franchises for dealers in new motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Townsend. 1013, 1022, 1704, 1706, 1709, 1784,* 2158, 2211.

374.... Revises provisions governing associations of self-insured public and private employers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider. 1085, 1164.

375.... Makes various changes to provisions governing trade secrets. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Schneider. 837, 841, 1712, 1714, 1738, 1843,* 2065, 2155.

377.... Authorizes state land registrar to convey certain land to Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Senator Porter; Assemblywoman Segerblom. 645, 650, 1437, 1459, 1517,* 1584.

379.... Provides for issuance of decals for license plates that display emblems or other insignia of specific military units within particular branches of Armed Forces of United States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Porter. 1085, 1164, 1386, 1400, 1407,* 1587, 1688, 1875.

No. *Summary, Introducer and Page Reference*

381.... Prohibits governmental entity and any agent thereof from using certain electronic devices to gather evidence for issuance of traffic citation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators James, Rhoads, Porter, Washington, Amodei and Wiener; Assemblyman Perkins. 975, 977, 1574, 1619, 1703,* 1870, 1914, 1915, 2159, 2247, 2256, 2276, 2451, 2456.

382.... Makes various changes regarding provision of hospice care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Titus and Raggio. 837, 841, 1326, 1343, 1355,* 1383.

383.... Makes various changes governing certain property assessed by Nevada tax commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider. 645, 650, 1522, 1561, 1580,* 1710.

384.... Requires electric utility that places high-voltage wires on private property without owner's permission to pay compensation to owner. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Shaffer. 1302, 1305.

387.... Revises provisions governing maintenance and use by Nevada highway patrol of lists of operators of tow cars. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1085, 1164, 1704, 1706, 1709, 1784, 1806, 1845,* 2158, 2211.

389.... Clarifies class of counties in which state fire marshal may enforce certain laws and regulations and investigate certain violations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Jacobsen. 858, 1437, 1459, 1517,* 1584.

391.... Makes various changes concerning land use planning. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Porter and James. 1302, 1305, 1586, 1588, 1642, 1717, 1785, 1806, 1819, 1847, 1852, 1866,* 1867, 2065, 2128, 2211, 2269, 2277, 2285.

392.... Regulates certain trade practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Porter. 937.

394.... Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Titus. 1302, 1305, 1586, 1588, 1642, 1703,* 1994.

395.... Revises provisions regarding parole hearings for certain prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Washington. 837, 841, 1467, 1531, 1568,* 1691, 1710.

396.... Revises provisions relating to certain animals. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Townsend and Titus. 837, 842, 1690, 1691, 1694, 1785,* 2065, 2155.

397.... Authorizes certain public entities to enter into cooperative agreements for preservation, protection, restoration and enhancement of unique archeological or historical sites in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Porter. 1013, 1022, 1453, 1506, 1523, 1556, 1570,* 1714, 1846.

398.... Creates fund for disbursement of payments for child support collected by welfare division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 510, 518, 1393, 1409, 1420,* 1463.

399.... Establishes legislative committee on correctional institutions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 2079, 2080.

401.... Increases number of judges of family court in eighth judicial district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Judiciary. 1802, 1807, 2213, 2214, 2240,* 2335.

403.... Eliminates provision authorizing reduction in business tax for business that provides child care for certain employees with low income. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Washington. 1085, 1164.

404.... Revises provisions governing benefits of surviving family members of certain police officers and firemen. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. James, Townsend, O'Connell, Rawson, Carlton, Amodei, Care, Coffin, Jacobsen, Mathews, McGinness, Neal, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Washington and Wiener. 975, 977, 1712, 1714, 1738, 1995, 2000, 2006, 2082,* 2255, 2335.

407.... Authorizes board of county commissioners to enter into certain agreements with respect to construction or remodeling of buildings and facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1220, 1350, 1365, 1377, 1588, 1593,* 1846.

No. *Summary, Introducer and Page Reference*

408.... Revises provisions governing rate of residential construction tax that may be imposed on development of mobile home lots. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1220, 1221, 1415, 1440, 1441, 1460, 1517,* 1803, 1915.

410.... Makes various changes relating to public administrators and public guardians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1022.

411.... Conforms methods used by Nevada tax commission for valuation of property to methods used by county assessors, exempts intangible personal property from taxation and requires legislative committee to study distribution among local governments of revenue from state and local taxes to conduct a study. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. O'Connell. 1869, 1871, 2198, 2209, 2218, 2358, 2404,* 2525.

412.... Provides for protective custody of children upon death of parent under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Mathews, Rawson, Amodei, Coffin and Washington. 858, 1393, 1409, 1420,* 1463.

417.... Creates appeals panel for industrial insurance to hear certain grievances of employers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. O'Connell. 468, 469, 1690, 1691, 1696, 1785,* 2056, 2252, 2337, 2525, 2527.

418.... Provides civil penalty for submission of false claim to state or local government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Titus, Wiener and Care. 1085, 1164, 1404, 1427, 1445,* 1463.

419.... Revises provisions concerning economic development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Senators James, Porter and Titus; Assemblymen Bache, Cegavske and Perkins. 1302, 1305, 1521, 1561, 1580,* 1710.

420.... Revises provisions governing weapons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Washington. 1013, 1022.

421.... Establishes certain requirements related to smoking in certain public areas of grocery stores. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 837, 842, 1522, 1561, 1580,* 1870, 1915.

423.... Makes various changes to provisions concerning contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider. 1302, 1305, 1712, 1714, 1741, 1843,* 2056, 2154, 2211, 2247, 2256, 2285, 2286, 2466.

424.... Clarifies provisions governing treatment of photographer's proofs for purposes of sales and use taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Schneider. 645, 650, 1415, 1440, 1564, 1565, 1580,* 1710.

428.... Makes various changes concerning intoxicating liquor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider. 1302, 1305, 1806, 1811, 1846, 1853,* 2065, 2155.

431.... Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Porter, Washington, Wiener and James. 1085, 1165, 2442.

432.... Directs Legislative Commission to conduct interim study of certain air quality control programs and Department of Motor Vehicles and Public Safety to implement certain programs of air quality control. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Porter. 2198, 2199, 2213, 2246, 2286, 2288,* 2444.

433.... Makes various changes concerning local government finance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Porter. 1220, 1221, 1404, 1427, 1445,* 1463.

435.... Authorizes board of trustees of school district to expand duties of oversight panel for school facilities in larger counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Porter. 1085, 1165, 1586, 1588, 1644, 1703, 1704, 1847, 1850, 1856, 1857,* 2065, 2155.

436.... Makes various changes relating to regional planning. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Porter. 1302, 1305, 1712, 1714, 1744, 1835, 1847, 1853,* 2158, 2211.

437.... Makes various changes with respect to eligibility of contractor to receive preference in bidding on public works. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Porter and Schneider. 1085, 1165, 1554, 1576, 1592, 1700, 1705,* 1915.

No. *Summary, Introducer and Page Reference*

438.... Makes various changes related to electric restructuring. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1306, 1472, 1993, 2055, 2056, 2057, 2082,* 2292, 2334, 2401, 2408, 2411.

439.... Makes various changes concerning accountants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1306, 1554, 1576, 1592,* 1846.

440.... Revises provisions relating to regulation of providers of telecommunication services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1302, 1306, 1521, 1564, 1581,* 1710.

442.... Revises penalty for exceeding posted speed limit in certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Rhoads, Neal, Jacobsen, Care, Townsend, James, Amodei, Carlton, Coffin, Mathews, McGinness, Raggio, Rawson, Schneider, Shaffer, Titus and Washington. 858, 859, 1704, 1706, 1709, 1785,* 1915.

443.... Creates committee to study funding of higher education in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1995, 1997, 2213, 2214, 2240,* 2335.

445.... Revises courses of study required to be taught in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 857, 859, 1586, 1588, 1644, 1646, 1704,* 1803, 2289, 2401, 2451, 2456, 2458.

447.... Exempts certain persons who hold operating permits for certain sources of emissions of air contaminants from imposition of certain penalties under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1302, 1306.

449.... Requires sheriff to notify victim of violent crime of certain actions taken concerning permit to carry concealed firearm or application for permit. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Coffin. 1302, 1306, 1393, 1409, 1420,* 1421, 1463.

451.... Makes various changes to provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Schneider, O'Connell, Rawson, Amodei, Coffin and Porter. 1302, 1306, 1466, 1497, 1508, 1554, 1581, 1704, 1705,* 1706, 2158, 2202, 2256, 2337, 2359.

452.... Provides for claim of real estate broker against certain proceeds received from disposition of commercial real estate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 858, 859, 1466, 1532, 1568,* 1688.

453.... Ratifies technical corrections made to NRS and Statutes of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 645, 650, 1350, 1361*.

454.... Amends charter of City of North Las Vegas to place city attorney under control of city council. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 645, 650, 1392, 1409, 1421,* 1463.

455.... Makes various changes to certain fees and licenses concerning businesses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1220, 1221, 1522, 1564, 1581,* 1710.

456.... Makes certain changes concerning employment of deputies of public defender in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 645, 650, 1310, 1320,* 1321, 1348.

457.... Authorizes local governments to impose impact fees on new developments to finance fire suppression projects and park projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1022, 1586, 1588, 1646, 1704,* 1705, 1782.

460.... Restricts use of certain anticipated distributions from Federal Government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 510, 518.

461.... Revises provisions governing hotels, inns, motels and motor courts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1013, 1023.

462.... Changes date by which insurer must furnish proof of its entitlement to credit against insurance premium tax for maintaining home office or regional home office in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 510, 518, 1392, 1405,* 1406, 1451.

No. *Summary, Introducer and Page Reference*

463.... Expands definition of police officers who are eligible for workers' compensation for occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1302, 1306.

464.... Revises provisions in cases of delinquency in payment of employers' assessments for unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce and Labor. 1013, 1023, 1466, 1532, 1568,* 1569, 1714, 1846.

465.... Makes various changes to provisions governing trust companies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 837, 842, 1392, 1409, 1421, 1435, 1445,* 1463.

466.... Revises provisions governing education. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 2248, 2343, 2344*.

469.... Extends services related to mental retardation to persons with related conditions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Human Resources and Facilities. 1587, 1589, 1698, 2213, 2214, 2240, 2241,* 2335.

470.... Makes various changes relating to debt management commissions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1023, 1453, 1507, 1549, 1806, 1844, 1845,* 2158, 2211.

471.... Revises provisions governing legislative measures which require local governments to establish, provide or increase programs or services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1023, 1466, 1532, 1569,* 1688.

472.... Makes various changes to provisions governing public administrators and public guardians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1023, 1405, 1427, 1445,* 1467, 1519.

473.... Creates procedure for dissolution or disincorporation of certain local governments in severe financial emergency under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1302, 1306, 1453, 1507, 1549, 1806, 1845,* 2158, 2211.

475.... Authorizes public body and department of transportation to use design-build method of contracting in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1220, 1221, 1586, 1588, 1646, 1647, 1713, 1785, 1837, 1841, 1843, 1847, 1853,* 1854, 2065, 2129, 2211, 2374, 2399, 2401.

476.... Changes limitation on total ad valorem tax levy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1023, 1759, 1843,* 2065, 2155.

477.... Raises tax on rental of transient lodging within Washoe County to pay certain costs related to promotion of tourism. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1302, 1307, 1765, 1766, 1806, 1855, 1856,* 2056, 2076, 2077, 2159, 2247, 2248, 2444.

478.... Makes various changes concerning ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 1302, 1307, 1712, 1714, 1747, 1843,* 2065, 2202, 2292, 2337, 2466, 2473, 2525, 2527, 2533.

479.... Revises provisions governing actions for medical and dental malpractice. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 975, 977, 1386, 1394,* 1451.

480.... Exempts victim of domestic violence who has fictitious address from jury service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 493, 502, 1310, 1320,* 1321, 1348.

481.... Makes various changes concerning controlled substances and impaired operation of vehicles and vessels. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1220, 1221, 1573, 1620, 1625, 2213, 2214, 2239,* 2401.

482.... Revises various provisions relating to criminal procedure. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 975, 977.

483.... Allows use of certain affidavits at preliminary examination or grand jury proceeding under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 510, 519, 1310, 1320,* 1321, 1348.

No. *Summary, Introducer and Page Reference*

484.... Ratifies National Crime Prevention and Privacy Compact. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1085, 1165, 1382, 1389, 1401,* 1451.

485.... Makes various changes to provisions governing use of technology. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1714, 1717, 1916, 1919, 1920, 1921, 2213, 2214, 2239,* 2336, 2444.

487.... Makes various changes relating to provision of telecommunication services. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1302, 1307, 1350, 1365, 1382, 1390,* 1435.

490.... Creates revolving account to pay for cost of issuing special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 858, 859, 1386, 1400, 1407,* 1408, 1451, 1719.

492.... Revises provisions governing offer of judgment in civil action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 975, 977, 1454, 1473,* 1584.

494.... Extends cycle for study of ratio of assessed to taxable value in each county to 3 years. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 792, 795, 1310, 1321, 1338, 1339,* 1357.

495.... Makes various changes to provisions governing industrial insurance for industrial injuries and occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce and Labor. 1302, 1307, 1466, 1532, 1569,* 1714, 1846.

496.... Creates millennium scholarship trust fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 2534, 2540, 2560*.

498.... Increases maximum amount that state board of examiners may authorize for salary of replacement officer or employee following purchase of unused leave of former officer or employee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 837, 842, 1310, 1320,* 1321, 1348.

499.... Clarifies circumstances under which state employees who work variable work schedules or innovative work weeks are eligible for overtime and repeals certain obsolete provisions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 837, 842, 1318, 1337, 1347,* 1370, 1383.

500.... Provides procedures for collection of certain debts owed to state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 1302, 1307, 1712, 1714, 1758, 1844,* 2065, 2129, 2211, 2256, 2260, 2261, 2444.

501.... Amends various provisions concerning disclosures required on ballot questions for certain elections for approval of general obligations and additional property tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1220, 1221, 1437, 1460, 1517,* 1518, 1584.

502.... Makes various changes regarding tax on net proceeds of minerals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1023.

504.... Makes appropriations to Department of Motor Vehicles and Public Safety for costs of VHF Highband Radio Project and to Department of Transportation for completion of 800 MHz radio communication system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 1996, 1997, 2213, 2214, 2241,* 2335.

507.... Makes supplemental appropriation to Agency for Nuclear Projects of Office of the Governor for additional expenses relating to projected salaries, travel and operating costs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 975, 977, 2083, 2088, 2203,* 2336, 2444.

508.... Creates revolving account for land management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1013, 1023, 1405, 1916, 1919, 1921, 2007,* 2008, 2158, 2211.

510.... Authorizes peace officers to provide certain information to persons who violate certain ordinances adopted by Tahoe Regional Planning Agency. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Finance. 1302, 1307, 1350, 1365, 1382, 1390,* 1435.

No. *Summary, Introducer and Page Reference*

511.... Revises provisions relating to expenditures for air quality. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 1869, 1871, 2169, 2188, 2239,* 2336, 2444.

512.... Revises provisions relating to marriage ceremonies, marriage licenses and certificates of marriage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1302, 1307, 1415, 1441, 1460,* 1461, 1691, 1710.

514.... Makes various changes to judicial retirement pension plan. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 837, 842, 1467, 1539, 1556.

515.... Revises provisions governing registration and community notification of sex offenders and offenders convicted of crime against child. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 975, 977, 1405, 1428, 1446,* 1691, 1710.

517.... Makes supplemental appropriation to Department of Motor Vehicles and Public Safety for additional expenses for registration of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 975, 978, 1393, 1410, 1421, 1446,* 1463.

519.... Authorizes certain persons to possess and administer controlled substances and dangerous drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Human Resources and Facilities. 1013, 1023, 1521, 1564, 1581,* 1714, 1845, 1846, 2065, 2256, 2261, 2444.

521.... Revises provisions governing exemption of works of fine art from certain taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1220, 1221, 1812, 1846, 1854,* 2158, 2211.

522.... Requires strict construction of certain provisions governing imposition of sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1085, 1165, 1522, 1564, 1582,* 1710.

523.... Exempts local government from paying delinquent taxes on certain property acquired for use as open-space real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1013, 1023, 1522, 1564, 1582,* 1710.

526.... Revises provisions relating to plan for use of water resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1302, 1307, 1467, 1523,* 1584.

528.... Makes various changes to provisions regarding redevelopment of communities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1024, 1437, 1460, 1518,* 1584.

529.... Requires segregation by use of proceeds for property tax levied within general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1024, 1415, 1440,* 1463.

530.... Authorizes municipality to form local improvement district for commercial area vitalization project. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1302, 1307, 1765, 1766, 1783, 1844,* 2065, 2129, 2211, 2337, 2359, 2374.

531.... Revises applicability of information obtained from national decennial census to determinations of population for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 837, 842, 1466, 1539, 1569,* 1688.

532.... Changes date by which certain state money must be deposited. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 858, 859, 1310, 1321, 1339,* 1360, 1367, 1405, 1714, 1782, 1994.

533.... Authorizes designee of clerk of state board of examiners to approve certain contracts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 792, 795, 1310, 1320,* 1321, 1348.

534.... Provides for review and adjustment of amount allocated to certain governmental entities from local government tax distribution account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1024, 1454, 1507, 1549,* 1584.

535.... Includes assessed valuation attributable to redevelopment agency in calculation of assessed valuation of local government or special district for distribution of proceeds of certain taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1085, 1165, 1454, 1507, 1550,* 1584.

No. *Summary, Introducer and Page Reference*

536.... Revises provisions governing establishment of combined property tax rate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1024, 1415, 1440, 1441, 1461,* 1551.

537.... Revises provisions governing tax abatements for certain businesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1302, 1307, 1587, 1588, 1647, 1705,* 1870, 1915, 2339.

538.... Makes various changes relating to distribution of proceeds of certain taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1013, 1024, 1454, 1507, 1550,* 1584.

542.... Revises certain provisions governing planning and zoning. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1085, 1165, 1392, 1410, 1421, 1446,* 1463.

544.... Makes various changes concerning programs for public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 1302, 1308, 1586, 1588, 1647, 2255, 2267, 2287, 2288,* 2401, 2443, 2461, 2465.

545.... Makes supplemental appropriation to Department of Taxation for estimated shortfall in amount budgeted for payment of services provided by Department of Information Technology. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1995, 1997, 2157, 2169, 2205,* 2335.

546.... Makes supplemental appropriation to Commission on Ethics for anticipated shortfall in operational expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1554, 1555, 1713, 1714, 1759, 1844,* 1994.

547.... Makes appropriation to Welfare Division of Department of Human Resources for expenses related to NOMADS Project. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 1554, 1555, 1713, 1714, 1759, 1844,* 1994.

548.... Creates presidential preference primary election. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Senators Rhoads, Raggio, Washington, Jacobsen, James, McGinness, O'Donnell, Porter, Rawson and Townsend; Assemblymen Hettrick and Collins (emergency request of Hettrick). 2443, 2444.

550.... Creates division of internal audits of department of administration and executive branch audit committee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 2248, 2343, 2344*.

551.... Authorizes expenditures by agencies of state government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 2255, 2256, 2291, 2297,* 2298.

553.... Revises provisions regarding protection of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Raggio (emergency request). 2255, 2256, 2400, 2403,* 2404.

554.... Establishes maximum allowed salaries for employees in unclassified service of state. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 2336, 2337, 2400, 2405*.

555.... Makes appropriation to state distributive school account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation included in Executive Budget. Committee on Finance. 2336, 2338, 2400, 2405*.

556.... Creates task force on policy of State of Nevada concerning access to public health services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 2411, 2412, 2446, 2449, 2534, 2555*.

557.... Requires certain policies of health insurance to include coverage for treatment of conditions relating to severe mental illness. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Townsend (emergency request of Hettrick). 2443, 2444, 2446, 2450*.

558.... Makes appropriation to Department of Transportation to conduct feasibility study of improving access highways in adjoining states. Fiscal Note: Effect on Local Government: No. Effect on the State or on

No. *Summary, Introducer and Page Reference*

Industrial Insurance: Contains Appropriation not included in Executive Budget. Committee on Finance. 2460, 2461, 2535, 2555, 2556*.

559.... Revises qualifications of director of department of museums, library and arts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 2460, 2461, 2535, 2556*.

560.... Makes various changes relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriations not included in Executive Budget. Committee on Finance. 2466, 2473, 2535, 2556*.

LISTING OF SENATE RESOLUTIONS AND ACTION THEREON

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

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Urges Congress to appropriate money for, or to transfer land to, counties in Nevada that have received insufficient payments under federal Payments In Lieu of Taxes Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 191, 192, 1712, 1713, 1761,* 1915.

2.... Express support of Nevada Legislature for amendment to Federal Land Policy and Management Act of 1976 to require identification, mapping and recognition of certain rights of way across land administered by Federal Government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 205, 277, 297, 301, 312, 327, 328,* 361.

3.... Expresses strong disapproval of certain regulations concerning regional haze proposed by United States Environmental Protection Agency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1302, 1573, 1625, 1705,* 1915.

4.... Urges Congress not to enact Nuclear Waste Policy Act of 1999. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Senators James, Porter, Titus, Rawson, Carlton, Amodei, Care, Coffin, Mathews, McGinness, O'Connell, O'Donnell, Raggio, Rhoads, Schneider, Townsend, Washington and Wiener; Assemblymen Perkins, Buckley, Cegavske, Gibbons, Williams, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Price, Segerblom, Thomas, Tiffany and Von Tobel. 105, 106,* 114, 116.

7.... Urges members of Nevada Congressional Delegation to support legislation requiring portion of United States Constitution to appear on $1 bill. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Connell. 552, 1437, 1460, 1518,* 1584.

8.... Proposes to amend Nevada Constitution to exempt state contracts for improvement, acquisition and construction of facilities for schools from state debt limit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1220.

9.... Proposes to amend Nevada Constitution to eliminate office of state controller and to create office of director of financial reporting the holder of which is appointed by and serves at pleasure of governor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Rhoads. 1302.

10.... Urges Nevada Congressional Delegation to introduce and support legislation providing for disposal of certain public lands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 312, 1712, 1713, 1761,* 1915.

11.... Proposes to amend Nevada Constitution to authorize abatement of property tax for certain owners of single-family residences. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Connell. 256, 258, 1392, 1410, 1421, 1446,* 1463.

12.... Encourages Congress to support establishment of working partnership between federal land management agencies and local governments on issues relating to grazing of livestock on public lands. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Jacobsen (by request). 645, 648, 1712, 1713, 1761,* 1915.

13.... Urges President and Congress to support participation of Taiwan of Republic of China in World Health Organization. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 301, 302,* 361.

No. *Summary, Introducer and Page Reference*

14.... Urges United States Senate to refrain from ratifying Kyoto Protocol to United Nations Framework Convention on Climate Change. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources. 1013, 1014.

15.... Urges Congress to ensure that decennial census is conducted without statistical sampling. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. O'Connell. 1405.

19.... Urges Congress permanently to mitigate consequences of Section 110 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 645, 648, 1326, 1343, 1356,* 1383.

20.... Proposes to amend Nevada Constitution to provide requirements for enactment of property and sales tax exemptions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 645, 648, 1392, 1410, 1421, 1446,* 1463.

21.... Expresses concern regarding proposals redefining space in which aircraft may be flown over Grand Canyon. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Affairs and Operations. 1462, 1463,* 1551.

22.... Urges Congress to ensure that proposed federal legislation to revise certain laws governing providers of financial services does not interfere with state jurisdiction to regulate providers of insurance for protection of residents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Amodei. 2198, 2199, 2213, 2214, 2241,* 2335.

SENATE JOINT RESOLUTIONS OF THE 69th SESSION

No. *Summary, Introducer and Page Reference*

12.... Proposes to amend Nevada constitution to allow investment of state money to stimulate economic development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Finance. 493, 1995, 1997, 2000, 2082,* 2253.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Directs Legislative Commission to conduct interim study of requirements for reapportionment and redistricting. Committee on Legislative Affairs and Operations. 205, 454, 468, 475, 1467, 1519.

2.... Urges Commission on Professional Standards in Education to raise level of competence required on teacher competency tests. Committee on Finance. 195, 196, 1521, 1555, 1688.

3.... Urges Board of Regents, Department of Education and school districts to take certain actions necessary to facilitate sharing certain information. Committee on Finance. 179, 180, 1521, 1555, 1688.

4.... Directs Legislative Commission to appoint a subcommittee to conduct interim study concerning long-term care. Committee on Legislative Affairs and Operations. 2292, 2400, 2406, 2407.

6.... Urges Department of Human Resources to conduct comprehensive national study of existing and proposed programs for providing home- and community-based long-term care to elderly and disabled recipients of Medicaid. Committee on Human Resources and Facilities. 645, 648, 1393.

7.... Commends Clark County Board of Commissioners and its Neighborhood Justice Center for Peer Mediation Program. Wiener, Care, McGinness, Porter, Titus and Washington. 95, 102.

8.... Urges Department of Human Resources to improve access to home-based and community-based waiver programs for recipients of Medicaid. Committee on Human Resources and Facilities. 257, 258, 1393.

9.... Urges Bureau of Licensure and Certification of Health Division of Department of Human Resources to make its published survey of certain long-term care facilities more accessible and easier to understand. Committee on Human Resources and Facilities. 301, 308, 1405, 1417, 1463.

10.... Commemorates African-American History Month. Neal, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 125.

11.... Expresses support for efforts in State of Nevada to develop more effective suicide prevention programs. O'Connell. 403, 408, 1522, 1555, 1688.

12.... Designates February 22, 1999, as "Boulder City Day" at Nevada Legislature. Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblywoman Segerblom. 202, 243.

No. *Summary, Introducer and Page Reference*

14.... Urges Eighth Judicial District Court to provide for selection and assignment of district judge of family court to serve as judge of juvenile court for period of 3 years. Senators Porter, Rawson, Washington, Wiener, Jacobsen, Amodei, Care, Carlton, James, Mathews, McGinness, O'Connell, Rhoads and Schneider; Assemblywoman Segerblom. 792, 794, 1437, 1458, 1551.

15.... Urges certain state agencies to use labor provided by offenders and volunteers for construction and maintenance of certain facilities and projects in Lake Tahoe Basin. Committee on Natural Resources. 347, 352, 1326, 1342, 1367.

16.... Directs Legislative Commission to appoint committee to continue review of Tahoe Regional Planning Compact. Committee on Natural Resources. 301, 308, 1326, 1342, 1352, 1405, 1435.

17.... Commends Truckee Meadows Law Enforcement Chaplaincy for dedicated service and support. Washington, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend and Wiener. 273, 298.

18.... Memorializes former Senator Jack Regan of Las Vegas. Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 174, 284, 285, 286, 287, 329.

19.... Directs Legislative Commission to conduct interim study of methods to encourage corporations and other business entities to organize and conduct business in this state. Committee on Judiciary. 2336, 2337, 2400, 2406, 2407.

20.... Commemorating 80th anniversary of American Legion and designating March 13 through March 19, 1999, as American Legion Week in Nevada. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Neighbors, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 342, 391.

21.... Memorializes distinguished educator, Edward Ward Van Gorder. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Humke, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 352, 401.

24.... Honors Chinese journalist Gao Yu. Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener. 437, 488.

25.... Congratulates Dr. Wallace S. Broecker for being selected recipient of Nevada Medal given by Desert Research Institute and sponsored by Nevada Bell Shareholders. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 460, 506.

26.... Commends Carol Martini for her years of public service to Nevada Legislature and State of Nevada. Senators Washington, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend and Wiener; Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 488, 549.

27.... Commends recipient of 1999 Prudential Spirit of Community Award, Shila Young. Senators Mathews, Amodei, Care, Carlton, Coffin, Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Freeman, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Gibbons, Giunchigliani,

No. *Summary, Introducer and Page Reference*

Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 499, 640.

28.... Revises Joint Standing Rules of Senate and Assembly for 70th legislative session to exempt resolutions from certain rules relating to limitations on introduction and requests for legislative measures and schedule for their enactment. Committee on Legislative Affairs and Operations. 645, 646, 854.

29.... Memorializes former Nevada Legislator Jean Ford. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Evans, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 812, 814, 867.

30.... Designates April 8, 1999, as Kiwanis Day in State of Nevada. Senators McGinness, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 74, 841, 972.

31.... Memorializes prominent native Nevadan, George J. Vucanovich. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Humke, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1015, 1300.

32.... Memorializes pioneer rancher and native Nevadan Roger Teglia. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Humke, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1323, 1348.

33.... Memorializes accomplished athlete and dedicated public servant, Sheila Renee Tarr-Smith. Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Tiffany, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Von Tobel and Williams. 1323, 1348.

34.... Memorializes former Assemblyman Marvin Bender Humphrey and his wife, Lucie King Humphrey. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Humke, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1347, 1367.

35.... Recognizes 100th anniversary of Veterans of Foreign Wars of United States. Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Marvel, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, McClain,

No. *Summary, Introducer and Page Reference*

Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1351, 1352, 1383.

36.... Memorializes Nevada artist and public servant Thelma Davis Calhoun. Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Parnell, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1376, 1377, 1402.

37.... Commends Operation Godspeed. Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Segerblom, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Thomas, Tiffany, Von Tobel and Williams. 1388, 1435.

38.... Commends James E. Rogers for his unprecedented philanthropic contributions to many educational institutions and for his generous support of nonprofit organizations in Nevada. Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener; Assemblymen Goldwater, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1398, 1451.

39.... Congratulates Douglas High School's girls' cross country team for winning state "AAAA" championship in 1998. Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1398, 1400, 1451.

40.... Congratulates Douglas High School's girls' volleyball team for winning state "AAAA" championship in 1998. Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1398, 1400, 1451.

41.... Memorializes Matthew C. Benson. Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1421, 1463.

42.... Commends Dr. Janet Dobry for her dedication and commitment to children in Nevada. Senators Care, Amodei, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1421, 1463.

43.... Memorializes Nevada banking pioneer and community leader, Arthur M. Smith, Jr. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter,

No. *Summary, Introducer and Page Reference*

Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1443, 1463.

44.... Designates May 10, 1999, as "Collector Car Day" in Nevada. Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1443, 1463.

45.... Memorializes Nevada sports legend William Wesley Morris. Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener; Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams. 1461, 1551.

46.... Requests return to Senate from Governor's office of Senate Bill No. 8 of this session. Committee on Legislative Affairs and Operations. 1594, 1688, 1869.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Seventieth Session, 1999

Title	*Name*	*Mailing Address*
Speaker	Joseph E. Dini Jr.	104 N. Mountain View, Yerington 89447-2239
Speaker pro Tempore	Jan Evans	3250 Wilma Drive, Sparks 89431-1173
Chief Clerk	Jacqueline Sneddon	401 South Carson Street Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventieth Session, 1999

District	*Name and Party*	*Mailing Address*
Carson City (part), Washoe (part), No. 37	Brower, Gregory, D. (R)	50 W. Liberty, Suite 700, Reno 89501-1947
Carson City (part), No. 40	Parnell, Bonnie (R)	2501 Nona Drive, Carson City 89701-5615
Clark, No. 1	Collins, Clarence W. (Tom) (D)	4716 San Miguel Avenue, North Las Vegas 89030-2828
Clark, No. 2	Berman, Merle (R)	2012 Gray Eagle Way, Las Vegas 89117-5738
Clark, No. 3	Lee, John Jay (D)	4201 Del Rey Avenue, Las Vegas 89102-3858
Clark, No. 4	Beers, Bob (R)	9428 Grenville Avenue, Las Vegas 89134-6206
Clark, No. 5	Cegavske, Barbara (R)	6465 Laredo Street, Las Vegas 89102-5272
Clark, No. 6	Williams, Wendell (D)	3701 Fortune Avenue, Las Vegas 89106-1912
Clark, No. 7	Arberry, Morse, Jr. (D)	1330 Virginia City Avenue, Las Vegas 89106-2052
Clark, No. 8	Buckley, Barbara (D)	5481 Supai Drive, Las Vegas 89103-2469
Clark, No. 9	Giunchigliani, Christina R. (Chris) (D)	706 Bracken Avenue, Las Vegas 89104-1644
Clark, No. 10	Goldwater, David (D)	3125 B Pinehurst, Las Vegas 89109-1595
Clark, No. 11	Bache, Douglas A. (D)	2236 Melinda Avenue, Las Vegas 89101-1434
Clark, No. 12	Ohrenschall, Genie (D)	1124 S. 15th Street, Las Vegas 89104-1740
Clark, No. 13	Nolan, Dennis (R)	P. O. Box 82194, Las Vegas 89180-2194
Clark, No. 14	Koivisto, Ellen M. (D)	1147 Timber Ridge Court, Las Vegas 89110-2545
Clark, No. 15	McClain, Kathy (D)	107 Greenbriar Townhouse Way, Las Vegas, 89121-2456
Clark, No. 16	Thomas, Kelly (D)	3826 Syracuse Drive, Las Vegas, 89121-6140
Clark, No. 17	Price, Robert E. (Bob) (D)	P. O. Box 3759, Las Vegas 89036-3759
Clark, No. 18	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 19	Claborn, Jerry (D)	1681 N. Christy Lane, Las Vegas, 89115-6736
Clark, No. 20	Von Tobel, Kathleen A. (Kathy) (R)	8020 Las Vegas Blvd., S., #20, Las Vegas 89123-1014
Clark, No. 21	Tiffany, Sandra (R)	2156 Sun Swept Way, Henderson 89014-4273

District	*Name and Party*	*Mailing Address*
Clark, No. 22	Segerblom, Gene W. (D)	P. O. Box 61136, Boulder City 89006-1136
Clark, No. 23	Perkins, Richard (D)	408 Glasgow Street, Henderson 89015-5631
Clark, No. 28	Chowning, Vonne (D)	c/o Shamrock Real Estate Service, 2015 Carroll Street, North Las Vegas 89030-6401
Clark, No. 41	Parks, David R. (D)	P. O. Box 71887, Las Vegas 89170-1887
Clark, No. 42	Mortenson, John H. (Harry) (D)	3930 El Camino Road, Las Vegas 89103-2221
Douglas, Carson City (part), No. 39	Hettrick, Lynn (R)	1475 Glenwood Drive, Gardnerville 89410-8904
Elko (part), No. 33	Carpenter, John C. (R)	P. O. Box 190, Elko 89803-0190
Esmeralda, Lincoln, Mineral, Nye, No. 36	Neighbors, P. M. Roy (D)	P. O. Box 33, Tonopah 89049-0033
Humboldt, Pershing, Elko (part), Eureka (part), Lander (part), No. 34	Marvel, John W. (R)	P. O. Box 1270, Battle Mountain 89820-2085
Lyon, Storey, Carson City (part), No. 38	Dini, Joseph E., Jr.(D)	104 N. Mountain View, Yerington 89447-2239
Washoe, No. 24	Freeman, Vivian L. (D)	1665 Carlin Street, Reno 89503-4200
Washoe No. 25	Gibbons, Dawn (R)	2535 Kinney Lane, Reno 89511-6546
Washoe, No. 26	Humke, David E. (R)	P. O. Box 70656, Reno 89570-0656
Washoe, No. 27	Leslie, Sheila (D)	825 Humboldt Street, Reno 89509-2009
Washoe, No. 29	Angle, Sharron (R)	1802 Rainbow Ridge Road, Reno 89523-1847
Washoe, No. 30	Evans, Jan (D)	3250 Wilma Drive, Sparks 89431-1173
Washoe, No. 31	Anderson, Bernie (D)	747 Glen Meadow Drive, Sparks 89434-1536
Washoe, No. 32	Gustavson, Don (R)	6380 Ottawa Court, Sun Valley 89433-6632
Churchill, White Pine, Eureka (part), Lander (part), No. 35	de Braga, Marcia (D)	11050 Fitz Lane, Fallon 89406-9016

ATTACHÉS OF THE ASSEMBLY

Seventieth Session, 1999

Name	*Title*	*City of Residence*
Susan Furlong Reil	Assistant Chief Clerk	Carson City
Bonnie Borda Hoffecker	History Clerk	Carson City
Carole Cavolick	Journal Clerk	Carson City
Matthew S. K. Baker	Recording Clerk	Carson City
Jasmine N. Shackley	Document Clerk	Carson City
Jason Hataway	Media Clerk	Virginia City
Terry Sullivan	Sergeant at Arms	Washoe Valley
Charlene Brundle	Assistant Sergeant at Arms	Carson City
Joe Crawford	Assistant Sergeant at Arms	Carson City
Marlo Harding	Assistant Sergeant at Arms	Dayton
Rebecca M. Harris	Assistant Sergeant at Arms	Carson City
Gregorio D. Torres	Assistant Sergeant at Arms	Carson City
Jeanne Douglass	Supervisor of Secretarial Staff	Carson City
Paula A. Winne	Speaker's Executive Assistant	Carson City
Betty J. Phenix	Speaker's Secretary	Minden
Jackie L. Cheney	Speaker pro Tempore's Secretary	Carson City
Kathryn Lombardo	Majority Leader's Secretary	Henderson
Linda A. Cooper	Minority Leader's Secretary	Gardnerville
Karen Crawford	Leadership Receptionist	Carson City
Harle Glover	Chief Clerk's Administrative Assistant	Carson City
Christina Alfonso	Committee Secretary	Carson City
Rachel R. Baker	Committee Secretary	Carson City
Jennifer Batchelder	Committee Secretary	Reno
Jane L. Baughman	Committee Secretary	Carson City
Ken Beaton	Committee Secretary	Carson City
Cleone C. Bujalski	Committee Secretary	Carson City
Jennifer Carnahan	Committee Secretary	Reno
Chris Casey	Committee Secretary	Carson City
Cynthia Cendagorta	Committee Secretary	Reno
Cynthia Clampitt	Committee Secretary	Carson City
Meagen A. Colard	Committee Secretary	Carson City
Christine M. Cole	Committee Secretary	Genoa
Hilary A. Graunke	Committee Secretary	Carson City
Kelly S. Gregory	Committee Secretary	Fernley
Sara J. Kaufman	Committee Secretary	Dayton
Nykki Kinsley	Committee Secretary	Las Vegas
Virginia Letts	Committee Secretary	Dayton
Darlene A. Rubin	Committee Secretary	Carson City
Sharon T. Spencer	Committee Secretary	Dayton
Carol J. Thomsen	Committee Secretary	Carson City
Janine Marie Toth	Committee Secretary	Reno
Charlotte S. Tucker	Committee Secretary	Carson City
Novella Watson-Lee	Committee Secretary	Gardnerville
Julie Whitacre	Committee Secretary	Reno

Name	*Title*	*City of Residence*
Joann Van Wyhe	Committee Secretary	Dayton
Debbie Zuspan	Committee Secretary	Carson City
Christine N. Adkins	Secretary	Carson City
Yolanda Baldridge	Secretary	Reno
Mary Bean	Secretary	Carson City
Penny Brock	Secretary	Carson City
Bonnie Compton	Secretary	Carson City
Linda Corbett	Secretary	Sparks
Stephany Corral	Secretary	Carson City
Cecile Crofoot	Secretary	Gardnerville
Irene M. Davis	Secretary	Gardnerville
Kathleen A. Day	Secretary	Carson City
Nancy Dickson	Secretary	Carson City
Naomi S. Dottei	Secretary	Carson City
Lori Fitzgerald	Secretary	Reno
Marge Griffin	Secretary	Carson City
Donna Hancock	Secretary	Carson City
Nicole L. Heckman	Secretary	Carson City
Lonnie Heiderman	Secretary	Carson City
Joyce G. Hess	Secretary	Virginia City
Tabitha D. Horn	Secretary	Dayton
Barbara Houger	Secretary	Carson City
Marilyn Jayne	Secretary	Gardnerville
Millicent Jorgenson	Secretary	Carson City
Diane Keetch	Secretary	Ritzville
Joann Kula	Secretary	Las Vegas
Kelly Liston	Secretary	Carson City
Lois L. McDonald	Secretary	Carson City
Kelly McVey	Secretary	Virginia City
Yhvona Martin	Secretary	Carson City
Carolyn J. Maynick	Secretary	Carson City
Nanita Moore	Secretary	Carson City
Aurora Ruiz	Secretary	Washoe Valley
Sheila Sease	Secretary	Carson City
Sheri Silva	Secretary	Carson City
Valerie Valdez	Secretary	Carson City
Jackie L. Valley	Secretary	Carson City
Linda Young	Secretary	Carson City
Francis L. Noe	Data Control Clerk	Carson City
Michael G. Collins	Proofreader	Dayton
Stanley B. Miller	Proofreader	Reno
Bruce Pfeiffer	Copy Room Coordinator	Carson City
Eddie Cordisco	Supervisor of Bill Clerks	Carson City
Mary Carel	Assistant Supervisor of Bill Clerks	Carson City
Kathryn R. Beydler	Bill Clerk	Carson City
Norm Budden	Bill Clerk	Carson City
Melvin Cowperthwaite	Bill Clerk	Carson City
John P. Davin	Bill Clerk	Carson City
John Davis, Jr.	Bill Clerk	Carson City
Juanita M. Heston	Bill Clerk	Carson City
Kathleen L. Jorgenson	Bill Clerk	Carson City

Name	*Title*	*City of Residence*
Lois LaHair	Bill Clerk	Dayton
Steve Lamoreaux	Bill Clerk	Carson City
Laverna E. Marwin	Bill Clerk	Wellington
Bob Maynick	Bill Clerk	Carson City
Brigitta Metz	Bill Clerk	Carson City
Reid Meyer	Bill Clerk	Carson City
John T. Meyer	Bill Clerk	Carson City
Barbara Morgan	Bill Clerk	Carson City
Jesse N. Picket	Bill Clerk	Carson City
Mike Pintar	Bill Clerk	Carson City
Shanna Pozzi	Bill Clerk	Carson City
Mark A. Trabert	Bill Clerk	Carson City

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTIETH SESSION

THE FIRST DAY

CARSON CITY (Monday), February 1, 1999

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Dean Heller at 12 noon.

Prayer by the Chaplain, Father Thomas Wright.

In the name of the Father, the Son, and the Holy Spirit, Yahweh, Lord of the desert, Ruler of the pine covered hills, He who blesses the fertile ground. We are here today to begin the business of the people of the State of Nevada. To do this, we will need wisdom, patience, mutual forbearance and good will. Keep our minds on the whole state and not just the part we come from. Help us to overcome the temptation to play power games. We must realize that all our power comes ultimately from You through the people of Nevada. We ask this in Your name. AMEN.

Presentation of Colors by the Clark County Fire Department Honor Guard.

Pledge of allegiance to the Flag.

Musical rendition of The National Anthem presented by Mrs. Sheryl Seaman.

Mr. Secretary of State requested Ms. Jacqueline Sneddon to serve as temporary Chief Clerk of the Assembly.

Roll called.

Present: Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater,

Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams.

Mr. Secretary of State appointed Assemblymen Giunchigliani, Beers, Leslie, Perkins, Von Tobel, Price, Dini, McClain and Tiffany as a temporary Committee on Elections, Procedures, and Ethics.

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.
Mr. Secretary of State presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Elections, Procedures, and Ethics has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified members of the Assembly of the 70th Session of the Legislature of the State of Nevada: Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams.

CHRIS GIUNCHIGLIANI, *Chairman*

Assemblywoman Giunchigliani moved the adoption of the report.
Motion carried unanimously.

Mr. Secretary of State appointed Assemblymen Buckley and Humke as a committee to escort Chief Justice Robert E. Rose of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Chief Justice Rose administered the oaths of office to the Assemblymen.

Assemblyman Price moved that Chief Justice Rose be given a unanimous vote of thanks for administering the oath.
Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election had been issued.
Roll called.
Present: Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater,

Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblyman Perkins nominated Assemblyman Dini for Speaker.

Remarks by Assemblyman Perkins.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Secretary of State. It is indeed my privilege, and one I consider my greatest honor, to place in the nomination to be Speaker of the Assembly for the 70th Session of the Nevada Legislature, continuing his historic and record-setting eighth occasion as Speaker, a gentleman whom I have had the privilege to serve with for four terms. This eighth occasion continues an accomplishment that shall never be equaled. When you look at the long and distinguished history of this institution, you will find no one who has served with a higher degree of distinction; no one who has represented this body in a finer fashion. He is a man with a wry smile, quick wit, unmatched humility, and undying love for this great state and its people. Mr. Secretary of State, I place in the nomination to be Speaker of the Assembly, my friend, Mr. Speaker, the Honorable Joseph E. Dini, Jr. of Yerington.

Assemblywoman Evans moved that nominations be closed.

Motion carried unanimously.

Mr. Secretary of State declared Assemblyman Dini to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblymen Perkins and Anderson as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

Assemblywoman Chowning moved that Secretary of State Heller be given a unanimous vote of thanks for his services to the Assembly.

Motion carried unanimously.

Mr. Speaker appointed Assemblymen Manendo and Cegavske as a committee to escort the Secretary of State to the bar of the Assembly.

The appointed committee escorted Secretary of State Heller to the bar of the Assembly.

Remarks by Mr. Speaker.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

MR. SPEAKER:

Thank you. Welcome class of '99, Nevada State Assembly. What a moment. Think of it—it is opening day at the Legislature—today really happened—you are here. Pinch yourself, enjoy this moment. You Assemblymen and Assemblywomen have worked hard to get here and are

joined by your family and friends. You are entitled to enjoy everything about this moment. Congratulations.

As we embark on the path of making Nevada an even better state, remember how you feel this very instant. Stow it away forever. I think one pretty good way of describing this moment can be found in the title of a rock ballad authored a few years ago by songwriter Mary Chapin Carpenter entitled, "I Feel Lucky." Without a doubt, we each have many reasons to feel lucky today. Very possibly one reason which is foremost in your mind is that you are no longer working to get elected, you are elected.

For one, I feel lucky to be an American—lucky to be a Nevadan—lucky to have earned the confidence of my constituents—lucky to be here today. My parents were immigrants to this great country. When I reflect back on my own citizenship, truly I feel lucky to have learned first hand the achievability of reaching the American Dream—so too would you.

It is no small accomplishment that today you begin or continue your journey as a lawmaker of this state. And in part that's because despite whatever measure of luck each of us may have had in getting here, I am reminded of the time tested saying that people tend to make their own luck in the form of hard work, as I'm sure was the case in your election. But that election phase is past and a new chapter is opened with your swearing in.

For as the campaign success you experienced vanishing in the rear view mirror, looming straight ahead is the challenge of Super Highway Two Thousand, a multi-billion dollar budget, countless needs, and limited resources. And whether we are chosen to return here two years from now will depend in good part on how well that challenge is met.

As a small business owner, I view today as the first day on the job under a new work contract each of us has been given by our employer. Our employers are the people of our district and in a larger sense the people of Nevada. And last November third, our employer added a new stipulation for employees—our work must be completed within 120 days. Although that may sound like a long time, I sense you will find it isn't. With the additional challenges Nevada faces, the charge is clear—do more in less time.

On this wonderful, festive day we can easily lose sight of the fact that soon, very soon, you will be sitting in on committee hearing after committee hearing and floor session after floor session, from early morning to late afternoon, and I suspect, fairly soon, evenings and weekends. This house will be meeting and dealing with reams and reams of bills, amendments, and resolutions. And here I'd better advise you, that regardless of how early you start or how late you finish, don't plan on sending me any overtime pay requests because I don't think that ballot question provided for overtime pay. I think it said a 120-day session, but you only get sixty days pay.

On a more serious note, for a moment I would like to share with you a little research I did on us. We are a diverse group. The backgrounds of the 42 people here are really interesting. Collectively, we come from many fields including: small business; ranching; education; computer science; real estate; nursing; investments; construction; nuclear physics; and law enforcement to name a few. That last one may come in handy in the event of any uprisings that might occur in the Assembly. Personally, I am thankful that our members are so diverse. The nearly fifteen hundred bill drafts which have already been requested cover numerous topics.

The pathway to success involves several elements. As you recall from your government classes, there are three branches of government: the Executive Branch, which approves or rejects laws, is headed in Nevada by newly elected Governor Kenny Guinn; the Judicial Branch interprets (and sometimes makes new laws) the legality of laws and is comprised of several new members from the State Supreme Court to district courts and justice courts; and the Legislative Branch, which originates laws, is made up of the State Senate and this Assembly. The approval of both houses is essential to the passage of bills—neither one can do so without the other. And do not forget that. And there is a good deal of law potentially under consideration—in all, there is eighteen thousand-plus pages of *Nevada Revised Statutes*. Some people say 50 percent of them should be repealed.

For a moment, I would like to talk about this Assembly. Because all my legislative service has been in this house, I have gained a pretty good feel for this half of the Legislature. Some people call this the lower house, but personally I view this Assembly as the "People's House."

There are twice as many assemblymen and assemblywomen as there are senators. Ours really is a melting pot of experience and backgrounds. The state needs that diversity and the very best personal individual attention all 42 of us have to get the job done. In the process of acting on the proposals before us, I expect our deliberations to be thoughtful, careful, and yes, even a little spirited from time to time. In those deliberations, consider the matters before you carefully. Do your homework. Failing to do so leaves you with the choice of sticking you with a bad position on a bill because you did not do your homework or flip-flopping and changing your position because it is not the right position. Neither position will help you at all.

And I encourage you to use all the tools at your disposal. A few sessions back, there was some kind of kidding about teaching veteran lawmakers how to use conventional computers and laptops. Now, I must confess that I am not exactly among the vanguard of technology—I can promise you that. I have been working at home and in hidden places trying to get up to speed with the computer so I can do the budget. I must take lessons from Minority Floor Leader Hettrick.

Shifting gears a little, it has been my experience that on balance there has been a bipartisan cooperation in this chamber on the bills affecting our great state. I would expect that to be the case again in 1999, especially in light of the 120-day limitation on legislative sessions.

That is not to say that there should not be legitimate differences of opinion—there should be. However, I think we can take a lesson from some of our legislative colleagues on the foggy banks of the Potomac as far as how it should not be done. The acrimony at that level should be avoided whenever possible. The people of Nevada deserve better than that from us.

It really should come down to accomplishments for the state. In the past few sessions of this legislature a great deal has been accomplished for Nevada. Those of you who have served here before can be proud of that record. By rolling up your sleeves and getting down to work, in recent years you have helped put this state at the front of the pack in several areas. They include: reducing our welfare rolls; enacting a patient bill of rights; and initiating class size reduction to name just a few. Those of you who are here for the first time in 1999 will also be able to look back two years from now and see a better Nevada for your efforts here today.

The time for resting on laurels is down the road. There will not be much time for that in the next 120 days. The budget shortfall is a grim reminder that Nevada will struggle to keep pace with the demands of our rapidly growing state during the duration of this legislative session. We will need to dedicate ourselves to our work to be sure that our tax dollars are spent wisely and that we cut waste and duplication. At the same time we need to examine how to raise money to address the structural problems now, while our economy is booming and unemployment is down. A lot is at stake here, including the very future of our state economy which, almost without exception, has been so reliable in recent times.

As a grandfather and great-grandfather, I am particularly concerned about our children. As an aside, you would be concerned too if you had the task of chasing a pair of three-year-old twin great-grandkids around the house. Actually, with their dynamics, fear is a more accurate word in our relationship. Seriously, though, the quality of the next generation's future is something we as lawmakers need to consider today. After all, they will be the leaders of this state and nation in the not too distant future.

For one, I believe we must give our schools and our teachers the tools they need to help every child compete in the world they will inherit. We must take steps to ensure that effective student discipline codes exist so our schools are safe. And we need to do all we can to be certain each young person has the opportunity to hold a good job. The Schools to Career program is an excellent way of getting young people into meaningful careers.

On a personal note, I am honored by your confidence in electing me Speaker of the Assembly. I believe we have an excellent leadership team in this house, including Assembly Minority Floor Leader Lynn Hettrick, who shares my belief that we can function in a bipartisan fashion, as does Assembly Majority Floor Leader Rich Perkins. Lynn, Rich, I appreciate your efforts to this end.

I am also appreciative for the efforts of all the other leadership members, including my committee chairmen. I can not say enough about Chief Clerk Jacque Sneddon and her entire staff. They make it possible for all of us to do our jobs. Please join me in giving Jacque and her staff a big hand.

I would like to thank each and every assemblywoman and assemblyman here. I'm impressed with this group. It should be a great team. Savor this moment. Share it with your family and friends. I applaud you and look forward to working with you.

In closing, as I said at the outset, I truly do feel lucky today—lucky to be alive in this country and this state and this time—lucky to be able to share this moment with my family and friends—lucky to be able to serve my state. As the 42 members of this body go about the task of leading the way through the legislative brambles we will face, I would like to leave you with a quote that goes beyond leadership. It is from a French philosopher, Albert Camus, and it was first spoken in this Assembly in 1987 or 1989 by a good friend of mine who is no longer with us, Dr. Marvin Sedway. Camus said, "Don't walk behind me for I may not lead. Do not walk in front of me for I may not follow. Just walk beside me and be my friend." Friends, on this wonderful day, this message of friendship seems appropriate. I look forward to walking side by side with you as we work for a better, brighter Nevada. Thank you so much for reelecting me Speaker.

Mr. Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblywoman Buckley nominated Assemblywoman Evans for Speaker pro Tempore.

Remarks by Assemblywoman Buckley.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. Assemblywoman Jan Evans has ably represented Assembly District 30 for six sessions and now is with us to represent that district for her seventh. She is thoughtful, articulate, and hard working: on our budget; on education; School to Work; health; to name a few. We are all proud to have her as our colleague. I feel privileged to nominate Assemblywoman Jan Evans to be Speaker Pro Tempore.

Assemblyman Goldwater moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblywoman Jan Evans to be Speaker pro Tempore of the Assembly.

Mr. Speaker declared that nominations were in order for Chief Clerk.

Assemblyman Perkins nominated Ms. Jacqueline Sneddon to be Chief Clerk.

Assemblyman Hettrick moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Jacqueline Sneddon to be Chief Clerk of the Assembly.

A committee from the Senate composed of Senators Amodei, O'Donnell and Schneider appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Mr. Speaker appointed Assemblymen Giunchigliani, Arberry and Marvel as a committee to inform the Senate that the Assembly was organized and ready for business.

Mr. Speaker appointed Assemblymen Perkins, Neighbors and Nolan as a committee to inform the Governor that the Assembly was organized and ready for business.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:56 p.m.

ASSEMBLY IN SESSION

At 2:26 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani reported that her committee had informed the Senate that the Assembly was organized and ready for business.

Assemblyman Perkins reported that his committee had informed the Governor that the Assembly was organized and ready for business.

Assemblyman Perkins moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 1, 1999 be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers, that they be allowed use of appropriate broadcast facilities, and the list be included in this day's journal.

GAMING TODAY: Chuck Di Rocco, Ray Poirier and Dave Tuley; BATTLE MOUNTAIN BUGLE: Doug Janousek and Dan Bell; NORTH LAKE TAHOE BONANZA: Irwin M. Goldberg, Teresa Mills-Faraudo, Petra von Ziegesar and Michael Okimoto; LINCOLN COUNTY RECORD: Connie Simkins, Shelley Wadsworth, Gary McCuin and John McLain; MASON VALLEY NEWS/FERNLEY LEADER-DAYTON COURIER: Jim Sanford, Dave Sanford, Laura Tennant, Betty Aleck, Keith Trout and Staci Emm; NEVADA LEGAL NEWS: Scott Sibley; MINERAL COUNTY INDEPENDENT-NEWS: Frank Hughes, Tony Hughes and Ted Hughes; LAS VEGAS REVIEW-JOURNAL: Sherman Frederick, Thomas Mitchell, Charles Zobell, Annette Caramia, Don Ham, Mary Hynes, Rose Hutchinson, Doug Puppel, Michael Hiesiger, Jim Laurie, Jane Ann Morrison, Shaun McKinnon, Peter O'Connell, Joe Schoenmann, Glenn Puit, Tanya Flanagan, Debra Bass, Keith Rogers, Warren Bates, Dave Berns, Hubble Smith, John Edwards, Monica Caruso, John Gurzinski, Jeff Scheid, Gary Thompson, Graig Moran, Mike Salsbury, Clint Karlsen, Ed Vogel and Sean Whaley; TONOPAH TIMES-BONANZA: Joyce Swinney, Bill Roberts and B.J. Roberts; LAS VEGAS BUSINESS PRESS: Hugh Jackson, Rod Smith, Vita Reed, Sharon Gerrie, Sherri Cruz and Ken Ward; NEVADA APPEAL: Geoff Dornan, Christy Chalmers, Teya Vitu, Kelli DuFresne, Robb Hicken and Barry Smith; NORTH AMERICAN MINING MAGAZINE: Dorothy Kosich; DAILY SPARKS TRIBUNE: Pat Loveless, Jerry Thull, Jimmy Boegle, Willie Albright and Janine Simonaski; THE ASSOCIATED PRESS: Brendan Riley, Jennifer Coleman and Kiley Russell; LAHONTAN VALLEY NEWS AND FALLON EAGLE-STANDARD: David C. Henley, Publisher, Anne Pershing, Steve Lyon, Marlene Garcia, Heather Singer and Lois Gormley; ELKO DAILY FREE PRESS: Adella Harding, Steve Sexton, Mel Ewald, Sandy Miller, Rex Steninger, Dan Steninger and Mark Waite; HIGH DESERT ADVOCATE: Howard Copelan, Chris Hanefield and Anne Copelan; LAS VEGAS SUN: Cy Ryan, Jeff German, Adrienne Packer, Erin Neff, Karen Zekan, Martin Kuz, Stacy Willis, Gary Thompson, Rick Velotta, John Wilen and Lisa Snedeker; PAHRUMP VALLEY GAZETTE: Andy Holtmann and

Dann Weeks; RENO GAZETTE-JOURNAL: Bill O'Driscoll, Jennifer Crowe, Faith Bremner, Frank Mullen, Dave Parker, Tim Dunn, Marilyn Newton, Anjeanette Damon, John Stearns, Ken Alltucker, Andy Barron, Scott Sady, Jean Dixon Gosen, Mike Henderson, Steve Timko, Barbara Anderson, Jeff DeLong, Patty Steele, Jody Rice, Tim Anderson and Lisa Tolda; THE RECORD-COURIER: Belinda Grant, Sharon Carter, Linda Hiller and Sheila Gardner; TASMAN PACIFIC MEDIA GROUP: LTD. Peter Hutchinson; KLAS-TV, LV: George Knapp and Eric Sorenson; KLVX-TV Ch. 10, LV: Jennifer Arterburn, Mitch Fox, Dave Molinaro, Kenny Ortiz, Kevin Robinson, Nick Sinnott, Thomas Sarno and Mark Williams; KNPB-TV, Ch. 5, Reno: Rosemary McCarthy; KOLO-TV Ch. 8, Reno: Claudi Aguayo, Steve Arlitz, Bruce Bolf, Brent Boynton, Jennifer Burton, Kim Capozzo, John Carroll, Beryl Chong, Danita Cohen, Mark Cronon, Tad Dunbar, Terri Hendry, Dave McCain, Dennis Myers, Terri Russell, Shelly Segale, Matt Skryja, Sam Shad, Tim Tupper and Steven Viel; KRNV-TV, Reno: Jim Atcheson, Jeff Foss, Dave Hall, Kevin Mahan, Kaustk Rhakta and Roderick Schmidt; KTVN-TV, Reno: Tony Adkisson, Jennifer Bowker, Ciara Coyles, Bob DeCastro, Jeremy Flint, Brian Hickey, Tim Ill, Iris Imperial, Gina Martini, Jane McCarthy, John Mercer, J.K. Metzker, Bob Moffitt, Mitch Morales, Chris Murphy, Art Pines, Karen Reuter, Steve Ricards, Sharon Tutrone, Garrett Wichmann, Wendy Wyness and Kristin Zvirgzdins; KVUU-TV, LV: (Reporters) Darryl Hood, Kelly Krapf, Christine Mahoney, Colleen McCarty and Ann Rubin, (Photographers) Garrett Breit, Matt Cassens, Tim King, Ley Vaughn and Fletcher Yeung.

Motion carried.

Mr. Speaker announced the following standing committees, the first-named member of each committee being the chairman, the second-named being the vice-chairman:

COMMERCE AND LABOR—

Buckley, Perkins, Arberry, Dini, Evans, Giunchigliani, Goldwater, Parks, Segerblom, Beers, Berman, Hettrick, Humke, Nolan.

CONSTITUTIONAL AMENDMENTS—

Price, Mortenson, Anderson, Leslie, Brower, Gustavson, Von Tobel.

EDUCATION—

Williams, Collins, Chowning, de Braga, Koivisto, Manendo, Ohrenschall, Parnell, Angle, Brower, Cegavske, Gustavson.

ELECTIONS, PROCEDURES, AND ETHICS—

Giunchigliani, Price, Dini, Leslie, McClain, Perkins, Beers, Tiffany, Von Tobel.

GOVERNMENT AFFAIRS—

Bache, Lee, Freeman, Mortenson, Neighbors, Parnell, Segerblom, Thomas, Williams, Berman, Gibbons, Humke, Tiffany, Von Tobel.

HEALTH AND HUMAN SERVICES—

Freeman, Koivisto, Buckley, Leslie, Manendo, McClain, Thomas, Williams, Angle, Berman, Gibbons, Von Tobel.

JUDICIARY—

Anderson, Manendo, Buckley, Claborn, Collins, Koivisto, Leslie, McClain, Ohrenschall, Angle, Brower, Carpenter, Gustavson, Nolan.

NATURAL RESOURCES, AGRICULTURE, AND MINING—

de Braga, Segerblom, Bache, Claborn, Lee, Mortenson, Neighbors, Ohrenschall, Parnell, Carpenter, Hettrick, Humke, Marvel.

TAXATION—

Goldwater, Neighbors, Anderson, Arberry, Freeman, Lee, Manendo, Mortenson, Price, Brower, Gibbons, Marvel, Tiffany.

TRANSPORTATION—

Chowning, Ohrenschall, Bache, Claborn, Collins, McClain, Parks, Parnell, Thomas, Carpenter, Cegavske, Gustavson, Nolan.

WAYS AND MEANS—

Arberry, Evans, Chowning, de Braga, Dini, Giunchigliani, Goldwater, Parks, Perkins, Price, Beers, Cegavske, Hettrick, Marvel.

MAJORITY FLOOR LEADER—
Richard D. Perkins.
ASSISTANT MAJORITY FLOOR LEADER—
Barbara Buckley.
MAJORITY WHIP—
Wendell Williams.
ASSISTANT MAJORITY WHIP—
David Parks.
MINORITY FLOOR LEADER—
Lynn C. Hettrick.
ASSISTANT MINORITY FLOOR LEADER—
Barbara Cegavske.
ASSISTANT MINORITY FLOOR LEADER—
David Humke.
MINORITY WHIP—
Dennis Nolan.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA , February 1, 1999

THE HONORABLE SENATOR WILLIAM J. RAGGIO, THE HONORABLE JOSEPH E. DINI, JR., Nevada Legislature, Legislative Building, Carson City, Nevada 89701

DEAR MAJORITY LEADER RAGGIO AND SPEAKER DINI:

Attached herewith is my message to the 70th Session of the Nevada Legislature, as required by Article 5, Section 10, of the *Nevada Constitution*. As you know, I delivered the message earlier to a gathering of your colleagues and other guests on January 18, 1999, in the Assembly Chambers in Carson City.

Allow me to extend my sincere wishes for a productive legislative session. My staff and I look forward to working with all of you.

Respectfully,
KENNY C. GUINN
Governor of Nevada

Assemblyman Perkins requested that the Governor's State of the State Address of January 18, 1999 be entered in the Journal.

Good evening, Mr. Speaker; Madame Lieutenant Governor; members of the Senate and Assembly; honorable Justices of the Supreme Court; distinguished guests; and my fellow Nevadans.

Thank you to our young friends for that inspirational reading. Thank you also to Assemblyman Wendell Williams for arranging tonight's recognition of Dr. Martin Luther King, Jr.

I think it's appropriate on a day we honor Dr. King to begin with his words. He said: "The time is always right to do what is right."

For Nevada, now is the time to do what's right, by tackling head-on the challenges created by our state's enormous growth. . . .and in some areas, lack of growth.

Let's begin with the budget.

Ladies and Gentlemen, citizens of Nevada—the budget is balanced.

I wish I could say to you tonight that I am proud to present you with a balanced budget. But I can't. Because I'm not proud of what we had to do.

Anyone can balance a budget—you make the cuts, reduce the wish list, and just say no. During long hours over the past few weeks we have made tough, painful choices. But they had to be made.

So, yes, the budget is balanced. That is our responsibility. But I think we also have an obligation to show you how we did it, and why we made the choices we did.

A few days ago, my grandson mentioned to me that I was a lucky man. He said that all I had to do was live one year, and I'd go down in Nevada history as the first Governor of the new millennium.

He's right, of course, from his perspective. But I didn't spend the last 2 and one-half years campaigning just to say that I sat in the Governor's chair on January first of the year 2000. And I didn't do it just to be able to tell you we have a balanced budget

I ran for Governor because I believe in this state and its people, and I believe in working for my family and my community. Nevada is my community.

Fellow Nevadans, the next ten years are not going to be easy. Our federally-mandated social spending is going to reach incredibly high levels at the same time we need new schools and more prison beds. We're growing at a tremendous rate, but our tourist-based industries, which drive our economy, are susceptible to downturns.

I knew things were going to be tight.

But when I began meeting with our Budget Director, Perry Comeaux, to discuss Nevada's financial situation, I was even more concerned. And in December when the Economic Forum made its revenue forecasts, it was clear we needed to find another notch on the state's belt.

In fact, Perry commented that if the news got any worse—he was going to ask for a recount.

Yes, the past few weeks have been difficult, but this experience has shown me the need for fundamental change. In order to effect real change, we must embark on a road seldom traveled. We will have to ask tough questions, make difficult decisions, and rethink all that we know and believe about state government.

Ladies and gentleman, it will not be easy, but let me assure you, I am up to the task. Tonight, to paraphrase Dr. King, is the time to do what is right for Nevada.

TIME FOR CHANGE

The same election in which you elected me your Governor, the voters of Nevada approved a change in the way we do business in this building.

By limiting the legislative session to 120 days, the people of Nevada sent a message to their government—that it is time for change. I take that message to heart, and am prepared to make change a cornerstone of my administration.

A new era is upon us. New limits will govern the work of the Legislature. Mine will be a new administration, bringing with it a new approach to dealing with long-term issues.

We bring new ideas to government. New ideas, but they're founded on plain old common sense.

Common sense in government is simple:

First, respect the people's money—the taxes, fees, and other revenues paid by the hard-working citizens of the state must be treated as what they are - the sweat of their labor.

Second, demand personal integrity and honesty from those around you as you demand it from yourself.

Third, work hard...work very hard. Public service is not, and never should be, a place you go when you want to feel more important than your neighbor. It is definitely not the place to earn more money. And it absolutely should not be the place where you expect to have it easier than those in the private sector.

Public service should always be hard work, given willingly and honestly.

So there you have it—call them the three pillars of the Guinn administration if you like, but to me they are just common sense: Be careful with the money, be honest, and work harder than you've ever worked before.

As we consider the state of our state today, I ask that we keep in mind these simple rules for common sense in government. They have guided my life in the public and private sectors, they have guided my life with family and friends, and they will govern my new administration.

CHANGING THE BUDGET PROCESS

As we resolve to change state government, we must also acknowledge that we are living in changing times. It is up to us, through our actions and through our creativity, to meet these times

with steadfast will, to make the decisions that will lead to a more stable and prosperous Nevada—in short, to do what is right…not what is politically correct.

You see, I come from the private sector. I've never run for public office in my life. So I can only give you an outsider's view, and in the last few weeks I have come to many conclusions about government: What it does right, what it does wrong, what it can do better.

In state government, we have some very dedicated people who want very much to serve and protect our citizens. They sit at old desks, on squeaky chairs, work in poorly heated buildings with outdated equipment. But they get the job done.

I believe we make our state employees' work much more difficult by not providing them with adequate resources. We are too eager to add a new program rather than fix an old one, and too quick to add new people instead of paying our existing employees appropriate wages and raises based on performance.

In the private sector, when we see a problem, we fix it. If something is costing us money, we stop it, we fix it, we eliminate it, or we replace it. In state government, we don't have that flexibility.

As the CEO of a corporation, I could authorize funds to buy a new computer or a new boiler. I could change operational processes at any time if I thought that change would improve our bottom line.

In state government we can't do that. Imagine working for a company that can only adopt new ideas and improvements to the system once every two years.

As a businessman, I am not surprised that our state faces these problems when government fails to plan more than 24 months ahead. Blame it on economic ups and downs if you want, but I can tell you any major corporation that cannot plan more than 2 years down the road is destined to fail. We can, and must, do better.

That includes our budgeting process.

Ladies and gentleman of the Legislature, the current budget process must be changed.

Before I was elected, the state budget process was already well underway. And before I arrived in Carson City, the budget director and his staff had reduced agency requests by almost a billion dollars.

This is not a reflection of greedy state agencies. These agencies truly have only one goal: To better serve the public and to request the funds they feel they need to accomplish that goal.

However, that billion dollar difference demonstrates how far apart the budgetary process is from the realities of our revenues.

In preparation for our next budget, to be presented in January of 2001, this administration will engage in the most comprehensive review of state government in our state's history.

I will direct my chief of staff and budget director to conduct a financial and operational review of every state agency, from top to bottom. Every agency, every program, every position, every dollar.

We must ask ourselves: What is the proper role of government? What services must we provide? What's the most efficient way to provide those services? And what's the best way to pay for them?

These are the questions we have to ask—and we will ask—as we complete this review.

This is no small undertaking. It will take us many months. Asking our agencies to examine themselves and justify their existence will be painful. But having just completed this budget process, I know it is necessary.

This year our base budget ate up 95 percent of our total revenues before we had the opportunity to even consider new programs. Essentially, 95 percent of the budget was pre-determined, pre-approved, before we could begin to look at other needs.

That leaves five percent for maintenance and enhancement. Historically, it is this five percent that has been the focus of our budget process. We cannot go on this way.

Through fundamental review of our base budget, through technological advances, through more efficient use of our people, there is a better way to serve the people of Nevada.

What hangs in the balance is the future success of state government and its commitment to our citizens. This is a time for creativity, innovation, and accountability in state government. We must meet today's needs today and plan for tomorrow's needs not tomorrow, but today. We must

focus on planning, not on responding. We must evaluate not only where we are, but where we want to be.

To that end, this administration will promote personal responsibility. We will give our cabinet the freedom and flexibility to manage state government as efficiently as possible. But at the same time, I will insist upon accountability at all levels.

When you're a small business, you do everything—you're the shipping department, receiving, sales, and production. But as your business grows, you either work yourself to death, or you hire good people and give them the resources and the authority to do the job.

And in the private sector, the board of directors doesn't micromanage a business the size of the State of Nevada.

I pledge to you that my department heads will work hard and deliver results. They will be accountable to me, and I will be accountable to you.

What I ask in return from this Legislature, our state's board of directors, is the flexibility and authority we need to perform the tasks of the executive branch. In return, I promise you a better managed state government.

At the same time, I am asking every state employee, at every level, to share with me their ideas.

I do not have a monopoly on good ideas, but I recognize one when I see it. You, our state employees, are in the trenches. I am asking for your ideas on how to improve state government. If we try to micromanage every detail of your work, we only stifle your creativity.

But I am also putting those of you who work for the people of Nevada on notice—if you want to be a part of this administration, be careful with the money, continue to be honest, and keep on working hard.

THE BUDGET (FY 99)

Now, ladies and gentlemen, let's discuss the budget. As you know, before we can begin to talk about the next two years, we still have five-and-a-half months of this fiscal year to finish. This is where the painful and difficult decisions began.

Our current revenues are up, but they have not nearly attained the levels our financial experts projected. In order to finish in the black this coming July, we had to make up a $110 million shortfall.

It pains me every time I look at the list we have generated. To me, they are not simply numbers on a page. These programs have faces. They affect people. There is no question in my mind that my actions will have an impact. But the fact is, we had no choice.

These steps had to be taken now so that we can ensure our prosperity in coming years.

Specifically, I have directed state agencies to revert funds from almost 300 work programs totaling $95 million.

I have also directed the Department of Personnel to extend the state hiring freeze, saving an additional $12 million.

Further, I am recommending reversion of two endowments totaling $7.5 million from the National Judicial College and the National College of Juvenile and Family Law and return of a $5 million loan for the V&T Railroad.

Finally, I am ordering reversions from 35 Public Works projects, the most significant being a $9.5 million reversion from the new inpatient mental health facility in Sparks. This project is not being canceled, but delayed. I have included full funding for the facility as a Capital Improvement Project in the coming biennium.

I would like to say to those legislators who worked so hard on the funding of these projects—particularly, Assembly Speaker Joe Dini and Senator Randolph Townsend—that I am truly sorry we had to take this action. But I promise to do my best to see that funding is restored for these projects.

The most important message behind these details, the most lasting message, is something that experienced legislators have already realized. By utilizing reversions from this fiscal year, we will not have the large beginning fund balance that we have enjoyed in previous years—meaning these lean times which are upon us now are ahead of us as well.

THE NEW BUDGET (FY 1999-2001)

Now, I would like to present the new Executive Budget.

Tonight, my budget for Fiscal Years 2000 and 2001 is not only balanced, but it should also serve as a wake-up call for all Nevadans.

Let's get something straight right from the start. Much has been written about the budget situation and impending budget cuts.

Where I come from in the business world, cuts mean you have to make do this year with less money than you had last year. Under that definition, Nevada is experiencing no "cuts." In fact, Nevada is expected to have some $238 million more in the next biennium than it did in the current one.

So it is imperative that all of you understand why, with a new $238 million, we find ourselves in this situation.

Under the current budget process, everything in last year's General Fund budget for on-going programs is included in this year's budget. This is called the base, and for whatever reason—tradition, politics, or simplicity's sake--it is largely untouchable.

Now, certain programs experience caseload growth because of Nevada's increasing population. The element of the budget that addresses growth is called "maintenance." It's what you need to continue the programs that are included in the base.

Nevada law requires us to use the forecasts of the State Economic Forum in crafting the budget. Taking our actual revenues for Fiscal Year 1998 and the forum's forecasts for 1999, 2000, and 2001, we see that in the current biennium we expect to have general fund revenues of $2.885 billion.

For the next biennium, the economic forum has forecast General Fund revenues of 3.123 billion dollars. That leaves us with a new $238 million for the coming biennium.

From this figure, we must first subtract the state's obligation to K through 12 education. Our schools are some of the fastest growing in the nation, and the General Fund's share of that growth is $130 million.

So, $238 million quickly becomes $108 million.

Next, we all know that a good college education is important to succeed. In addition, an educated workforce enables Nevada to attract new, diverse businesses. Therefore, we must dedicate $50 million to the Nevada university system just to keep up with enrollment growth.

One hundred eight million dollars becomes $58 million.

As you can see, education is taken care of—minimally. I pledged over a month ago to keep education whole. These expenditures, however, only cover existing programs such as class-size reduction, special education, and enrollment growth. No new programs. There's not even enough money to cover inflation. But it's the best we could do at this time.

Next, we must ensure public safety. To allow our judges to hand down appropriate sentences, to build a new juvenile facility, to improve our parole-caseload ratios, we need $56 million.

Just to keep up with education and public safety, we are down to less than $2 million.

Two million dollars, and we still need to fund the new veterans' home, make up the shortfall in the state employees health plan, and pay for caseload growth in Medicaid, child and family services, and mental health. Not to mention federal mandates, inflation, or required ending fund balances.

The result is that we're $141 million in the hole.

And as a friend of mine once said, the first rule of the hole is to stop digging.

That is why we stopped spending, made the cuts, reduced the wish list, and just said no. As I said earlier, I'm not proud of what we had to do. But as your Governor, it is my responsibility.

It is also my responsibility to look you in the eye and say: When $238 million in new revenue becomes a $141-million shortfall, we have to change the way we do business.

During my campaign, I promised I would be fiscally responsible and that I would not raise your taxes. I reaffirm that commitment today, and present to you a budget that includes no new taxes.

But ladies and gentleman, let's all understand what we had to do in the past 45 days in order to live within our state's means. Let's understand that it means people, good people, with families to feed and mortgages to pay, will lose their jobs. Let us also understand that this must never happen again.

THE BUDGET CUTS

In the billion dollars we could not afford to spend, or in the $141 million of other reductions, you will find decisions that don't affect you—but they all affect someone. Perhaps your child, perhaps your friend, or your neighbor, but each reduction represents services we can no longer afford to provide.

I ask you to view these reduced services with the same compassion that I do, and to understand what this means to our citizens. Do not think of it as money we saved; but as money we could not afford to spend.

So, in order to balance the Executive Budget, I propose the following:

First, I am ordering a continuation and expansion of the state hiring freeze.

Further, we are eliminating nearly 1000 positions from existing or requested programs.

We will fund university enrollment growth at 2 percent—rather than the 6 percent requested.

We will lower excess Medicaid reserves, and we will reduce the projected scope of Nevada Check Up and the Family-to-Family program to more realistic caseloads.

Does this mean we won't be providing essential services? Absolutely not. No child eligible for Nevada Check Up will be turned down, and no Nevadan in need of Medicaid services will go without; our reserves, though reduced, are adequate to meet our needs.

What we have done is budget as closely as possible to our expected needs.

Some of the changes we made to the budget saved us money in other ways rather than simply cutting spending.

When I make the case for more flexibility in state government, for more creative leadership and new thinking, it may be hard to grasp why this is so important to the administration I plan to run. So let me give you an example of the type of innovation and initiative I am seeking.

Shortly after the election, my transition team and I dove into the budget process. We knew we would have many decisions to make to balance the budget, and we knew we would have to try things that had never been tried before.

We were smart enough to know that we did not have all the answers…That we would have to rely on the people who knew this system better.

Well, before we had the chance to ask, one department head came looking for us. He had an idea he thought would save the state $10 million. His idea would also create a new revenue stream for the state and not cost Nevada residents a single cent.

I would like to ask Mr. Bob Bayer to stand. Bob is the Director of Nevada's Department of Prisons, and he has dedicated many years to public service.

In the budget I am presenting to you this evening you will find his proposal to accelerate completion of the new Cold Creek prison near Indian Springs, move existing prisoners from the Southern Nevada Correctional Center in Jean, and then lease out the Jean facility to other states. This idea not only saves money, it also helps turn a liability into an asset. Thank you, Bob.

I am also proposing another cost-saving idea for Nevada's prison system. It is the natural extension of a program that has already proven its effectiveness and ability to save money while still getting the job done.

I propose to privatize medical services in our entire prison system.

Nevada prison inmates average $3,387 a year in medical costs. That is the eighth highest among prison systems around the nation, and costs us over $30 million a year. Privatizing the entire prison medical care system will save the state $4.5 million over the next two years, while still providing adequate care.

The state can also save money by eliminating duplicate services—for example, the state's Center for Business Advocacy, which duplicates the efforts of the business centers at UNR and UNLV. You will find we have eliminated many duplicate services in this budget.

And we have more ideas—ideas we did not have time to complete before the budget closed, but that we are dedicated to achieving in the coming months.

For example, I will propose consolidating the state's seven payroll systems into one streamlined, efficient payroll system. I will also propose the consolidation of the Department of Public Safety and the Department of Prisons into one manageable Department of Corrections. And I believe it is time to privatize—completely privatize—our state industrial insurance system.

To this point this evening, we have only discussed what we had to do to balance this budget. But balancing the budget was actually the easy part. The more important question is: How can we create a better system of budgeting state revenues?

Let me tell you my plan.

ZERO-BASED BUDGETING AND FUNDAMENTAL REVIEW

As we discussed earlier, one billion dollars has been trimmed from the agency requests for new programs, program enhancements, and ongoing projects. We've streamlined, consolidated, and reallocated. But for all our efforts, we barely scratched the surface of the base budgets that consume over 95 percent of our state revenues.

That is why, over the next two years, I will conduct a fundamental review of all our state agencies. This review will ask these hard questions: What are the essential services that state government must provide? How can we provide those services more efficiently and cost effectively? And how will we ensure a stable source of funding for those services?

And I promise all of you that, by the year 2001, I will deliver to this Legislature the most comprehensive review of state government in our history and a budget that reflects those findings...a zero-based budget.

Fundamental reviews are the first step in the process of zero-based budgeting. Think of it as a system of priorities: Along with each state agency, we will determine our priorities, our minimal level of essential services, and build our budget from there.

You and your family live within your budget—government should be no different. During the next biennium, if we want new programs, we will either learn how to run existing programs more efficiently, eliminate old programs, or simply do without.

I believe in leading by example and practicing what I preach, and I expect no less from those of you in this building.

When I was superintendent at Clark County School District, there were several years in which I cut my own office's budget --one year by nearly ten percent—because I believed money should go to classrooms, not offices. I bring that same philosophy to state government.

As Governor, I will cut my own office budget by at least five percent.

That is not all. I cannot expect administrators and legislators to give up their own proposals for new programs while keeping my own. Thus, I am postponing two campaign proposals that were and are very important to me—education boot camps and expansion of the senior citizen property tax rebate.

I don't intend to give up these ideas; I will instead, in the next months, look for more efficiencies to pay for them. I challenge legislators and administrators to do the same, to fund their own priorities and programs.

So far tonight we have focused on what we cannot do; now let me tell you what we can do, and will do.

ETHICS

It is the goal of this administration to safeguard the public's faith in government, and that will begin at my front door. I demand the highest integrity from myself and from those with whom I work. And I will expect no less from anyone in state government, or from any other elected official in Nevada.

Therefore, I will propose stronger ethics laws that are easy to understand, easy to follow, and tough on those who breach the public trust.

I look forward to working with Senator Ann O'Connell, who has proposed a similar bill, modeled after some of the strongest laws in the country.

Specifically, I propose to require all public officers to sign the code of ethics—to stipulate that they have read it, understand it, and will adhere to it. Ignorance, in the face of the people's trust, cannot be an excuse.

Certain offenses in our ethics code will become felonies, and conviction will result in automatic removal from office.

Our ethics reform must also serve to protect the many good, honest elected officials serving our state. We must require that complaints be adjudicated swiftly and in a reasonable manner to deter those who would abuse the system to harm honest, hard working public servants.

Complaints should be investigated thoroughly, decided in a timely fashion, and announced in plain English.

From start to finish, the work of the ethics commission should take no more than 60 days. I will also seek increased penalties for other ethics violations—fines up to $25,000 for grievous offenses, paid from personal assets, not by campaign contributions or special interests.

I pledge to you that Nevada will have stronger ethics laws—enforced by a dedicated ethics commission.

JUVENILE DETENTION

As I told you, I came to this budget process with less than 60 days to balance and close it. Much of what we did had to happen quickly, but that does not mean I did not have time to set some priorities and make some things happen. Such is the case with the construction of the new juvenile detention facility in Southern Nevada.

Though we needed to postpone education boot camps because of lack of funding, I insisted we find the money to build the new juvenile detention facility, which otherwise would have been cut. We will use this facility to begin a pilot program of rigorous academic education.

In addition, I will work with the Juvenile Justice Commission, law enforcement officials, members of the Legislature, parents, and school districts to establish a system of graduated sanctions and more intermediate level detention facilities.

Many of these ideas were discussed by the interim legislative committee, led by Assemblywoman Jan Evans, which studied juvenile justice in Nevada. I'd like to acknowledge them for all their hard work.

I give you my word that this administration will make every effort to make Nevada a model for juvenile justice.

STATE EMPLOYEE PAY RAISES

In the same breath that I mention our struggle to fit important programs into or out of the budget, I must also admit there were things we just could not make work. Their sheer size made it impossible for us to include them in the budget.

If you haven't already read it in the newspaper, most of you will have read between the lines of my message tonight and know what I must say: There are no raises for state employees in this Governor's budget.

I realize the conflicting message this sends to our employees. I am asking them to work harder and smarter, yet without compensation for their increased productivity.

But while we were able to find smaller amounts of funding for projects like the juvenile detention facility, we were unable to squeeze out the millions of dollars necessary to provide a decent raise for our state workers.

State employee salaries are approximately 17 percent lower than the average salary for comparable positions in Clark and Washoe Counties. As a result, many of our best and brightest leave state service.

My philosophy is this: People who work hard and produce results should be compensated fairly. This May, when the state's economic forecast is revised, if there are adequate funds available I will respectfully ask this body to give our employees a much deserved raise.

SPENDING PRIORITIES

I have compiled a complete list of the Executive Department's priorities for spending should the Economic Forum revise its forecast in May, which is included in my letter transmitting the budget.

The list includes state employee pay raises; expansion of the tax rebate for low income senior citizens; education boot camps; and funding for a Family Commission, which would provide a single source of contact for victims of domestic violence, child abuse, and elder abuse, and those in need of other support services for their families.

I respectfully remind our legislators that I consider these priorities part of my budget. If the Economic Forum revises its forecasts, that money should not be seen as a pot of gold, but rather, as much needed revenues for worthy programs we weren't able to commit to now.

THANKS TO BUDGET OFFICE

I think it appropriate at this point to take a moment to express my gratitude to the men and women in the state budget office. Given all the changes I've made, all the answers I've asked for, and the deadlines we've been working under—I have nothing but the highest respect for our state budget professionals, led by Director Perry Comeaux and Deputy Director Don Hataway.

Perry, Don and the rest of the Budget Division—thank you. You've done a fine job. Please take a much deserved rest until tomorrow morning, when the finance committees start meeting.

GROWTH AND PLANNING

Nevada is one of the fastest growing states in the nation—and has been for many years. I've already talked about the growth in our school enrollment, prison population, and social service caseloads. But that doesn't tell the entire story of the financial impact that growth has on our state.

Let me give you an example. Recently, Clark County voters approved a $3 billion school bond measure. The county will save money and avoid disarray by planning its schoolroom needs for the next decade, rather than asking voters for a new bond issue every couple years.

If our school districts fulfill their obligation to build these schools, the state must meet its obligation to fund their operation. This could mean an increase in the state's obligation of over $400 million per year.

If counties can plan for their future, so must the state. Therefore, before my next State of the State address, I will present this body with a comprehensive plan to address our long-term needs in public school funding.

And we should not overlook another major element of growth—planning for its possible slowdown, as well. Madame Lieutenant Governor, I issue you a friendly but nonetheless serious challenge: As you begin your new job, help us find ways to diversify our economy with the same enthusiasm with which we promote tourism.

And I will commit to you the funds for the most aggressive economic development program in this state's history.

In a larger and more general perspective, Senator Dina Titus put the growth issue on the agenda last session with her "Ring around the Valley" proposal. While I may not agree with her solution, I respect her courage in raising this issue. As she once said—you can kill the messenger this year, but pretty soon there will be just too many messengers.

We have to face this issue.

I cannot talk about growth without recognizing the consensus-building work of Senator Jon Porter and the Southern Nevada Strategic Planning Authority.

For the past 18 months, local elected officials and private sector leaders representing many interests, from development to the environment, have come together to discuss the future of Southern Nevada. This group has spent literally thousands of hours evaluating Clark County's challenges and opportunities.

We at the state level should support and become a part of this unprecedented level of cooperation in every way we can.

In fact, given this spirit of cooperation from our local governments with regard to meeting their own challenges, I will not sign any legislation that alters local or regional government and planning in Clark County unless that legislation has been approved by the Southern Nevada Strategic Planning Authority or Regional Planning Coalition.

YUCCA MOUNTAIN

Let's talk about Yucca Mountain.

For the past 20 years, the U.S. Department of Energy has spent billions of dollars trying to invent science which will make a mountain in our desert suit their needs for storage of the nation's nuclear garbage.

Nevada's right to fair treatment on this issue has been trampled by a disingenuous process that has bowed repeatedly to political and economic pressures from all corners.

It is my intent to join with our Congressional delegation and our State Attorney General to continue Nevada's fight on this issue. We cannot afford to relax for one moment or for one day.

And until such time as the Federal Government sees fit to comply with its own laws, I ask you to approve funding for the Nevada Nuclear Projects Office, so it can continue its oversight of DOE activities at Yucca Mountain.

EDUCATION - THE GUINN PLAN

Many of you know that education is the hallmark of my life. My father was a poor farm worker, who could not read or write, and my mother had only a second grade education. They couldn't give us much, but they worked day and night to make sure that we had the educational opportunities they never had.

As a result, I went on to college, became a teacher, and later the Superintendent of the Clark County School District. Even as recently as a few years ago, I served as interim president of UNLV for one year. In all, I've spent some 40 years either getting an education or helping others to get one.

So it shouldn't come as any surprise that, some weeks ago, when I first mentioned our revenue shortfall, I promised that I would preserve K through 12 funding.

Education is the single largest item in our state budget - more than 55 percent. Some people think we should cut education. I disagree. It's true that education costs money—but so does ignorance. I believe the people of Nevada would rather spend the money now, on our children's education, than spend it later on unemployment, substance abuse counseling, or prison.

So I've made no cuts in K through 12 spending. In fact, this budget represents the highest percentage of education spending in the past 10 years.

I promise Nevada parents and taxpayers, however, that I will see that every dollar spent in education is spent wisely. I am asking the Legislature to pass my education accountability plan to give me that authority.

My education accountability plan means a rededication in our elementary schools to the basics of reading, writing, and arithmetic. We must prepare our children for new expectations and higher standards. Accountability to me goes way beyond dollars. It is measured in results.

Can our children read and write better? Are they more proficient in math? If we are going to spend more money in our schools, I will demand that the answers to these questions are a resounding "yes."

But this isn't new. All of us, parents, taxpayers, and public officials, want to increase standards and see results. But the fact is we cannot raise the bar if we don't teach our children to jump higher. That is why I am dedicating $12 million in this budget to remediation programs for schools that fall behind.

I would like to recognize the work on this issue by those who came before me. Specifically, Governor Bob Miller and Majority Leader Bill Raggio.

Senator, as a former educator, I admire your commitment to Nevada's children, and I look forward to working with you this session to further our mutual goals of raising standards and increasing accountability, and providing our children with a quality education.

CHARTER SCHOOLS

I believe in educational choices. I believe in competition, and I believe in charter schools.

Charter schools, if done right, can provide the creative spark we need to produce innovation in education—ultimately, improvement of education and expansion of choice in schooling.

As you know, Nevada passed a charter school bill last session, with no small amount of effort by Senator Maurice Washington. Last session's bill was a good first step, but I believe we can go further to promote diversity and choice in our public school system.

Among other things, I propose removing the cap on the number of charter schools that may be formed. Further, we must simplify the process to form charter schools.

Senator, I look forward to working with you on this issue.

HIGHER EDUCATION

As important as K through 12 education is, we all know that education doesn't stop in high school.

Over the past two bienniums, Nevada has led the nation in increases in higher education spending. Unfortunately, we cannot continue those rates of increase at our current levels of revenue.

But we have a problem.

Currently, only 40 percent of Nevada's high school students go on to college—compared to a national average of 65 percent. Nevada ranks near the bottom of all fifty states.

What's more, Nevada's dropout rate is over 10 percent annually—once again, at the bottom of the nation.

How then, do we promote higher education, without increasing our general fund expenditures for the university system?

Tonight, I am proposing a bold new program that I believe can provide Nevada children with new hope and an unprecedented opportunity to get a college education.

But first a little background.

No single issue has triggered more arguments or discussions than that of how we intend to use the millions of dollars we expect from the national tobacco settlement. We ourselves agonized over the right thing to do with the incredible opportunity this money presented. The result is the formation of a program that I believe will be as historic as the settlement itself.

But before I announce the program, I would like to acknowledge our Attorney General, Frankie Sue Del Papa, who, along with her staff, worked many long hours to ensure that Nevada got its share. Her efforts made this program possible.

We expect over $48 million in the next fiscal year from this settlement and over $40 million per year for many years to come. It is important to note, however, that these revenues are not guaranteed, and in my opinion it would be foolish to use these funds in our general budget or for ongoing programs.

I believe this money can give us a once-in-a-lifetime opportunity to provide Nevada's children with the means to advance their education in a way never thought possible.

It is an idea whose effects transcend party lines, regional differences, and social class. An idea that places at our door, this evening, the chance for all of us to do something truly heroic. To write a great and indelible chapter in the history of our state and in the lives of our children.

So it is with great pride that I propose to you tonight the establishment of the Millennium Scholarship.

These scholarships will allow every Nevada high school graduate, with a B average or better, to get an education at a Nevada university or community college.

We will start with the class of 2000, and we will offer these "Millennium scholarships" in the fall of that year. I believe every Nevada student who studies hard and makes good grades should be able to continue his or her education—regardless of financial status. The Millennium Scholarship will make that possible.

Each scholarship will provide up to $2,500 annually for four years for a university student and $1,250 annually for two years for a community college student.

This program is estimated to cost $7.5 million in the first year and up to $25 million in subsequent years.

Accordingly, I propose that the Legislature dedicate at least one half of the settlement monies to this endeavor. By using only half of the settlement for the Millennium Scholarship we will, in turn, leave millions of dollars for worthy and innovative health care programs to preserve the integrity of the settlement and educate our children on the risks associated with smoking.

Using 50 percent of the settlement money to fund these scholarships, and reverting the unused portion of the initial years to an endowment fund, will enable us to fund these scholarships in perpetuity. Without an increase in taxes.

In the coming days we will describe this program in great detail, so that all Nevada families will understand the great opportunity we have before us. And we look forward to working with this Legislature to ensure a brighter future for Nevada's children by making the Millennium Scholarship a reality.

CLOSE

As a former New York Governor once said, you campaign in poetry; you govern in prose. But I'm a plain man, a businessman, a father, and an educator. I campaigned in prose, and I'll govern in plain speaking.

I'm sure this sometimes makes my staff wince, but I don't know any other way. I'll always be up-front with you, even when it would be easier to resort to rhetoric. And at the end of the next

four years, I may not be the most popular Governor in Nevada history. But you can count on me to always do what I think is right. Being Governor is about leadership, not popularity.

During the next four years, as your Governor, I will ask difficult questions, demand straight answers, and be accountable to you, the people of Nevada.

I believe in personal responsibility, equality of opportunity, and individual rights. I believe that government exists to allow each of us to exercise those rights, enjoy that opportunity, and fulfill that responsibility.

I also believe that government should intrude as little as possible in our personal lives, but I recognize that we have a duty to—and, I hope, compassion for—our fellow men and women, senior citizens, and children.

Government belongs at the balancing point between our rights and our responsibilities. And we will only find that place through innovation, compassion, and hard work. The hard work of each and everyone of us—the Governor, the Legislature, state employees, and the citizens of Nevada.

Finally, I would like to thank my wife, Dema, and my family for all of the support you have given me. And to all the people who worked countless hours on my behalf—I say thank you. I say thank you for the opportunity to stand before you this evening and be called your Governor.

Thank you and good night.

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510-2803

January 22, 1999

THE HONORABLE JOSEPH E. DINI, JR., *Speaker,* State of Nevada Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR JOE:

I am writing to request the privilege of speaking before both houses of the Nevada State Legislature at 5:30 p.m. on Monday, February 15, 1999.

Mary Conelly, my State Director, and June Schmidt, my Deputy Regional Manager for Northern Nevada, will be coordinating the details of my visit. They can be reached at 775-686-5750.

Thank you for your consideration.

Sincerely,
HARRY REID
United States Senator

UNITED STATES SENATE
269 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510-2804

January 27, 1999

THE HONORABLE JOSEPH E. DINI, JR., *Speaker Of The Assembly,* Nevada State Assembly, Capitol Complex, Carson City, Nevada 89710

DEAR SPEAKER DINI:

I would like to request your permission to address a joint session of the Nevada State Legislature on Tuesday, February 16, 1999 at 5:00 p.m. Please contact Michael Moreno in my Reno office at 686-5770 if you have any questions or need additional information.

I appreciate your consideration of my request and I look forward to speaking to the Legislature on issues of mutual interest affecting Nevada.

Sincerely,
RICHARD H. BRYAN
United States Senator

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

WASHINGTON, D.C., January 11, 1999

SPEAKER JOSEPH DINI, JR., Nevada State Assembly, 104 North Mountain View, Yerington, Nevada 89447-2239

DEAR JOE:

It would be my honor and pleasure to address a joint session of the Nevada Legislature at 5:00 p.m. on Thursday, February 18, to deliver a formal assessment of our Congressional agenda and its impact on our state.

As you know, there are a number of issues critical to the well being of our state and our country that will be addressed in the months to come. It is vital that local, state and federal representatives work together to achieve our goals.

Thank you for this important opportunity. I look forward to seeing you and many of my former colleagues in Carson City.

Sincerely,
JIM GIBBONS
Member of Congress

SUPREME COURT OF NEVADA
ROBERT E. ROSE, CHIEF JUSTICE
CAPITOL COMPLEX

CARSON CITY, NEVADA, January 4, 1999

ASSEMBLYMAN JOSEPH E. DINI, JR., 104 North Mountain View, Yerington, NV 89447-2239

RE: State of the Judiciary Address
1999 Legislative Session
Tuesday, February 23, 1999

DEAR ASSEMBLYMAN DINI:

I, Robert E. Rose, Chief Justice of the Nevada Supreme Court, request to address a joint session of the Nevada State Legislature on Tuesday, February 23, 1999, at 5:00 p.m. in the Assembly chambers of the Legislative Building. I understand that both houses are available for the Nevada Supreme Court's State of the Judiciary Address at that time. If a conflict arises with this time, please contact my office. Additionally, please disregard my previous letter to you dated December 21, 1998.

The Supreme Court's reception for the Legislature will be held immediately following the state of the Judiciary Address on February 23, 1999.

Thank you for your assistance with this matter and I look forward to addressing the Nevada Legislature in its seventieth session.

Sincerely yours,
ROBERT E. ROSE
Chief Justice

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

CARSON CITY, NEVADA, January 19, 1999

MS. JACQUELINE SNEDDON, *Chief Clerk Of The Assembly,* 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR MS. SNEDDON:

In compliance with the laws of the State of Nevada, I am returning Assembly Joint Resolutions 5 and 17 of the 69th session for consideration by the 1999 Legislature.

Respectfully,
DEAN HELLER
Secretary of State

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

CARSON CITY, NEVADA, January 19, 1999

MS. JACQUELINE SNEDDON, *Chief Clerk Of The Assembly,* 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR MS. SNEDDON:

In compliance with the laws of the State of Nevada, I am returning Assembly Bills Nos. 512 and 596 of the 69th session of the Nevada Legislature which were vetoed by the Governor.

The Governor's veto messages are also enclosed.

Respectfully,
DEAN HELLER
Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that vetoed Assembly Bill Nos. 512 and 596 of the 69th Session be made a Special Order of Business for Thursday, February 4, 1999 at 11:15 a.m.

Motion carried.

By Assemblymen Price, Giunchigliani, Carpenter, Goldwater, Lambert, Sandoval, Manendo, Arberry, Mortenson, Lee, Segerblom, Evans, Freeman, Bache, Krenzer, Chowning, Nolan, Koivisto, Anderson, Buckley, Ohrenschall, Amodei, Close, Herrera, Parks, Cegavske, Williams, Berman, de Braga, Neighbors, Tiffany, Ernaut and Dini:

Assembly Joint Resolution No. 5 of the 69th Session—Proposing to amend the Nevada constitution to provide for limited annual legislative sessions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and sections 2 and 33 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. 29A. The Legislature shall adjourn sine die each:

1. Regular session in an:

(a) Odd-numbered year not later than midnight in the Pacific standard time zone 120 calendar days following its commencement. Any legislative action taken in a regular session in an odd-numbered year after midnight in the Pacific standard time zone on the 120th calendar day is void.

(b) Even-numbered year not later than midnight in the Pacific standard time zone 45 calendar days following its commencement. Any legislative action taken in a regular session in an even-numbered year after midnight in the Pacific standard time zone on the 45th calendar day is void.

2. Special session not later than midnight in the Pacific standard time zone 20 calendar days following its commencement. Any legislative action taken in a special session after midnight in the Pacific standard time zone on the 20th calendar day is void.

Sec. 2. [The]

1. Except as otherwise provided in subsection 2, the sessions of the Legislature shall be [biennial,] *annual,* and shall commence on the [3rd Monday of January next ensuing the election of members of the Assembly, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.] *first Monday of March.*

2. The Governor, by proclamation:

(a) May convene the Legislature for a special session not to exceed 20 calendar days in accordance with section 9 of article 5 of this constitution.

(b) Shall convene the Legislature for a special session not to exceed 20 calendar days not later than 45 calendar days after receipt of a petition by two-thirds of the members elected to each House calling for a special session and setting forth the topics for consideration during the

special session. If the Legislature is convened for a special session pursuant to this paragraph, the Governor may add to the list of topics to be considered by the Legislature during that special session.

3. The Governor shall submit:

(a) In odd-numbered years, the proposed executive budget; and

(b) In even-numbered years, any proposed appropriations or proposed revisions to the executive budget,

to the Legislature not later than 30 calendar days before the commencement of the regular session.

[Sec:] *Sec.* 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60 days during any regular session of the legislature and not to exceed 20 days during any special session *;* [convened by the governor;] but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That section 9 of article 5 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 9. The Governor may on extraordinary occasions, convene the Legislature by Proclamation *for a special session not to exceed 20 calendar days* and shall state to both houses when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.

And be it further

RESOLVED, That section 2 of article 19 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, the people reserve to themselves the power to propose, by initiative petition, statutes , [and] amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than [January 1 of the year preceding the year in which a regular session of the legislature is held.] *1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.* After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature,

or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature rejects such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law.

4. If the initiative petition proposes an amendment to the constitution, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the secretary of state not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall become a part of this constitution upon completion of the canvass of votes by the supreme court.

And be it further

RESOLVED, That the explanation prepared pursuant to NRS 218.443 for this constitutional amendment must include a statement that, if the qualified electors of this state approve the constitutional amendment proposed by this resolution, legislators would then be entitled to receive, during each regular, annual session, compensation for each calendar day of service up to a maximum of 60 calendar days.

And be it further

RESOLVED, That section 12 of article 17 of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec: 12. First biennial legislative session to commence in 1867. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially, commencing on the first Monday of January.

Assemblyman Perkins moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, and Ethics

Assembly Joint Resolution No. 17 of the 69th Session—Proposing to amend the constitution of the State of Nevada to require that the Governor and the Lieutenant Governor be affiliated with the same political party and be elected jointly.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 2 and 4 of article 5 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 2. The Governor [shall] *and Lieutenant Governor must be affiliated with the same political party, if any, and must* be elected *jointly* by the *casting by each* qualified [electors] *elector of a single vote applicable to both offices* at the time and places of voting for members of the Legislature . [, and] *The Governor and Lieutenant Governor* shall hold [his] office for [Four Years] *four years* from the time of [his] *their* installation, and until [his successor shall be] *their successors are* qualified.

[Section] *Sec.* 4. The returns of every election for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of state, and the chief justice of the supreme court, and the associate justices, or a majority thereof, shall meet at the office of the secretary of state, on a day to be fixed by law, and open and canvass the election returns for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, and forthwith declare the result and publish the names of the persons elected and the results of the vote cast upon any question submitted to the electors of the State of Nevada. The persons *or, in the case of the offices of governor and lieutenant governor, the team of persons* having the highest number of votes for the respective offices shall be declared elected, but in case any two or more *persons or teams* have an equal and the highest number of votes for the same office, the legislature shall, by joint vote of both houses, elect one of [said persons to fill said office.] *the persons or teams to fill the office or offices.*

Assemblyman Perkins moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

PREFILED JOINT RESOLUTIONS

By Assemblyman Bache:

Assembly Joint Resolution No. 1—Urging Congress to limit the period for withdrawal by the United States Air Force of the public land located within the Nellis Air Force Range.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Collins:

Assembly Joint Resolution No. 2—Urging Congress to amend the provisions of the Wild Free-Roaming Horses and Burros Act to require the Secretary of the Interior and the Secretary of Agriculture to maintain at a certain level the population of wild horses living on the public lands managed by the Bureau of Land Management and the United States Forest Service.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Humke:

Assembly Joint Resolution No. 3—Proposing to amend the Nevada Constitution to require the Nevada supreme court to decide each case in conformity with the applicable decisions of the United States Supreme Court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 6 of the Constitution of the State of Nevada to read as follows:

Sec. 4A. The supreme court shall decide each case in conformity with the applicable decisions of the Supreme Court of the United States.

Assemblyman Perkins moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By Assemblyman Goldwater:

Assembly Joint Resolution No. 4—Proposing to amend the Constitution of the State of Nevada to repeal the constitutional rule against perpetuities.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 4 of article 15 of the Constitution of the State of Nevada is hereby repealed.

Assemblyman Perkins moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By Assemblyman Manendo:

Assembly Joint Resolution No. 5—Urging Congress to enact legislation to provide for the payment of lump sums to persons who have received lower social security benefits because of the year in which they initially became eligible for such benefits.

Assemblyman Perkins moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

PREFILED CONCURRENT RESOLUTIONS

By the Committee on Elections, Procedures, and Ethics

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 70th session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as amended by the 69th session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 70th session of the Legislature:

~~[COMMITTEES OF]~~ CONFERENCE *COMMITTEES*

Rule No. 1. ~~[To Be Appointed by One House at Request of the Other.]~~ *Procedure Concerning.*

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The

report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two ~~[committees of]~~ conference *committees* on any bill or resolution. A majority of the members of a ~~[committee of]~~ conference *committee* from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant *Chief* Clerk . ~~[, who shall be announced by the doorkeeper, enter within the bar, announce and deliver his message.]~~

~~[BILLS]~~ *NOTICE OF FINAL ACTION*

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, ~~[in writing, signed by the Secretary or Clerk of the House from which such notice is sent.]~~ *by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.*

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after *an* announcement ~~[is made]~~ of their intention to do so ~~[, sign it]~~ *is made* in open session *, sign the bill or joint resolution* and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. ~~[Reserved.]~~ *Joint Sponsorship.*

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more legislators elected to one House may, at the direction of the legislator who brings the bill or resolution forward for introduction, set forth the names of one or more legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. The number

of primary joint sponsors must not exceed five per bill or resolution. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections , ~~[and]~~ Procedures , *and Ethics* before submission to the Legislative Counsel.

VETOES

Rule No. 8. Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read *in the Senate* by the *Secretary of the Senate and in the Assembly by the Chief* Clerk *of the Assembly,* without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Routine Expenses or Concurrent Resolution.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the

Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[~~RECORDING~~] *RECORDS OF* COMMITTEE PROCEEDINGS [~~ON AUDIO TAPE~~]

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall *cause a* record [~~on audio tape~~] *to be made of* the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each [~~tape~~] *record* with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the [~~tape was recorded;~~] *record was made;*

(b) Keep the [~~tapes~~] *records* in chronological order; and

(c) Deposit the [~~tapes~~] *records* immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the [~~tapes;~~] *records;*

(b) Make the [~~tapes~~] *records* available for [~~listening~~] *accessing* by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person [~~listening to any tapes~~] *accessing any of the records* and identifying the [~~tapes listened to;~~] *records accessed;* and

(d) Retain the [~~tapes~~] *records* for two bienniums and at the end of that period [~~dispose of the tapes~~] *keep some form or copy of the record* in any manner he deems reasonable [~~.~~] *to ensure access to the record in the foreseeable future.*

REAPPORTIONMENT

Rule No. 13. Responsibility for Measures and Approval of Research Requests.

The Committee on Government Affairs of the Senate and the Committee on Elections , [~~and~~] Procedures , *and Ethics* of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and *Requirements for* Introduction; Duplicative Measures; [~~Suspension of Rule.~~] *Indication of Requester on Committee Introductions.*

1. Except as otherwise provided in subsection [~~2, any request submitted, after a regular legislative session has convened, to the Legislative Counsel for the drafting of a bill or resolution will not be honored by the Legislative Counsel unless the request is approved by:~~

~~(a) A two-thirds vote of the members present in the House where it is to be introduced; or~~

~~(b) A standing committee of that House if the request was approved by two-thirds of all of the members of the committee before the request was submitted to the Legislative Counsel. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.~~

~~2. After~~ *5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after* a regular legislative session has convened, the Legislative Counsel shall honor *, if submitted before 5 p.m. on the 8th calendar day of the legislative session,* not more than ~~[5]~~ *:*

(a) Two requests from each Assemblyman ~~[and not more than 10]~~ *; and*

(b) Four requests from each Senator ,

for the drafting of a bill or resolution . ~~[which has not received the approval required by subsection 1.~~

~~3. After the first 10 calendar days of a regular legislative session, bills and joint resolutions may be introduced by:~~

~~(a) Standing committees without consent.]~~

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 22nd calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each house. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill or resolution that may be submitted by each standing committee of their respective houses, within the limit provided by this subsection. The lists may be revised any time before the 22nd day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a legislator or organization must indicate the legislator or organization at whose request the measure was drafted.

~~[(b) Except as otherwise provided in subsection 4, a member who had requested the drafting of the bill or resolution by the Legislative Counsel before the 16th calendar day of the legislative session.~~

~~4.~~] *7.* The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

~~[5.]~~ *8.* Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

~~[6.]~~ *9.* If two or more measures are being considered in the same house which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

~~[7.]~~ *10.* A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

~~[8. Consent to suspend this rule may be given only by the affirmative vote of a majority of the members elected to the House where it is to be introduced, which must be entered in its Journal for that day, and the consent may apply to no more than one bill or resolution or request for drafting.]~~

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or resolution; or

(2) The last day for introduction of the bill or resolution as required by paragraph (d), whichever is earlier.

(b) If a bill or resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or resolution. The revised bill or resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or resolution; or

(2) The last day for introduction of the bill or resolution as required by paragraph (d), whichever is earlier.

(c) If the bill or resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or resolution. A bill or resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or resolution; or

(2) The last day for introduction of the bill or resolution as required by paragraph (d), whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or resolution that was requested by:

(1) A legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill and resolution the final date on which the bill or resolution may be introduced.

3. If the final date on which the bill or resolution may be introduced falls upon a day on which the House in which the bill or resolution is to be introduced is not in session, the bill or resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS AND RESOLUTIONS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses; Final Date for Requesting Drafting of Reports for Conference Committees.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or resolution is referred in its House of origin may only take action on the bill or resolution on or before the 68th calendar day of the legislative session. A bill or resolution may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the Fiscal Analysis Division has determined pursuant to subsection 1 of Joint Standing Rule No. 14.6 that the bill or joint resolution is exempt.

2. Final action on a bill or resolution may only be taken by the House of origin on or before the 78th calendar day of the legislative session.

3. The final standing committee to which a bill or resolution is referred in the second House may only take action on the bill or resolution on or before the 103rd calendar day of the legislative session. A bill or resolution may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the Fiscal Analysis Division has determined pursuant to subsection 1 of Joint Standing Rule No. 14.6 that the bill or joint resolution is exempt.

4. Final action on a bill or resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

5. Requests for the drafting of reports for Conference Committees must be submitted to the Legislative Counsel on or before the 118th calendar day of the legislative session.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution for each bill or resolution requested pursuant to this rule. If the request was made on behalf of another legislator or a standing committee, the list must also include the name of the legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a legislator or a standing committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a standing committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the legislator or standing committee on whose behalf the waiver is being granted.

(d) Must include the bill or resolution number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill or resolution for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this rule unless such information as is required to draft the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill or resolution must be read on the floor and entered in the journal, and a notation that the waiver was granted must be included as a part of the history of the bill or resolution on the next practicable legislative day. A

notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill or resolution which has been determined by the Fiscal Analysis Division to:

(a) Contain an appropriation;

(b) Authorize the expenditure by a state agency of sums not appropriated from the state general fund or the state highway fund;

(c) Create or increase any significant fiscal liability of the state; or

(d) Significantly decrease any revenue of the state,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill or resolution the term "exempt" for any bills and resolutions requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill or resolution which is determined to be exempt after it is printed. A notation of each exemption granted after the bill or resolution was printed must be included as a part of the history of the bill or resolution on the next practicable legislative day. The term "exempt" must be printed on the face of all subsequent reprints of the bill or resolution.

2. All of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill or resolution until it is determined to be exempt pursuant to subsection 1. A bill or resolution determined to be exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills and resolutions determined to be exempt after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A bill or resolution required to carry out the business of the Legislature.

(b) A resolution requiring an interim study.

(c) A resolution to memorialize a former member of the Legislature or other notable or distinguished person.

(d) A resolution to congratulate or commend any person or organization for a significant and meritorious accomplishment.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that Title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority

Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

~~[TIME LIMITATIONS ON]~~ INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments . ~~[; Limitation on Time for Introduction.]~~

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. ~~[Bill drafts delivered pursuant to this subsection may not be introduced after the 15th legislative day.]~~

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. ~~[Bill drafts delivered pursuant to this subsection may be introduced only during the 15 legislative days following delivery.]~~

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all legislators ~~[, lobbyists, legislative interns and employees of the Legislature, including supervisors and coworkers.]~~ *and lobbyists.* Each member ~~[, lobbyist, legislative intern and employee of the Legislature]~~ *and lobbyist* is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. ~~[For]~~ *In accordance with Title VII of the Civil Rights Act, for* the purposes of this rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ~~[, including, but not limited to:]~~ *when:*

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each person subject to these rules must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the *Legislature or the* Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

~~[3.]~~ *4.* A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

~~[4. If a person]~~

5. If a legislator believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly *;* ~~[, if the complaint involves the conduct of a member, legislative intern or employee of the Assembly or a lobbyist;]~~

(b) The Majority Leader of the Senate *;* ~~[, if the complaint involves the conduct of a member, legislative intern or employee of the Senate or a lobbyist;]~~ or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

~~[5.]~~ *6.* Except as otherwise provided in subsection ~~[6,]~~ *7,* the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint ~~[against a member, legislative intern or employee of a certain House]~~ *received pursuant to subsection 5* to a

committee consisting of legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

~~[6.]~~ *7.* If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections , ~~[and]~~ Procedures , *and Ethics* of the Assembly or the Committee on Legislative Affairs and Operations of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

~~[7.]~~ *8.* The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

~~[8.]~~ *9.* If the investigation reveals that sexual harassment has occurred, the Legislature will take *appropriate disciplinary or* remedial action ~~[against the member, lobbyist, legislative intern or employee which is commensurate with the severity of the offense.]~~ *, or both.* The committee shall inform the complainant of any action taken . ~~[against the member, lobbyist, legislative intern or employee.]~~ The Legislature will also take any action necessary to deter any future harassment.

~~[9.]~~ *10.* The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

~~[10.]~~ *11.* The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

~~[11.]~~ *12.* Action taken by a complainant pursuant to this rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

Assemblyman Perkins moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 2—Encouraging the Administrative Office of the Courts to improve the use of technology in the judicial system and to develop consistent accounting procedures for the courts in this state.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

PREFILED RESOLUTIONS

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 1—Providing for the appointment of attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 70th session of the Legislature of the State of Nevada: Susan Furlong Reil, Bonnie Borda Hoffecker, Carole Cavolick, Matthew Baker, Jasmine N. Shackley, Jason Hataway, Terry Sullivan, Charlene Brundle, Joe Crawford, Marlo Harding, Rebecca M. Harris, Gregorio D. Torres, Jeanne Douglass, Paula A. Winne, Betty J. Phenix, Jackie L. Cheney, Kathryn Lombardo, Linda A. Cooper, Karen Crawford, Harle Glover, Christina Alfonso, Rachel R. Baker, Jennifer Batchelder, Jane L. Baughman, Jennifer Carnahan, Chris Casey, Cynthia Cendagorta, Cindy Clampitt, Meagen A. Colard, Christine M. Cole, Hilary A. Graunke, Sara J. Kaufman, Nykki Kinsley, Virginia Letts, Darlene A. Rubin, Sharon T. Spencer, Carol J. Thomsen, Janine Marie Toth, Charlotte S. Tucker, Novella Watson-Lee, Julie Whitacre, Joann Van Wyhe, Debbie Zuspan, Christine N. Adkins, Victoria L. Aitken, Yolanda Baldridge, Mary Bean, Diane Berg, Cleone C. Bujalski, Heather T. Collins, Linda Corbett, Stephany Corral, Cecile Crofoot, Irene M. Davis, Kathleen A. Day, Nancy Dickson, Naomi S. Dottei, Kelly S. Gregory, Marge Griffin, Donna Hancock, Nicole L. Heckman, Lonnie Heiderman, Joyce G. Hess, Barbara Houger, Marilyn Jayne, Diane Keetch, Joann Kula, Kelly Liston, Lois L. McDonald, Yhvona Martin, Carolyn J. Maynick, Aurora Ruiz, Sheila Sease, Sherie Silva, Jackie L. Valley, Tabitha D. Horn, Francis L. Noe, Michael G. Collins, Stanley B. Miller, Bruce Pheiffer, Eddie Cordisco, Mary Carel, Kathryn R. Beydler, Norm Budden, Mel Cowperthwaite, John P. Davin, John Davis Jr., Juanita M. Heston, Kathleen L. Jorgenson, Lois LaHair, Steve Lamoreaux, Laverna E. Marwin, Bob Maynick, Brigitta Metz, Reid Meyer, John T. Meyer, Barbara Morgan, Jesse N. Pickett, Mike Pintar, Shanna Pozzi and Mark A. Trabert.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 2—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 3—Adopting the Standing Rules of the Assembly for the 70th legislative session.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules as amended by the 69th session are adopted, with the following changes, as the Standing Rules of the Assembly for the 70th session of the Legislature:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under *the* Speaker's supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto . ~~[, and in]~~ *In* the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution ~~[shall]~~ *must* not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the ~~[press, radio and television,]~~ *news media* and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all ~~[aye and no]~~ *yea and nay* votes, the Speaker's name ~~[shall]~~ *must* be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its standing committees ~~[shall]~~ *must* be open to the public.

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Reserved.

Rule No. 22. Reserved.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairman. The chairman shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the ~~[ayes and noes shall]~~ *yeas and nays must* be taken when called for by three members present, and the names of those calling for the ~~[ayes and noes shall]~~ *yeas and nays must* be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for ~~[ayes and noes]~~ *yeas and nays* by a division or by a roll call, either electronic or oral.

3. When taking the ~~[ayes and noes]~~ *yeas and nays* on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the ~~[ayes and noes]~~ *yeas and nays* by oral roll call, the Chief Clerk shall take the names of members alphabetically , except that the ~~[Speaker shall]~~ *Speaker's name must* be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The ~~[ayes and noes shall]~~ *yeas and nays must* not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member, certified by the Committee on Credentials or special committee of the Assembly, may cast a vote in the Assembly. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, ~~[fifteen]~~ *fourteen* members.
2. Judiciary, fourteen members.
3. Taxation, ~~[eleven]~~ *thirteen* members.
4. Education, ~~[thirteen]~~ *twelve* members.
5. Elections, Procedures, and Ethics, nine members.
6. Natural Resources, Agriculture, and Mining, ~~[eleven]~~ *thirteen* members.
7. ~~[Labor and Management, nine members.~~

~~8.]~~ Transportation, ~~[nine]~~ *thirteen* members.

~~[9.]~~ *8.* Commerce ~~[, eleven]~~ *and Labor, fourteen* members.

~~[10.]~~ *9.* Health and Human Services, ~~[ten]~~ *twelve* members.

~~[11.]~~ *10.* Government Affairs, fourteen members.

~~[12. Infrastructure, eleven members.]~~

11. Constitutional Amendments, seven members.

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

Rule No. 42. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule.

2. Motions may be moved, seconded and passed by voice vote by a simple majority of those present.

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of all the committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the committee and does not imply commitment to support final passage.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

Rule No. 44. Committee on Elections, Procedures, and Ethics.

The Committee on Elections, Procedures, and Ethics has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

Rule No. 45. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections, Procedures, and Ethics. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. The Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

Rule No. 46. Committee Action on Reports.

Committee reports ~~[shall]~~ *must* be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution ~~[shall]~~ *must* be recorded. The vote may be taken by roll call at the discretion of the chairman.

Rule No. 47. Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there ~~[shall]~~ *must* be entered:

1. The time and place of each meeting;

2. The attendance and absence of members;

3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

4. The subjects or measures considered and action taken.

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen ~~[shall]~~ *must* be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

Rule No. 49. Committee Hearings.

~~[A public hearing must be held on each bill and resolution which is referred to committee.]~~ The presence of a quorum of the committee is desirable but not required ~~[.]~~ *to conduct a public hearing.* Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness. When all persons present have been heard, the chairman may declare closed the portion of the meeting wherein the committee will accept public testimony on the matter before proceeding to other matters.

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Concurrent Referrals.

When a bill or resolution is referred to two committees , the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

The next rule is 60.

VI. RULES GOVERNING MOTIONS

Rule No. 60. Entertaining.

No motion ~~[shall be debated until the same be]~~ *may be debated until it is* distinctly announced by the presiding officer . ~~[; and it shall be reduced to writing, if]~~ *If* desired by the presiding officer or any member, *the motion must be reduced to writing* and be read by the Chief Clerk before the ~~[same shall be]~~ *motion is* debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

Rule No. 61. Reserved.

Rule No. 62. Reserved.

Particular Motions

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same ~~[shall]~~ *question must* not be considered again during the session and the question ~~[shall not be]~~ *is not* subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution ~~[shall]~~ *does* not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order *of business* of Motions ~~[and Resolutions,]~~ , *Resolutions and Notices,* the right to move a reconsideration shall continue to the next day of

sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. Rules and Procedure

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

Rule No. 91. Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3 ~~[:~~

~~(a) All]~~ *, all* committees shall provide *adequate* notice of public hearings on bills, resolutions or *other* topics ~~[of high public importance at least 5 calendar days before such hearings.~~

~~(b) Notice for public hearings on bills, resolutions and topics not deemed by the chairmen to be of high public importance must be provided at least 24 hours before such hearings.~~

~~(c) Notice shall also be provided for all other committee meetings at least 24 hours in advance of such meetings.~~

~~Notices in all cases shall]~~ *which are to come before the committees. The notice must* include the date, time, place and agenda to be covered . ~~[and shall]~~ *The notice must* be posted conspicuously in the legislative building, appear in the daily history and be made available to the ~~[press.]~~ *news media.* The daily history must include the most current version of the notice that is available at the time the daily history is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule

does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

Rule No. 96. Peddling, *Begging* and Soliciting.

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto. ~~[, and no]~~ *No* part of said chamber or halls ~~[shall]~~ *may* be used for, or occupied by signs or other devices for any kind of advertising.

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly ~~[shall be as follows:]~~ *is:*

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Reserved.

Rule No. 103. Reserved.

B. Bills

Rule No. 104. Reserved.

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized ~~[after the beginning of a session]~~ when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such *a* bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. ~~[The committee, if it treats the skeleton bill favorably, shall then request the draft of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their necessary ramifications.]~~

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills ~~[shall]~~ *must* be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments

reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members ~~[shall]~~ *must* be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended ~~[shall]~~ *must* be reprinted, engrossed, and placed on the General File . ~~[, and]~~ Senate bills so amended ~~[shall]~~ *must* be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such *a* motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading ~~[shall]~~ *must* be treated the same as bills with committee amendments. Any bill so amended upon the General File ~~[shall]~~ *must* be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

Rule No. 111. Consent Calendar.

1. ~~[On or before the 80th calendar day of a regular session, a]~~ *A* standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. ~~[Unless postponed by motion, the consent calendar must be considered on Monday and Thursday. A bill reported on Friday to Monday, inclusive, is eligible to be considered on the following Thursday; a bill reported on Tuesday to Thursday, inclusive, is eligible to be considered on the following Monday.~~

~~4.]~~ At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

~~[5.]~~ *4.* During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

~~[6.]~~ *5.* When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings ~~[shall]~~ *must* be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration ~~[shall]~~ *must* be given on the day on which ~~[such]~~ *the* final vote was taken by a member voting with the prevailing party. It ~~[shall not be]~~ *is not* in order for any member to move a reconsideration on the day on which ~~[such]~~ *the*

final vote was taken, except by unanimous consent. ~~[But there shall]~~ *There may* be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

Rule No. 116. Reserved.

Rule No. 117. Reserved.

C. Resolutions

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions ~~[shall]~~ *must* be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution ~~[shall]~~ *must* be entered in the Journal in their entirety.

Rule No. 119. Reserved.

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. ~~[Roll Call.]~~ *Call to Order.*
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

Rule No. 121. Reserved.

Rule No. 122. Privileged Questions.

Privileged questions ~~[shall]~~ have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

Rule No. 123. Privilege of Closing Debate.

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Vetoed Bills.

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, ~~[shall]~~ *must* be taken up and considered immediately upon the coming in of the message transmitting the same, or ~~[shall]~~ become the subject of a special order . ~~[; and when]~~ *When* the message is received, or (if made a special order) when the special order is called, the said message or statement ~~[shall]~~ *must* be read together with the bill or bills so disapproved or vetoed . ~~[; and the]~~ *The* message and bill ~~[shall]~~ *must* be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions . ~~[; and no]~~ *No* such bill or message ~~[shall]~~ *may* be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which ~~[shall]~~ *may* be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such *a* vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section . ~~[; and no motion shall]~~ *No motion may* be

entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill ~~[shall]~~ *must* be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees ~~[shall]~~ *must* be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Mr. Speaker announced that the Assembly would recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:45 p.m.

ASSEMBLY IN SESSION

At 2:46 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

PREFILED BILLS

By Assemblywoman Giunchigliani:

Assembly Bill No. 1—AN ACT relating to the lending of money; clarifying that the acceptance of the certificate of title to a motor vehicle as security for a loan constitutes pawnbroking; limiting the circumstances under which a person licensed to engage in the business of lending may lend money secured by such a certificate; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 2—AN ACT relating to the transportation of pupils; revising provisions governing the authority of the boards of trustees of school districts to purchase tickets for the transportation of pupils on public buses; authorizing fully regulated carriers to provide reduced rates to the boards of

trustees of school districts for the transportation of pupils; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 3—AN ACT relating to education; requiring the department of education to prescribe a form for use by school districts in the development of individualized education programs for pupils with disabilities; requiring the department to provide information to the boards of trustees of school districts concerning the identification and evaluation of pupils with disabilities; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 4—AN ACT relating to public welfare; prohibiting the department of human resources from considering the assets of a child or pregnant woman or their families to determine eligibility for the child health assurance program; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 5—AN ACT relating to health care; requiring the Department of Human Resources to study the feasibility of providing presumptive eligibility to certain recipients of Medicaid and of providing a similar benefit to recipients of the child health insurance program; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 6—AN ACT relating to health care; making various changes concerning the application for and determination of eligibility for Medicaid and the children's health insurance program; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 7—AN ACT relating to health care; requiring the Welfare Division of the Department of Human Resources to conduct a study to determine whether a shortage of personnel in nursing homes exists, to determine the feasibility of training recipients of temporary assistance for needy families to work in nursing homes and to assess the child care necessary for such recipients to work in nursing homes; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 8—AN ACT relating to consumer reporting; requiring a consumer reporting agency to provide a natural person with a copy of his consumer report at no charge under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 9—AN ACT relating to unemployment compensation; providing for the payment of benefits to a part-time member of the faculty of an educational institution for the period between academic years or regular terms; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Collins (by request):

Assembly Bill No. 10—AN ACT relating to casualty insurance; requiring uninsured vehicle coverage to include coverage for bodily injury or death that did not result from physical contact with the claimant or a motor vehicle occupied by the claimant; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 11—AN ACT relating to public employment; expanding the mandatory subject of bargaining relating to policies for the transfer and reassignment of teachers to include all employees of school districts; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 12—AN ACT relating to administrative procedure; revising the definition of "regulation" for purposes of the Nevada Administrative Procedure Act; authorizing judicial review of a final administrative decision made by a hearing officer of a local government; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 13—AN ACT relating to education; establishing a state program for the financial support of local programs of intersession school and summer school; requiring the boards of trustees of school districts to establish similar local programs; authorizing schools to submit applications for participation in a local program; requiring the superintendent of public instruction to apportion money to school districts for the local programs; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 14—AN ACT relating to pupils; requiring schools to notify parents before pupils are deemed habitual disciplinary problems; authorizing schools, under certain circumstances, to develop contracts of behavior designed to prevent pupils from being deemed habitual disciplinary problems; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 15—AN ACT relating to pupils; making various changes regarding truancy and the discipline of pupils who are habitual truants; expanding the authority of the advisory boards to review school attendance; expanding the circumstances under which probation officers may serve as juvenile court masters; revising the actions that a juvenile court must take against a pupil who is found to be a habitual truant; repealing the requirement that law enforcement agencies issue citations to pupils who are habitual truants; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 16—AN ACT relating to collections; authorizing a court to file a notice of nonpayment with the department of motor vehicles and public safety if a defendant is delinquent in the payment of a fine, administrative assessment, fee or restitution; prohibiting the department from renewing the registration of a motor vehicle of a person for whom it has received a notice of nonpayment from a court; prohibiting the department from renewing the driver's license of a person for whom it has received a notice of nonpayment from a court or local authority; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 17—AN ACT relating to crimes; repealing the rule that for a prosecution for murder or manslaughter, the death of the victim must occur within 1 year and 1 day of the act which caused the death of the victim; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 18—AN ACT relating to the practice of law; revising certain provisions relating to the unauthorized practice of law; increasing the penalties for the unlawful practice of law; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 19—AN ACT relating to motor vehicles; providing that money paid on a traffic citation without appearing in court must include any administrative assessment that would be imposed if paid in court; requiring money paid on certain traffic citations to be treated as a fine; providing that certain traffic citations must not designate payment of the citation as a forfeiture of bail; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 20—AN ACT relating to the state judicial department; clarifying that judges of municipal courts and justices of the peace may not seek reelection if they were previously removed or retired from any judicial office; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bache and Giunchigliani:

Assembly Bill No. 21—AN ACT relating to common-interest communities; providing for the use of secret ballots for voting at a meeting of a unit-owners' association in certain common-interest communities; prohibiting discrimination in common-interest communities; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Cegavske:

Assembly Bill No. 22—AN ACT relating to prisoners; requiring a court to make certain deductions from a monetary judgment awarded to a prisoner in a civil action brought against the State of Nevada; requiring a prisoner who has filed an action for small claims to pay the estimated costs of his transportation to the department of prisons in advance; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 23—AN ACT relating to traffic laws; increasing the minimum fine for an offender convicted of driving under the influence of alcohol or a controlled substance for the first or second offense; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 24—AN ACT relating to courts; authorizing courts to contract for the acceptance of credit cards and debit cards for the payment of fees, fines and other charges owed to the court; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 25—AN ACT relating to actions for dental malpractice; repealing the prospective expiration of the provisions governing screening panels for dental malpractice claims; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 26—AN ACT relating to state financial administration; revising the provisions governing the distribution of federal money received by this state from the lease of federal lands; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 27—AN ACT relating to motor vehicles; providing for the issuance of special license plates for the support of the preservation and restoration of the natural environment of the Mount Charleston Wilderness of the Toiyabe National Forest; imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 28—AN ACT relating to the tax on special fuel; requiring the department of motor vehicles and public safety to prepare and submit a report to the legislature each odd-numbered year concerning the administration and enforcement of certain provisions relating to the tax on special fuel; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 29—AN ACT relating to transportation; requiring the Department of Transportation to assist certain counties in developing a computerized pavement management system; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 30—AN ACT relating to the Department of Motor Vehicles and Public Safety; requiring the Department of Motor Vehicles and Public Safety to conduct a study to determine the costs incurred in administering the programs for issuing certificates of registration for motor vehicles and drivers' licenses in this state; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 31—AN ACT relating to railroads; providing that no railroad train may operate in this state unless it has a crew of at least two competent employees; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 32—AN ACT relating to taxation; changing the distribution of certain sales and use taxes from the sales and use tax account in the state general fund to the state highway fund; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 33—AN ACT relating to motor vehicles; abolishing the limitation on the fees that may be charged by the department of transportation for the issuance of permits authorizing the operation of oversize or overweight vehicles; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 34—AN ACT relating to motor vehicles; requiring that the money collected from the fee imposed on short-term leases of passenger cars be deposited in the state highway fund; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 35—AN ACT relating to taxation; eliminating the conversion factor for liquefied petroleum gas used in the calculation of the tax on special fuel; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 36—AN ACT making an appropriation to the Division of Child and Family Services of the Department of Human Resources for the preparation of an update of the report on the assessment of the need for juvenile correctional facilities and related programs; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 37—AN ACT relating to public schools; requiring the superintendent of public instruction to provide certain information concerning statutes and regulations affecting public schools and pupils to the boards of trustees of school districts; requiring the boards of trustees to provide similar information to parents and educational personnel; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 38—AN ACT relating to district courts; providing for an additional judge for the fifth judicial district; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 39—AN ACT relating to mobile home parks; prohibiting a landlord of a mobile home park from prohibiting a tenant from exhibiting a political sign within the boundary of the lot of the tenant; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Gibbons:

Assembly Bill No. 40—AN ACT relating to elections; removing the requirement that a candidate for certain partisan offices who receives a majority of the votes in a primary election be declared the nominee for such an office; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 41—AN ACT relating to water pollution; prohibiting the director of the state department of conservation and natural resources from making certain determinations concerning the control of water pollution if the determination is based solely upon certain information or is made without conducting an investigation; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 42—AN ACT relating to crimes; providing in skeleton form categories of misdemeanors; revising the sentences imposed for misdemeanors; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Segerblom:

Assembly Bill No. 43—AN ACT relating to educational personnel; removing the exemption from certain disciplinary procedures that is provided for licensed educational personnel who have negotiated their employment contracts pursuant to the Local Government Employee-Management Relations Act; revising certain procedures regarding the admonishment of licensed educational personnel; providing that certain employees who have been suspended, dismissed or not reemployed are entitled to reinstatement; clarifying that educational personnel who have been suspended for certain reasons are entitled to compensation during the period of their suspension; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 44—AN ACT relating to the public employees' retirement system; authorizing certain public employees to retire at any age if the sum of the age and years of service of the employee is equal to or greater than 75 years; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 45—AN ACT relating to crimes; imposing community service for a second or subsequent offense of unlawfully parking in a space designated for the handicapped; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 46—AN ACT making an appropriation to the City of Las Vegas for the construction of a facility to provide emergency shelter for women and children; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 47—AN ACT relating to education; requiring the department of education to establish a program for the recruitment and professional development of teachers; providing for the partial repayment of student loans of certain licensed teachers; providing for the reimbursement of certain costs incurred by teachers in obtaining endorsements in certain fields of specialization; authorizing the board of regents to administer a program of financial aid for students who are enrolled in teaching programs; making appropriations; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 48—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for certain costs of litigation and for costs related to consultants on the administration of water resources statewide; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 49—AN ACT relating to the court system; revising the provisions relating to the assignment of district judges in judicial districts that include family court; revising the provisions relating to the authority of chief judges in judicial districts that include family court; revising the provisions relating to the election of district judges in judicial districts that include family court; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 50—AN ACT relating to the court system; revising the provisions relating to the authority of chief judges in judicial districts that include family court; providing for the establishment of procedures for addressing certain grievances of parties in family court; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 51—AN ACT relating to the court system; revising the provisions relating to the reporting of caseloads by chief judges in judicial districts that include family court; providing that certain information concerning caseloads be submitted to the director of the legislative counsel bureau; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 52—AN ACT relating to family law; requiring the court to impose sanctions in certain circumstances against a person who files an application for an order for protection against domestic violence containing a false or intentionally misleading statement concerning the adverse party; requiring the court in certain circumstances to order additional visitation with a child; requiring the court to consider certain factors before awarding custody of a child to a parent or other person; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 53—AN ACT relating to crimes; providing for an increased penalty for felonies resulting in death or substantial bodily injury that are committed on the property of a public or private school, on a school bus or at a bus stop; providing that murder committed on the property of a public or private school, on a school bus or at a bus stop is first degree murder; providing that a person convicted of such a murder shall be punished by life imprisonment or death; providing that a juvenile court does not have jurisdiction over a person charged with a felony resulting in death or substantial bodily injury that is committed on the property of a public or private school, on a school bus or at a bus stop; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 54—AN ACT relating to professions; requiring the licensure of a speech pathologist's assistant; establishing the qualifications for such licensure; revising the provisions concerning the qualifications for a license to engage in the practice of audiology or speech pathology; increasing the maximum fees that may be collected by the board of examiners for audiology and speech pathology; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 55—AN ACT relating to scrap metal; prohibiting the burning of stolen metallic wire for the purpose of selling it as scrap metal; requiring junk dealers to obtain certain evidence concerning the acquisition and burning of certain metallic wire before purchasing such wire; requiring junk dealers to keep a record of such evidence; providing penalties; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Berman:

Assembly Bill No. 56—AN ACT relating to sex offenders; providing for a program to allow certain sex offenders on parole to participate in treatment

with chemical compounds; requiring the chief parole and probation officer or his designee to administer the program; providing for a study and a report to the legislature concerning the program; requiring certain conditions of parole for sex offenders who participate in the program; authorizing a reduction in the maximum term of imprisonment of certain sex offenders who participate in the program; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 57—AN ACT relating to the legislature; prohibiting lobbyists and certain former lobbyists from giving certain gifts to legislators; prohibiting legislators from soliciting or accepting gifts from registered lobbyists and certain former registered lobbyists; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblyman Beers:

Assembly Bill No. 58—AN ACT relating to real estate licensure; changing references to "real estate salesman" to "real estate sales associate"; changing references to "real estate broker-salesman" to "real estate broker-associate"; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 59—AN ACT relating to motor vehicles; clarifying that a person with a disability may obtain a special license plate and parking sticker to park a motorcycle in a space designated for the handicapped; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 60—AN ACT relating to health care; requiring health insurers to include in certain policies of health insurance coverage for services and prescriptive drugs related to reproductive health care; prohibiting certain health insurers from committing certain acts concerning services related to reproductive health care; requiring the department of human resources to reimburse providers of health care directly for services related to reproductive health care provided under the state plan for

Medicaid; requiring the department of human resources to contract only with health maintenance organizations that have negotiated with certain essential community providers to provide Medicaid managed care; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 61—AN ACT relating to schools; expanding the jurisdiction of school police officers to school zones for the purpose of enforcement of traffic laws; authorizing school police officers to issue citations to habitual truants; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 62—AN ACT relating to residential facilities for groups; revising the limitation on local control over the location of housing for persons with disabilities; requiring the enactment of certain related ordinances; requiring local governments to maintain a registry of residential facilities for groups; revising the definition of "residential facility for groups"; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 63—AN ACT relating to compensation; excluding certain sports officials from the payment of unemployment compensation; excluding certain sports officials from the payment of workers' compensation; excluding certain sports officials from participation in the public employees' retirement system; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 64—AN ACT relating to real property; revising the provisions relating to the licensing and the operation of certain mortgage companies; requiring certain mortgage companies to maintain a minimum net worth; establishing licensing requirements for mortgage agents and requiring such agents to pay certain fees; prohibiting various acts by mortgage

companies and mortgage agents; providing for administrative sanctions and criminal penalties; revising the provisions relating to the licensing and the operation of certain construction controls, escrow agencies, escrow agents, title agents, title insurers and escrow officers; requiring certain construction controls, escrow agencies, title agents and title insurers to maintain a surety bond; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 65—AN ACT relating to mobile home parks, removing the requirement that certain mobile home parks provide direct water service to individual meters, and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Angle (by request):

Assembly Bill No. 66—AN ACT relating to state government; prohibiting retaliatory action against an independent contractor who discloses an improper governmental action; prohibiting a state agency from taking certain adverse action against independent contractors who testify or seek to testify before a house or committee of the legislature on their own behalf; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 67—AN ACT relating to the committee on benefits, increasing the number of members of the committee; requiring that certain members of the committee be appointed by the governor from lists of nominees submitted by certain organizations; providing that public employees do not lose accrued leave for the time spent away from their employment while serving as members of the committee, and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Evans:

Assembly Bill No. 68—AN ACT relating to the protection of children; providing civil and criminal immunity to persons who cause medical tests to be performed on children suspected of being abused or neglected or provide records or copies thereof of those medical tests to certain persons; requiring

those medical records or copies thereof to be provided to certain law enforcement agencies, agencies that provide protective services to children and the prosecuting attorney's office; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Goldwater:

Assembly Bill No. 69—AN ACT relating to welfare; requiring the state plan for Medicaid to provide payment to hospitals for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients in proportion to the total uncompensated amount of the costs incurred by the hospital for health care services provided to such patients during the preceding year; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 70—AN ACT relating to gaming; requiring the licensure of a manufacturer, seller or distributor of associated equipment; providing a fee for such licensure; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 71—AN ACT relating to crimes against property; prohibiting a person from obtaining any personal identifying information of another person and using the information to harm that other person or for any unlawful purpose; making various changes to provisions concerning identity fraud and false status; providing penalties; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 72—AN ACT relating to real property; subjecting certain transactions involving mortgage companies and notes secured by liens on real property to laws regulating securities; authorizing the administrator of the securities division of the office of the secretary of state to adopt regulations to exempt from the laws regulating securities certain

transactions involving mortgage companies and notes secured by liens on real property; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Segerblom:

Assembly Bill No. 73—AN ACT relating to emergency medical services; revising provisions governing the withholding of life-resuscitating treatment pursuant to a do-not-resuscitate order; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Thomas:

Assembly Bill No. 74—AN ACT relating to public employment; providing that retired public employees may accept certain employment with the University and Community College System of Nevada without affecting the distribution of their existing retirement allowances; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Goldwater:

Assembly Bill No. 75—AN ACT relating to estates in property; increasing the period of perpetuities in the Uniform Statutory Rule Against Perpetuities from 90 years to 500 years; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 1, 1999

To the honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 1.

Yeas–41

Nays–0

Excused–Marvel.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Clyda Anderson, Natha Anderson, Ed Anderson, Lani Anderson, Kelly Gardner, Rick Gardner, R.J. Gardner, Becca Gardner, Whitney Gardner, Michael Gardner and Carolyn Hooper.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Angle, T.J. Ott, Victor Ott, Charlene Ott, David Ott, Ernestine Angle, John Angle, Marie Spainhower, Ed Kratch, Richard Cascio, John Massey, Terry Campbell, Barlane Eichbaum, Bea Eichbaum, Bonnie Weber, Herb Chandler, Pastor John Reed, Mr. and Mrs. Clay Wilson, Mr. and Mrs. Mike Webber, Mr. and Mrs. Ted Harris, Katie Burns, John Burns, Sheila Ward, Jim Cribari, Barbara Jones, Rusty Humphries, Penny Brock and Victoria Aiken.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to John T. Stephens III.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Sallie S. Bache and Christine N. Bache.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Frank T. Beers III, Patricia T. Beers, Kenneth J. Johnson, Grace I. Johnson, Lindsey B. Beers, Kyle B. Beers and Sarah J. Beers.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Bess Berman, Charles Berman and Karen Wells.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mindy Boydston.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Cegavske, Adam Cegavske, Bret Cegavske, Ned Hoogland, Nathan Emens, Ruth Jewson, and Naomi Dottie.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Elmer Chowning, Jackie Valley, Elana Marton, Christine Cole, Jennifer Batchelder and Jennifer Collier.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Reese and Kathleen J. Collins.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Jo Acorda and Tiana Acorda.

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Moruyne Dini, Sheryl Seaman, Kurt Andersen, John Michael Brisbin, Alyssa Corda, Nathan Eng, Meaghan Glahn, Luis Gonzales, Jenny Mital, Dalton Moffat, Derek Sanchez, Whitney Schulz, Kimberley Sebring, A.J. Silva, Sarah Vacchina, Callie Ward, Ean Witter, Ellen Eng, Cindy Sanchez, Cathleen Mital, Elizabeth Corda, Deborah Bluemer, George and Gretchen Dini, David Dini, Tiffany Shamus Thurman, James Tudor, Lisa Menath, Scott Menath, Josh Dini, Heather Dini, Evan Dini, Vivian Pickett, Norton Pickett and Marty Bibb.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Congressman Jim Gibbons, Sandra Waite, Dorothy Snelling, Neil Sunt, Chris Sunt, Kathy Karrasch, Kyle Karrash, Kelsey Karrash, Bance Kreisman, Beth Rubenstein, Abe Rusenstein and Heather Alney.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Gray.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Goldwater, David Goldwater, Dan Tuntland and Robert Sparks.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Arla Hettrick.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Victor Koivisto, Beth Medina, Kris Tackett, Victor Koivisto, Jr., Manny Medina, Ed Tackett, Bryan Medina, Amber Koivisto, Derrick Tackett, Sarina Koivisto, Heather Tackett, Victor Koivisto III and Nikolas Medina.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Helen M. Lee and Amanda L. Bishop.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Liberty Fulkerson, Julia Leslie, Chuck Fulkerson, Mary Lee Fulkerson, Bob Fulkerson, Ben Felix and Tim Hay.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Cleone Bujalski.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Willie Marvel, Michelle Slagle, Dave Slagle and Delanie Slagle.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Michael, Ellen Richwaine, Jim Long, Joey Nolan, Ryan Nolan and Kim Nolan.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Irene M. Davis.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Price.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Richard "Tick" Segerblom, Carl Segerblom and Martin Beck.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, February 2, 1999, at 11:00 a.m. and that it do so in memory of former State Senator Jack Regan.

Motion carried.

Assembly adjourned at 3:27 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY (Tuesday), February 2, 1999

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our loving, heavenly Father, You make all things new: a new covenant, a new birth, a new man, a new name, a new creation, a new haven, a new earth and a new Jerusalem. You plant in our hearts a new song. We thank You for this day of new opportunities and new challenges. Bless these servants of Yours as they bring their new ideas into this new Legislative session.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 1, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Collins:

Assembly Concurrent Resolution No. 3—Directing the Director of the Department of Transportation to conduct an interim study to determine the feasibility of transferring certain highways owned, controlled or maintained by the state to counties or cities in this state in exchange for certain roads or streets that are owned, controlled or maintained by those counties or cities.

Assemblyman Collins moved that the resolution be referred to the Committee on Transportation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 1, 2, 3; Senate Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Vaeth.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Gardner.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Niki Cano.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Zumbro.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 4, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:17 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday) February 4, 1999

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our Heavenly Father, yesterday was the 40th anniversary of what has become to be known as the day the music died. Buddy Holly, Richie Valens, J.P. "The Big Bopper" Richardson, and the young pilot, Roger Peterson, died in the plane crash near Clear Lake, Iowa. The musicians died but their music lives. For those of us who loved it then, we appreciate it all the more now. Father, for these servants in this Assembly, bless them as they use their god given talents to promote and to make a positive contribution to the lives of many for many years to come. In the name of our Lord Jesus, I pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.

Mr. Speaker presiding.

Quorum present.

SPECIAL ORDERS OF THE DAY

The hour of 11:15 a.m. having arrived, vetoed Assembly Bills Nos. 512 and 596 of the 69th Session were considered.

Vetoed Assembly Bill No. 512 of the 69th Session.

Governor's message stating his objections read.

STATE OF NEVADA
EXECUTIVE CHAMBER

CARSON CITY, NEVADA, 89701 July 17, 1997

THE HONORABLE JOSEPH E. DINI, *Speaker*, Nevada State Assembly, Legislative Building, Carson City, NV 89710

DEAR SPEAKER DINI:

I am herewith forwarding to you, for filing within the Constitutional time limit and without my approval, Assembly Bill 512, entitled:

AN ACT relating to contractors, providing for the regulation of contracts for the construction of residential swimming pools and spas; prohibiting certain acts and omissions by contractors regarding the construction of residential swimming pools and spas; providing a penalty; and providing other matters properly relating thereto.

Instead of helping Nevada's consumers, A.B. 512 may reduce the number of pool and spa contractors, thereby reducing consumer choice and undermining healthy competition. The installment payment plan mandated by this legislation places onerous financial demands on pool and spa contractors that could threaten their viability by forcing them to assume an unreasonable level of financial risk.

I am against overregulation at a time when government at all levels has recognized the problems attendant to the overregulation of commerce which, in the long run, only increases the costs to the consumer. This legislation has been represented as reflecting the legitimate needs and interests of both consumers and pool and spa contractors. However, it has become clear that, in fact, the contractors have not been consulted nor afforded an opportunity to present evidence as to the financial implications of such drastic legislation on their ability to remain in business.

Sincerely,
BOB MILLER
Governor

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblyman Lee.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS–0

NAYS-Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel, and Williams–40.

NOT VOTING–Gibbons and Lee–2.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN LEE:

Thank you Mr. Speaker. To you and through you to this esteemed body. As you know, the first duty given to each legislator in this session is to bring back to our constituents a balanced budget or a budget which continues to operate effectively and efficiently. While this is being debated, we try to craft good legislation that allows every citizen in the State of Nevada a better quality of life.

The 69th Session, to us here, was a consumer's session. In my panorama, my chair-mate from District 8 championed HMO legislation. Behind me, from District 6, Charter Schools were brought forth. In my forefront, District 10, renter and landlord rights were discussed.

In southern Nevada, pool contractors were bilking residents out of hundreds of thousands of dollars by overcharging on deposit-down payments, defective work and timely work construction. The Senate and Assembly took this to task and crafted legislation that you can all take pride in. You did a good job for the consumers. It gave the consumer more rights and protection than they previously had.

The Governor at that time had different ideas about this legislation and vetoed it in the last days after we had left session. Later, in better vision, he saw the wisdom and intelligence of this bill and had the major provisions of this bill placed in state regulations. This allowed the contractors board to have the tools they needed to do the much needed work that had to happen.

Mr. Speaker, at this time, I will not redraft AB 512. I do reserve the right to revisit this issue if it becomes a topic of concern again. Thank you, Mr. Speaker.

Vetoed Assembly Bill No. 596 of the 69th Session. Governor's message stating his objections read.

STATE OF NEVADA
EXECUTIVE CHAMBER

CARSON CITY, NEVADA, 89701 July 16, 1997

THE HONORABLE JOSEPH E. DINI, *Speaker*, Nevada State Assembly, Legislative Building, Carson City, NV 89710

DEAR SPEAKER DINI:

I am herewith forwarding to you, for filing within the constitutional time limit, and without my approval. Assembly Bill 596, entitled:

AN ACT relating to public schools; creating the Incline Village school district; defining "county school district" for purposes of the Nevada Revised Statutes as including the Incline Village School district; and providing other matter properly relating thereto.

After a careful analysis of the issues pertaining to AB 596, it is clear that much of the motivation behind this legislation stems from the belief of many Incline Village residents that the Washoe County School district has failed to adequately address their educational needs. The Governor's Office has received numerous phone calls, faxes and correspondence from constituents in Incline Village expressing their dissatisfaction with the board and administrators of the Washoe County School District.

The most commonly stated complaint is that many residents of Incline Village feel they do not have substantial representation at the school district level. Incline Village accounts for only 3 percent of the student enrollment in Washoe County, but pays 11% of the property taxes that fund schools throughout Washoe County. For this reason, many Incline Village residents have complained that their request for a new elementary school in Incline Village was unfairly denied by the Washoe County School Board in lieu of capital projects in other areas of the district.

I sincerely believe that the support for AB 596 is based on the desire of parents, business leaders and citizens-at-large in Incline Village to provide their children the best education possible. I commend this noble objective, but AB 596 does not serve the best interest of education. I therefore must veto AB 596.

There are several reasons I must veto this bill, and in the interest of clarity, I am detailing them below:

Fiscal Impacts:

My primary concern is that AB 596 would have an adverse fiscal impact on the children of Incline Village. Section 6 states "in a county in which more that one school district exists, the county treasurer shall separately account in the county school district fund for all money received for each school district in the proportion that the average daily attendance of pupils most recently calculated for each school district pursuant to NRS 387.123 bears to the total average daily attendance of pupils who are enrolled in public schools in the county."

According to the Nevada Department of Education, if this bill had been in effect in FY 1996, Incline village's proportion of the average daily attendance would be 2.88% of the total enrollment in Washoe County. The total revenue for the Washoe County School District in FY 1996 for the General Fund and the Special Education fund was $200,505,473. 2.88% of the revenue is $5,774,558. The expenditures attributed to the Incline Village schools in those two funds for FY 1996 totaled $7, 251,920. Therefore, the funding formula in Section 6 would have resulted in a shortfall for Incline Village of $1,469,266 in FY 1996—a $1,114 reduction per student. The projections for fiscal years 1997 and 1998 show that Incline Village would continue to be faced with a shortfall of $1,369,874 and $1,333,732 respectively.

Additionally, the cost per student is greater in smaller schools that larger ones. The high school and middle school at Incline Village are both smaller than the average school for those grades in Washoe County. As a result, the Washoe County School District is currently spending $1,417 more per student for Incline High school and $1,207 more per student for the middle school Under AB596 Incline Village would no longer benefit from the economy of scale that is provided by the Washoe County School District.

Precedence:

Section 2,3C of Assembly Bill 596 states: "The creation of an Incline Village school district will allow the legislature and all other interested parties to consider the desirability of creating school districts in other geographically isolated portions of this state.""

This statement clearly means that one of the purposes of AB 596 is to establish a criterion and a precedent for changing the consolidated county school district system in Nevada. The 1995 Nevada Legislature established the SCR 30 Subcommittee to Study Reconfiguring the Structure of School District. This subcommittee included in its recommendations a method to evaluate proposals for the reconfiguration of school districts that included a comprehensive fiscal review of such proposals and a process for public input. AB 596 was drafted without any formal fiscal review by the Legislative Council Bureau, the Department of Administration or the Nevada Department of Education. Additionally, AB 596 does not allow for any public review of school district reconfiguration proposals.

The SCR 30 subcommittee outlined several factors that should be given careful consideration when reviewing proposals for the reconfiguration of school districts. AB 596 focuses on only one of these factors, geographic isolation. AB 596 establishes a precedent of changing a school district boundary based solely on geographic isolation, but fails to clearly define how this can be measured. Geographic isolation, as the sole consideration set forth in this bill, does not constitute a sufficient rational for de-constructing a consolidated school district system.

Process:

Given the momentous policy consequences of AB 596, it is unacceptable that testimony related to this legislation was heard only in the Assembly Committee on government Affairs, and heard only briefly during the rush to adjournment of the legislative session. I believe the sweeping importance of this bill dictates its thorough hearing before the legislative committees that deal with finance, education, taxation and government.

Conclusion:

I commend the citizens or Incline Village for seeking greater involvement in the education of the community's children, and I encourage them to pursue vigorously every opportunity available to them through existing statute. For example, the Washoe County School District is one of the few districts that has adopted a "shared decision-making" program that provides greater authority and responsibility at the school site, rather than at the central administration or school board level. The elementary school in Incline Village has already been designated as a "shared decision-making" site, and I emphasize this program should be expanded to include the middle school and high school.

Additionally, the 1997 Nevada Legislature passed Senate Concurrent Resolution No. 8, which encourages the board of trustees of each county school district to create a community advisory board. I urge the Washoe County School District to create a community advisory board in Incline Village to enable this community to have a stronger standing in the decision making process to improve the quality of education for the young people of Incline Village.

Sincerely,
Bob Miller
Governor

Bill Read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblyman Humke.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS--Gibbons and Brower--2

NAYS-Anderson, Angle, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams--40.

Assemblyman Hettrick requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I voted for AB 596 of the 69th Session. I did so because of the conditions which existed at the time in 1997, in Washoe County. I was informed, having not served on the appropriate committee that heard the bill, that the Washoe County School District Board of Education, as well as administrators, were not addressing the concerns of all citizens in all areas of the Washoe County School District. I voted for the bill even though it was not perfect. In large part due to the fact that, as I understood it, the Washoe County School District did not fully participate in the legislative process here in Carson City.

I would say parenthetically that the veto message by the now former chief executive of the state was very well reasoned. Most of the conditions that the former Governor has pointed out in the Washoe County District have changed for the positive. The new superintendent is open and marvelously dynamic. He is a big hit in the business community in Washoe County. He is also a big hit with parents and with students.

The Washoe County Board of Education is, in my opinion, now far more open to the concerns of all persons in the Washoe County community. The administrators similarly are far more open.

In short, the conditions are not perfect in the Washoe County School District but they are at least 100 percent better. I will vote to sustain the veto, and, similar to the last issue, we can always revisit this issue if need be. Thank you, Mr. Speaker.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to Committee on Commerce and Labor.

BERNARD ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 72 be re-referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 4—Urging the family courts to coordinate and integrate as fully as possible all case files pertaining to the same parties or children and to ensure that such parties or children are directed to the appropriate agencies and services in a timely manner and directing the Chief Judges of the Second and Eighth Judicial Districts each to submit to the next regular session of the Nevada Legislature a report that includes a summary of any actions that have been or will be taken in the judicial district to achieve such results and any suggestions for necessary legislation to assist the judicial district in achieving such results.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 5—Amending the Joint Rules of the Senate and Assembly for the 70th legislative session to restrict the introduction and consideration of certain bills.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as adopted by the 70th session of the Legislature are amended by the following addition:

MEMORIALS AND COMMENDATIONS

Rule No. 23. Limitation on Hearing.

1. On or after the 60th calendar day of the legislative session, a concurrent resolution or a resolution of one House that is used to memorialize a person or congratulate or commend a person or organization may only be considered on the floor of the Senate or Assembly as the last order of business before adjournment on a Friday.

2. In relation to a concurrent resolution, this rule may only be waived upon an affirmative vote of two-thirds of all members elected to the Senate and an affirmative vote of two-thirds of al members elected to the Assembly. In relation to a resolution of one House, this rule may only be waived upon an affirmative vote of two-thirds of all members elected to the House of origin. Any vote taken pursuant to this rule must be recorded in the journal of the House.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 6—Encourages the Department of Human Resources to contract with community-based organizations and essential community providers to reach out to and provide incentives to such organizations and providers that reach out to low-income families to increase participation in the Children's Health Insurance Program.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 7—Urging the Department of Human Resources to access the maximum appropriation available from the Federal Government to pay for the increased administrative costs of making eligibility determinations for Medicaid as a result of the Welfare Reform Act and to use part of the appropriation to provide grants to community-based organizations that assist the Department of Human Resources in complying with the Welfare Reform Act.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 8—Urging the Department of Human Resources to comply with the federal law requiring staff to be available at certain health care facilities to determine whether certain persons are eligible for Medicaid.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 9—Urging the Department of Human Resources to increase access to the services of personal care assistants for recipients of Medicaid.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 10—Urging the Bureau of Licensure and Certification of the Health Division of the Department of Human Resources to use a continuous quality improvement approach to monitor the quality of care provided to residents of certain facilities for long-term care.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 11—Directing the Legislative Commission to appoint an interim committee to continue the review and evaluation of the services and treatment provided to mentally ill persons in this state.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 12—Urging the Department of Human Resources to provide reimbursement for the cost of living in an assisted living facility for recipients of Medicaid in appropriate circumstances.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 76—AN ACT relating to motor vehicles; requiring the director of the department of motor vehicles and public safety to order the redesign and preparation of motor vehicle license plates with colors that are predominately blue and silver; authorizing the transferee and transferor of a motor vehicle to write their signatures upon the certificate of ownership for the vehicle by any method that is approved by the department of motor vehicles and public safety; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 77—AN ACT relating to writs of garnishment; requiring that a defendant be identified in a writ of garnishment by his social security number or a tax identification number; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 78—AN ACT relating to prisons; eliminating the duty of the director of the department of prisons to return a certified copy of a judgment of conviction to the county clerk upon the termination of imprisonment of a prisoner; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 79—AN ACT relating to parole; requiring the division of parole and probation of the department of motor vehicles and public safety to categorize a discharge from parole as honorable or dishonorable; requiring that a parolee must be issued an honorable discharge to have his civil rights restored; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 80—AN ACT relating to parole; making various changes concerning a parolee who commits a felony in another jurisdiction; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 81—AN ACT relating to the state judicial department; clarifying that judges of municipal courts and justices of the peace may not seek reelection if they were previously removed or retired from any judicial office; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 82—AN ACT relating to sanity commissions; transferring the duty to establish the compensation of the members of such a commission from the judge impaneling the commission to the administrator of the mental hygiene and mental retardation division of the department of human resources; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 83—AN ACT relating to debit cards; providing that certain crimes and civil actions concerning credit cards also apply to debit cards; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 84—AN ACT relating to the state board of parole commissioners; authorizing the chairman of the board to designate a member of the board as senior parole commissioner; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 85—AN ACT relating to crimes against property; increasing the penalty for committing petit larceny three or more times within a certain period; making various changes to provisions concerning a merchant taking a person into custody and detaining him; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 86—AN ACT relating to justices of the peace; requiring that the justices of the peace in certain townships be licensed and admitted to practice law in the courts of this state; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 87—AN ACT relating to civil liability requiring that certain money recovered in an action for constructional defects be placed in a court-administered escrow; requiring that notice of the defects be recorded at office of county recorder; amending the provisions governing the liability of this state and its political subdivisions relating to inspections of private buildings, structures, facilities or improvements; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Dini (by request):

Assembly Bill No. 88—AN ACT relating to districts; requiring the members of the board of directors of certain local and general improvement districts to obtain training concerning the duties of the members and the finances of the districts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Marvel and de Braga; and Senators Rhoads and McGinness:

Assembly Bill No. 89—AN ACT making an appropriation to the juvenile detention center for the Sixth Judicial District for alternative education, counseling rooms, family resource center and certain improvements; and providing other matters properly relating thereto.

Assemblymen Marvel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Berman:

Assembly Bill No. 90—AN ACT relating to pupils; prohibiting certain fund-raising activities involving pupils of public schools; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Education.

By the Committee on Government Affairs:

Assembly Bill No. 91—AN ACT relating to cities; establishing, under certain circumstances, an alternative procedure for the annexation of territory by a city if the territory is entirely surrounded by the boundaries of the city; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 92—AN ACT relating to municipal obligations; authorizing a governing body to issue general obligation bonds for a water facility or wastewater facility to mature within 40 years from the date of issue; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 93—AN ACT relating to state financial administration; requiring certain contracts to be reduced to writing and signed by each party to those contracts; repealing provisions regarding recordation, custody and preservation of contracts to which the state is a party; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 94—AN ACT relating to veteran affairs; revising certain provisions relating to the account for a veterans' cemetery in northern Nevada and the account for a veterans' cemetery in southern Nevada; requiring certain money to be deposited in the budget account of the executive director for veterans' affairs and accounted for separately for those cemeteries; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 95—AN ACT relating to local improvements; authorizing the creation of a local improvement district for a street beautification project; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 96—AN ACT relating to water; revising certain provisions governing projects for the recharge and recovery or underground storage and recovery of water; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 97—AN ACT relating to water; expanding the circumstances under which a public water system may receive credit for adding the owners of certain parcels of land to the system; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 98—AN ACT relating to emergency management; requiring the chief of the division of emergency management of the department of motor vehicles and public safety to develop comprehensive, coordinated plans for emergency management; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 99—AN ACT relating to the state militia; increasing the maximum allowable age for commissioned officers of the Nevada National Guard; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 100—AN ACT relating to the housing division of the department of business and industry; increasing the permissible aggregate principal amount of the outstanding obligations of the division; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 101—AN ACT relating to the state controller; eliminating the prohibition against certain employees of the state controller pursuing other businesses or occupations; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 102—AN ACT relating to public records; revising provisions governing public access to the public records of governmental entities; requiring a governmental entity to make available certain information pertaining to its employees; requiring a governmental entity to ensure that the purchase of certain equipment will not impair or impede the ability of the entity to make public records available; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Marvel, de Braga, Hettrick, Dini, Carpenter, Collins, Neighbors and Humke; Senators Rhoads and McGinness:

Assembly Bill No. 103—AN ACT relating to state government; providing in skeleton form for the reestablishment of the department of minerals and

the department of agriculture; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 104—AN ACT relating to campgrounds; revising the fees required to be paid by certain developers who sell memberships in campgrounds; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 105—AN ACT relating to time shares; authorizing the real estate administrator to establish fees for the examination of an applicant for a sales agent's license; providing for the collection of fees related to the accreditation of courses of continuing education for sales agents; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 106—AN ACT relating to public works; requiring the state contractors' board to certify a contractor as a qualified resident contractor if the contractor submits an application and certain proof to the board; authorizing the board to impose a fee for that certification; revising the provisions concerning the determination by a public body of the best bid submitted for an award of a contract for a public work; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 107—AN ACT relating to manufactured housing; requiring dealers to comply with certain requirements concerning money held by them pending the sale or exchange of an interest in a manufactured home, mobile home or commercial coach; establishing requirements relating to the enforceability of certain brokerage agreements; requiring dealers who enter into brokerage agreements to perform certain acts relating to their clients; revising the categories of licensure as a limited serviceman; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 108—AN ACT relating to unfair trade practices; clarifying the persons on whose behalf the attorney general may bring a civil action for unfair trade practices; clarifying the persons who may bring a civil action for unfair trade practices; increasing the percentage of money collected for unfair trade practices that must be credited to the attorney general's special fund; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 109—AN ACT relating to deceptive trade practices; authorizing the director of the department of business and industry and the commissioner of consumer affairs to make public the name of any person alleged to have committed a deceptive trade practice; requiring the commissioner to make public upon request, any assurance of discontinuance accepted by the commissioner or the director; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 110—AN ACT relating to labor; requiring the wages or compensation of an employee who works with explosives to be based solely on the number of hours the employee works; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 111—AN ACT relating to safety in the workplace; requiring the establishment of a written safety program in all workplaces where explosives are manufactured or handled; requiring an employer to furnish certain documents and programs related to safety in the workplace in a language and format that is understandable to each of his employees; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 112—AN ACT relating to occupational safety; requiring the division of industrial relations of the department of business and industry to establish standards and procedures for places of employment where explosives are produced, used, stored or handled; providing for the certification of such places of employment and employees engaged in the production, use, storage or handling of explosives; requiring the disclosure of confidential information of the division to law enforcement agencies under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 113—AN ACT relating to health care records; expanding the circumstances under which a provider of health care is required to make health care records available for inspection by an investigator for the attorney general or a grand jury; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 114—AN ACT relating to Oriental medicine; authorizing the governor to remove a member of the state board of Oriental medicine under certain circumstances; revising the qualifications for licensure to practice Oriental medicine or to practice as a licensed assistant; increasing the penalty for the unlicensed practice of Oriental medicine; expanding the definition of "physician" to include doctor of Oriental medicine; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 115—AN ACT relating to the protection of property; extending the date of expiration of a permit to operate as a locksmith or safe mechanic; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 116—AN ACT relating to professional occupations; prohibiting a person from aiding or abetting another person in the

unauthorized practice of architecture, interior design or residential design; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Berman, Buckley, Collins, Beers and Gibbons; Senator Amodei:

Assembly Bill No. 117—AN ACT relating to crimes; providing an additional penalty for wearing or using body armor during the commission of a crime; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 118—AN ACT relating to courts; providing that trials and other proceedings in justices' courts must be conducted without juries; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 119—AN ACT relating to sovereign immunity; removing the limitation on certain damages that may be awarded to a person in a tort action against the State of Nevada or any of its political subdivisions for an act or omission of certain officers or employees thereof or of an immune contractor or state legislator; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 120—AN ACT relating to legal documents; providing for service of certain legal documents by means of a facsimile machine; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 121—AN ACT relating to traffic laws; authorizing a court to enter a judgment of conviction and impose a sentence if a person who is issued a traffic citation violates his written promise to appear;

requiring traffic citations to contain certain information; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 122—AN ACT relating to justices' courts; requiring a justice's court or a county to collect restitution ordered by the court; requiring that the money collected by a justice's court or county for restitution be paid to the person named in the order or deposited to a fund for the compensation of victims of crime; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 123—AN ACT relating to common-interest ownership; exempting common-interest communities located within certain counties from certain provisions of the Uniform Common-Interest Ownership Act; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 124—AN ACT relating to state financial administration; changing the designation of certain funds to accounts; changing the designation of the account to which certain proceeds of the tax on liquor are transferred; changing the designation of the department of human resources' gift fund from a special revenue fund to a trust fund; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 125—AN ACT relating to public employees; revising the provisions governing the manner in which the compensation deferred pursuant to the public employees' deferred compensation program and all property, rights and income relating thereto are held by the state to comply with federal law; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 126—AN ACT relating to state employees; requiring that the interest and income earned on the money in the deferred compensation account be credited to the account; requiring that certain money be deposited in the account; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 127—AN ACT relating to notaries public; providing that information obtained by the secretary of state during an investigation of a violation of certain provisions concerning notaries public is confidential; increasing fees that notaries public may charge for providing certain services; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 128—AN ACT relating to state obligations; authorizing a state agency that issues bonds in the name of the state to delegate the authority to sign a contract for the purchase of the bonds to a person designated by the state treasurer; authorizing the state treasurer to employ legal, financial and other professional services in connection with the authorization, sale or issuance of certain obligations; expanding the time within which certain bonds for highway construction must mature; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 129—AN ACT relating to public investments; revising certain limitations on the investment of state money; authorizing the state treasurer to employ investment and financial advisers; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 130—AN ACT relating to elections; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances;

repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 131—AN ACT relating to state employees; authorizing collective bargaining for certain state employees; creating a board for labor relations for state employees; providing for bargaining units and for their representation; establishing procedures for collective bargaining and for making, revising and amending collective bargaining agreements; prohibiting certain unfair labor practices; authorizing the superintendent of the state printing division of the department of administration to make certain labor agreements; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 132—AN ACT relating to public lands; authorizing the division of state lands of the state department of conservation and natural resources to establish and carry out certain programs relating to the Lake Tahoe Basin; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 133—AN ACT relating to water; limiting the circumstances under which a person may apply for a permit to appropriate water for wildlife purposes or for the benefit of the environment; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 134—AN ACT relating to public water systems; expanding the authority of the state board of health to regulate such systems; requiring certain systems to have the necessary technical, managerial and financial capacities to comply with certain federal regulations; revising the requirement that operators of such systems be certified by the state board of health; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 135—AN ACT relating to agriculture; revising the definition of "nursery" to include a location where nursery stock is propagated and from which nursery stock is distributed directly to a customer; exempting certain nurseries that are licensed by another state from the requirement of obtaining a license from the administrator of the division of agriculture of the department of business and industry; revising the definition of "peddler" to exclude certain nurserymen licensed by another state; requiring nursery stock shipped intrastate or interstate to a point within this state to be accompanied by an inspection certificate or a phytosanitary certificate; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 136—AN ACT relating to watercraft; clarifying restrictions on the operation of a vessel; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 137—AN ACT relating to excavations; transferring the responsibility for the abatement of certain dangerous holes, excavations or shafts from the counties to the division of minerals of the department of business and industry; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 138—AN ACT relating to watercraft; increasing the threshold amount of property damage at which an operator is required to report a casualty involving his vessel; requiring the division of wildlife of the state department of conservation and natural resources to investigate certain casualties; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Mr. Speaker announced that if there were no objections the Assembly would recess subject to the Call of the Chair.

Assembly in recess at 12:17 p.m.

ASSEMBLY IN SESSION

At 12:22 p.m.
Mr. Speaker presiding.
Quorum present.

By the Committee on Health and Human Services:

Assembly Bill No. 139—AN ACT relating to public welfare; requiring the department of human resources to provide services pursuant to the Medicaid program to certain persons with disabilities whose total household income is less than 250 percent of the federally designated level signifying poverty; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 140—AN ACT relating to mentally ill persons; clarifying the provisions governing the testimony that may be considered in a proceeding for the involuntary court-ordered admission of a mentally ill person to a mental health facility; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 141—AN ACT relating to mentally ill persons; revising the circumstances under which a mentally ill person who is involuntarily admitted to a mental health facility and is conditionally released on convalescent leave may be returned to the facility; revising the process by which such a person may be unconditionally released before the expiration of the statutory period for detention; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Davis.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Cash A. Minor and Benny Romero.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Russell.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Reese.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Bricker, Matthew Allen, Lynette Bertucci, Jennifer Boeche, Lara Bryte, Michael Burchett, Mike Murnett, Paul Carrion, Jeremy Chandler, Justin Chandler, Tonya Cioffi, Melissa Cosentino, Jill Cressaty, Brooke Evans, Amy Ferguson, John Garcia, Jamesa Gonzales, Dennis Hackman, Randall Halcomb, Justin Hall, Riker Hardy, Corey Jones, Roseann Kenney, Chris Knapp, Matthew Knesek, Shane Koos, Steven Lopez, Nicholas McCarthy, Rebecca McGough, Kelly McNeill, Martin Montgomery, Aaron Nelson, Robert Nix, Matthew Norberg, Lynette Pation, Jeremy Peters, Adam Prange, Jeremiah Rapp, Jason Rasberry, Charles Ross, Rebekah Rumple, Nicholas Sorenson, Justin Sparman, Cameron Thomson, John Wilson and John Wood.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Connellay and John Cooper.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Martinez.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to George Botta and Jay Harrison.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Richard MacDougal.

Assemblyman Perkins moved that the Assembly adjourn until Friday, February 5, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:31 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), February 5, 1999

Assembly called to order at 11:21 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Goldwater, who was excused.

Prayer by the Chaplain, The Reverend Ken Haskins.

Loving Heavenly Father, we commemorate and celebrate Girls and Women in Sports Day, here in the Nevada Legislature. We are reminded of the great lessons that sport teaches each of us: that excellence is worth pursuing and that we would succeed if we would give our all. We pray for these representatives here who have given themselves completely to making this state a better place for everyone to live and for improving the quality of life for we citizens. So bless their efforts today. We pray in the name of our Lord. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and adopt as amended.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 4, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Wiener, Care, McGinness, Porter, Titus and Washington:

Senate Concurrent Resolution No. 7

Assemblyman Perkins moved that Senate Concurrent Resolution No. 7 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Von Tobel, Angle, Price, Manendo, Gustavson, Giunchigliani, Chowning, Humke, Gibbons, Tiffany, Segerblom and Collins:

Assembly Bill No. 142—AN ACT relating to unincorporated towns; authorizing certain larger counties to establish a town board form of government for unincorporated towns; revising provisions governing applications for variances or special use permits with regard to property located within an unincorporated town governed by a town board; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 143—AN ACT relating to health insurance; creating the office of ombudsman for consumers of health insurance within the bureau of consumer protection in the office of the attorney general; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Parnell and Dini; Senator Jacobsen:

Assembly Bill No. 144—AN ACT relating to education; revising provisions governing patriotic observance in public schools; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 145—AN ACT relating to the financial support of public schools; establishing a state program for funding local programs for the intersession instruction of certain pupils; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 146—AN ACT relating to health care; requiring the Legislative Committee on Health Care to contract with an independent organization to conduct a study of the feasibility of developing a method for evaluating the quality of care provided to certain recipients of Medicaid; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 147—AN ACT relating to education; making appropriations to the Clark County School District for the establishment and operation of various educational programs; requiring the establishment of an experimental program to extend the instruction of pupils beyond regularly scheduled school days; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 148—AN ACT making an appropriation to the City of Las Vegas for programs for children after regularly scheduled school days; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 149—AN ACT making an appropriation to the City of North Las Vegas for the construction and maintenance of a youth center; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 150—AN ACT relating to the department of transportation; abolishing the state highway payroll clearing account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 151—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for certain costs of litigation and for costs related to consultants on the administration of water resources statewide; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Tiffany:

Assembly Bill No. 152—AN ACT relating to education; excluding institutions or persons who offer certain computer software training programs from regulation as a postsecondary educational institution; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Education.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Edmond.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Bonham.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ruben Murillo.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Temple Montoya and Kaycee Green.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Ashlee Orndorff and Whitney Williams.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Brandt.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Netherby.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Stemler.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Yoon.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Alissa Anderson, Betty Phenix, Brooke Bohlke and Paula Winne.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Eisele, Kourtney Davis, The Sierra Nevada Girl Scout Troops 180 and 588, Sparks High Soccer and Basketball, Fernley High School Athletes, Carson City Comets, Carson Stalkers, Nevada Golf Team, Smith Valley High School Athletes, Yerington High School Athletes, Reed High School Athletes, Carson City High School Athletes, Carson City Recreation Basketball Team, Carson

Middle School Athletes, Mineral County Girls Basketball Team, Mineral County Girls Softball Team, St. Theresa School Girl Athletes, Carson Girls Softball Sharks and All Star Teams, Cobra V-12 Soccer Team, Nevada Volleyball Team, Tazmanian Devils Soccer Team, Special Olympics Athletes, Nevada Track Team, Reno High School Athletes, Nevada Reno Swimming, Douglas High School, Dayton High School, Galena High Softball, Volleyball, Basketball, Track and Cheerleading, University of Nevada Golf, Volleyball, Track, and Swimming, and the Nevada Women's Rugby Team.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Dinitia Andresen.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Camie Cragg.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Williams, Krystal Lewis, Robert Schofield and Jack Lund Schofield.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Camille Caliva.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Renee Longfield.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Candace Draper.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Tonya Robinson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Whitehead.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Lynda Upton.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Katy Hoffman.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Lathe.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Zane, Erin Bell and Ken Christmas.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Lawson, Megan Straughan, Megan Petterson and Candice Klopf.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Maguin.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to John Lampros and Courtney Pedro.

On request of Assemblyman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Steiber.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Bacon.

Assemblyman Perkins moved that the Assembly adjourn until Monday, February 8, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 8, 1999

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, Lt. John Van Cleef.

Heavenly Father, we come before You today and ask that You guide and bless these men and women who have been sent here by the people of Nevada, and who have been ordained by You to govern this great State. Grant them Your wisdom to rule, and may their decisions direct us to the center of Your will. In Your Son's Name I pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 101, 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 6, 24.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the following person be accepted as accredited press representatives, and that she be assigned space at the press table in the Assembly chambers and allowed the use of appropriate broadcasting facilities: Ande Engleman.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Concurrent Resolution No. 7 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

Senate Concurrent Resolution No. 7.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Gustavson, Koivisto, Chowning, Price, Manendo, Freeman, Anderson, Angle, McClain, Bache, Giunchigliani, Arberry and Williams:

Assembly Bill No. 153—AN ACT relating to compensation; excluding certain sports officials from the payment of unemployment compensation; excluding certain sports officials from the payment of workers' compensation; excluding certain sports officials from participation in the public employees' retirement system; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 6.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 24.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 2.

Resolution read.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 5.

Amend the resolution, page 2, line 18, by deleting "uniform" and inserting "effective".

Amend the resolution, page 2, line 26, by deleting "uniform" and inserting "effective".

Amend the preamble of the resolution, page 1, by deleting lines 3 and 4 and inserting:

" "State of Nevada, Judicial Branch of Government, Administrative Oversight of the State Court System"; and".

Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Resolution ordered reprinted, engrossed and to Resolution File.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 12:34 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Carpenter, Ohrenschall, Leslie, Gustavson, Koivisto, Angle, McClain, Claborn, Collins, Nolan, Manendo and Anderson:

Assembly Bill No. 154—AN ACT relating to family law; revising the provisions relating to the assignment of certain cases in family court; requiring the chief judge to assign certain cases in family court that involve the same parties or children to the same department; requiring a party who files the initial pleading in family court to provide certain information concerning other cases in family court; allowing parties in divorce actions to make offers of judgment concerning property rights; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By Assemblymen Dini, Perkins, Collins, McClain, Koivisto, Manendo, Ohrenschall, Leslie, Anderson, Buckley, Evans, Hettrick, Humke, Nolan, Parks, Cegavske, Williams, Beers and Segerblom:

Assembly Bill No. 155—AN ACT relating to public safety; requiring a person to report certain hazards and criminal offenses to appropriate authorities under certain circumstances; requiring a person to provide reasonable aid or assistance to others under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By Assemblymen Koivisto, Freeman, Giunchigliani, Buckley, Segerblom, Chowning, Bache, Manendo, Ohrenschall, McClain, Price, Parks, Mortenson, Collins, Claborn and Parnell:

Assembly Bill No. 156—AN ACT relating to mobile home parks; creating the mobile home commission within the manufactured housing division of the department of business and industry; prescribing the powers and duties of the commission; prohibiting a landlord of a mobile home park from increasing rent for the second or subsequent time within certain period unless the increase is approved by the commission; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Koivisto, Berman, Chowning, Mortenson, Claborn, McClain, Freeman, Giunchigliani, Bache, Parks, Segerblom and Manendo:

Assembly Bill No. 157—AN ACT relating to traffic laws; prohibiting certain persons from riding in the bed of a pickup truck or within a camper shell or slide-in camper; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Dini, Perkins, Evans, Anderson, Thomas, Parks, Bache, Segerblom, Neighbors, de Braga, Manendo, Carpenter, Koivisto, Williams, Chowning, Giunchigliani, Gibbons, Leslie, Nolan and Buckley:

Assembly Bill No. 158—AN ACT relating to children; requiring the notification of certain persons who apply to receive the placement of a child regarding the status of their application; creating a board to expedite and limiting the periods for certain procedures involved in proceedings for the placement of children; making various changes regarding the appointment and duties of a guardian ad litem for certain children in protective custody; authorizing the involvement of various persons interested in certain proceedings for the placement of children; providing a preference for the placement of siblings together; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gibbons, Chowning, Hettrick, Ohrenschall, Dini, Bache, Gustavson, Freeman, Tiffany, de Braga, Mortenson, Cegavske, McClain, Claborn, Beers, Anderson, Goldwater, Lee, Neighbors, Segerblom, Carpenter, Nolan, Leslie and Thomas:

Assembly Bill No. 159—AN ACT relating to insurance; prohibiting a person from collecting as the beneficiary the proceeds of a policy of life insurance of a decedent if he committed voluntary manslaughter or conspired

to commit the murder of the decedent; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 8, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 4.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 4.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:00 p.m.

ASSEMBLY IN SESSION

At 1:23 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 4.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 10

Amend the bill as a whole by adding the following assemblymen as joint sponsors:

Assemblymen Arberry, Beers, Brower, Dini, Goldwater, Leslie, Marvel, Nolan and Parnell.

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblymen Perkins, Giunchigliani, Mortenson and Anderson.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to third reading.

Assemblyman Perkins moved that reprinting of Senate Joint Resolution No. 4 be dispensed with and it be placed on the General File.

Motion carried.

Senate Joint Resolution No. 4.

Resolution read.

Remarks by Assemblymen Perkins, Gibbons and Bache.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. It is a resolution, as you can read, that urges Congress not to enact the Nuclear Waste Policy Act of 1999. That particular act sites the interim storage here in Nevada and it also revokes all the suitability measures that have been in place for Yucca Mountain, thus far. So, any of the environmental impacts or other scientific reasons that Yucca Mountain may not be a suitable site are thus taken away by the Nuclear Waste Policy Act of 1999. This resolution will just further proclaim Nevada's opposition to that storage in our state. Thank you.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. House Bill 45, the Nuclear Waste Policy Act of 1999, causes me, and many of you, a lot of grief here in Nevada, particularly our children and our families. I think it is important that people in Washington realize that we are people and that we care about the future of our state and the future of our children. With 109 reactors around the country, storage sites that will be transferred to Nevada are such a great risk for other states. Also, with the possibility of us being in a high earthquake area, it is important that we get those "pencil-necked geeks" up there to figure it out and not come here and light up our kids at night. And that's all I have to say. Thank you, Mr. Speaker.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. Senate Joint Resolution No. 4 is consistent with what we did in the 1995 Legislative Session when we adopted Assembly Joint Resolution No. 26, I believe, where we urged Congress not to place nuclear waste either on an interim or long term storage basis in Nevada. We encourage them to kill this act so that they can retain storage at the current facilities. Thank you.

Roll call on Senate Joint Resolution No. 4:

YEAS—41.

NAYS—None.

Excused—Marvel.

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblyman Perkins moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Remarks by Assemblyman Perkins.

Motion carried unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Hopkins.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Janice Schrader and Ed Oryem.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Geneva Neuhauser.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Mitch Cain.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Arlene Lawson and Dave Lawson.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, February 9, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:36 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday), February 9, 1999

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, Lt. John Van Cleef.

Gracious Lord, we pray this day that You will guide and bless the men and women of this great Assembly, that they will enact laws that please You for the glory of Your name, the preservation of our liberty, and the well being of this people. In Jesus name I pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 73; Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 2.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblywoman Leslie.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Chowning, Cegavske, Gustavson, Segerblom, Ohrenschall, Von Tobel, Parks, Neighbors, de Braga, Koivisto, McClain, Lee, Humke, Brower, Giunchigliani, Manendo, Nolan, Hettrick, Mortenson, Claborn, Angle, Tiffany, Dini, Arberry, Williams, Gibbons, Leslie, Berman,

Beers, Evans, Perkins, Anderson, Bache, Parnell, Freeman, Goldwater, Thomas, Price, Collins and Buckley:

Assembly Bill No. 160—AN ACT relating to fireworks; authorizing the state fire marshal to adopt regulations regarding the types of fireworks that a local government may authorize for public use; requiring regulations and ordinances adopted by certain governmental entities to be as restrictive as the regulations adopted by the state fire marshal; imposing civil liability under certain circumstances for the storage or use of fireworks; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 161—AN ACT relating to state parks; requiring the registrar of voters of Clark County to include on the ballot for the next general election an advisory question of whether the Floyd Lamb State Park should be renamed the Tule Springs State Park; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Berman, Ohrenschall, Chowning, Freeman, Segerblom, Cegavske, Williams, Tiffany, Evans, Giunchigliani, Buckley, de Braga, McClain, Von Tobel, Angle and Koivisto:

Assembly Bill No. 162—AN ACT relating to health insurance; requiring certain policies of health insurance to include coverage for services related to the diagnosis, treatment and management of osteoporosis; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Berman, Ohrenschall, Chowning, Freeman, Segerblom, Cegavske, Williams, Tiffany, Evans, Giunchigliani, Buckley, de Braga, McClain, Von Tobel, Angle and Koivisto:

Assembly Bill No. 163—AN ACT relating to health insurance; requiring certain policies of health insurance to include coverage for annual mammograms for certain women under 40 years of age; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Anderson, Williams, Arberry, de Braga, Lee, Segerblom, Gibbons, Giunchigliani, Chowning, Price, Manendo, Neighbors, Claborn, McClain, Bache and Freeman; Senator Schneider:

Assembly Bill No. 164—AN ACT relating to public employees; requiring the same rates and coverage for group insurance for officers, employees and retired employees of certain participating public agencies as are established for state employees; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Angle (by request):

Assembly Bill No. 165—AN ACT relating to juveniles; requiring the court to order a child who injures another person, or the parent or guardian of the child, to provide restitution for medical expenses or to perform community service; revising the provisions governing the inspection of photographs of children; revising the provisions regarding certain evidentiary testing of children; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hettrick, Cegavske, Nolan, Brower, Berman, Gustavson, Beers, Humke, Carpenter, Tiffany, Von Tobel, Angle, Lee, Gibbons, Chowning, Manendo, Ohrenschall, Collins, Koivisto, Parks, Arberry, Williams, Buckley, Freeman, Mortenson, Perkins, Price, Anderson, Goldwater, Leslie, Dini, Evans, McClain, de Braga, Marvel, Thomas, Neighbors, Segerblom, Parnell and Claborn:

Assembly Bill No. 166—AN ACT relating to dangerous weapons; expanding the locations into which a permittee may carry a concealed firearm; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hettrick, Beers, Goldwater, Cegavske, Chowning, Parks, de Braga, Price, Dini, Perkins and Giunchigliani:

Assembly Bill No. 167—AN ACT relating to residential facilities for groups; revising the definition of "residential facilities for groups"; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 168—AN ACT relating to electricity; extending the statutory deadline by which customers may begin obtaining potentially competitive services relating to the provision of electrical service from an alternative seller; extending the deadline for certain contingent reporting; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Tiffany:

Assembly Bill No. 169—AN ACT relating to elections; authorizing an elector to provide certain information as an alternative to providing certain forms of identification when he registers to vote; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblyman Nolan:

Assembly Bill No. 170—AN ACT relating to the legislature; providing for a supplemental allowance to certain legislators who maintain temporary quarters in Carson City during a legislative session; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblyman de Braga:

Assembly Bill No. 171—AN ACT making an appropriation to White Pine County for expenses related to the trial of Thomas Coleman; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Ohrenschall, Lee, Chowning, Claborn, Carpenter, Neighbors, Manendo, Price, Collins, Parks, Giunchigliani, Williams, Arberry, Anderson, Bache, Koivisto, McClain, Mortenson, de Braga, Humke, Berman, Segerblom and Gibbons:

Assembly Bill No. 172—AN ACT relating to health care; requiring a managed care organization to cover certain services provided to a person at a hospital after he receives emergency services; requiring a pharmacy to fill a prescription for a drug by its brand name upon request; and providing matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 173—AN ACT relating to hazardous materials; revising the designation of highly hazardous substances for the purposes of regulating facilities where such substances are produced, used, stored or handled; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 174—AN ACT relating to Douglas County; authorizing the board of county commissioners of the county to impose a local sales and use tax for libraries, airports, facilities and services for senior citizens and parks and recreational programs and facilities; authorizing the board to issue bonds and other securities to fund libraries, airports and facilities and services for senior citizens; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 175—AN ACT making an appropriation to restore the balance in the reserve for statutory contingency account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 176—AN ACT relating to state financial administration; making appropriations to the benefit services fund from the state general fund and the state highway fund; requiring an assessment of certain state agencies for deposit in the benefit services fund; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 177—AN ACT making an appropriation to restore the balance in the stale claims account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Williams, Anderson, Bache, Arberry, Leslie, Manendo, Buckley, McClain, Collins, Chowning, Ohrenschall, de Braga, Segerblom, Giunchigliani, Parks and Price:

Assembly Joint Resolution No. 6—Proposing to amend the Constitution of the State of Nevada to grant the right to vote to a person who has been or may be convicted of a felony and has been lawfully released from incarceration for that offense.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 2 of the Constitution of the State of Nevada be amended to read as follows:

Section 1. *1.* All citizens of the United States , ~~[(]~~ not laboring under the disabilities named in this constitution , ~~[)]~~ of the age of eighteen years and upwards, who ~~[shall]~~ have actually, and not constructively, resided in the state six months, and in the district or county thirty days next preceding any election, ~~[shall be]~~ *are* entitled to vote for all officers ~~[that]~~ *who* now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election . ~~[; provided, that no]~~

2. The following persons are not entitled to the privilege of an elector:

(a) A person who has been or may be convicted of treason ~~[or felony]~~ in any state or territory of the United States, unless restored to *his* civil rights . ~~[, and no]~~

(b) A person who has been or may be convicted of a felony in any state or territory of the United States, unless he has been:

(1) Lawfully released from all obligations of incarceration and restitution for that offense; or

(2) Restored to his civil rights.

(c) An idiot or insane person . ~~[shall be entitled to the privilege of an elector.]~~

3. There shall be no denial of the elective franchise at any election on account of sex.

4. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

Assemblyman Williams moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:40 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No 24.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 9.
Amend section 1, page 1, by deleting lines 11 through 13 and inserting: "*for the use of the card.*".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.
Bill read second time and ordered to third reading.

Assembly Bill No. 124.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Joint Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to T. J. Ott.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, February 10, 1999, at 11:00 a.m.
Motion carried.

Assembly adjourned at 11:53 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), February 10, 1999

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, Lt. John Van Cleef.

O Lord, our Governor, bless the leaders of this great State that we may be people of peace among ourselves, and a blessing to those around us. For the ladies and gentlemen of this Assembly, I pray for Your courage, Your wisdom and Your foresight to rest upon them, that they might provide for the needs of all our people. In Your Holy Name, I pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 94, 99, 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Taxation.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 32 be re-referred to the Committee on Taxation.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 8, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 10 to Senate Joint Resolution No. 4.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 13—Directing the Legislative Commission to continue the study of the system of juvenile justice in Nevada.

Assemblywoman Evans moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblywoman Evans:

Assembly Concurrent Resolution No. 14—Directing the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting in the State of Nevada.

Assemblywoman Evans moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Evans, Anderson, Buckley, Goldwater, Freeman, Manendo, Parks, Gibbons, Chowning, Dini, Giunchigliani, Parnell, McClain, Thomas, de Braga, Koivisto, Claborn, Hettrick, Cegavske, Gustavson, Beers, Collins and Segerblom:

Assembly Bill No. 178—AN ACT relating to public welfare; requiring the department of human resources to reimburse directly licensed clinical social workers and marriage and family therapists for certain services rendered under the state plan for Medicaid; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Mortenson, Claborn, Freeman, Arberry, Parks, McClain, Anderson, Ohrenschall, Gibbons, Koivisto, Manendo, Price, Segerblom, Nolan and Brower:

Assembly Bill No. 179—AN ACT relating to hazardous materials; prohibiting the sale or use of certain highly flammable refrigerants; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Berman, Koivisto, Gibbons, Manendo, Parks, Tiffany, Beers, Hettrick, Bache, Neighbors, Buckley, Cegavske, Humke, Chowning, de Braga, Segerblom and Mortenson:

Assembly Bill No. 180—AN ACT relating to children; requiring school officials to report to authorities a child who possesses a firearm without approval while on school property, on a school bus or at a school activity; providing that such a child must be removed from school, taken into custody, detained for certain periods and psychologically evaluated; requiring a petition alleging delinquency to be filed against such a child under certain circumstances; requiring the juvenile court to order such a child to surrender his driver's license until he reaches 21 years of age; revising the provisions relating to the unlawful possession of a firearm or other weapon under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Evans, Leslie, Parks, Goldwater, Humke, Manendo, de Braga, Ohrenschall, Koivisto, Bache, Hettrick, Cegavske, Berman, Williams, Beers, Claborn, McClain, Freeman, Arberry, Chowning, Segerblom, Neighbors, Carpenter, Lee, Buckley, Anderson, Perkins, Giunchigliani, Collins, Mortenson, Tiffany, Thomas and Dini; Senators Wiener, Rawson, Titus, Townsend, and Coffin:

Assembly Bill No. 181—AN ACT relating to public health; providing for the transfer of the bureau of alcohol and drug abuse from the department of employment, training and rehabilitation to the department of human resources; providing for additional services relating to substance abuse and mental health; requiring the commission on substance abuse education, prevention, enforcement and treatment to conduct annual evaluations of programs to treat substance abuse; requiring the establishment of pilot projects in family resource centers to provide services relating to substance abuse; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 182—AN ACT relating to highways; requiring the Department of Transportation and Clark County to enter into an interlocal agreement concerning highways in which both have an ownership interest; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 183—AN ACT relating to motor vehicles; requiring drivers of vehicles involved in certain accidents to stop, give information, render aid and report accident if they know or have reason to know that an accident has occurred; requiring drivers of vehicles involved in certain accidents to inquire about accident after stopping; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 184—AN ACT relating to traffic laws; authorizing certain law enforcement officers other than police officers to provide for the removal of vehicles from highways; authorizing the removal of a vehicle that is abandoned within a parking zone on a highway; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 185—AN ACT relating to traffic laws; prohibiting a truck, commercial vehicle or combination of commercial vehicles from being driven in the left lane of a highway under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 186—AN ACT relating to driver education; revising provisions governing the requirements for licensure as an operator of or instructor for a school for training drivers; requiring applicants for licensure as operators of or instructors for schools for training drivers to submit their fingerprints for processing by the Federal Bureau of Investigation; abolishing the requirement that such persons hold a driving instructor's certificate issued by the state department of education; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 187—AN ACT relating to traffic laws; limiting the speed at which a vehicle may be driven on a street or highway which has been marked or posted with signs for the requirement of traction devices, tire chains or snow tires; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 188—AN ACT relating to motor vehicles; revising the grounds for denying, suspending or revoking a license to engage in the activity of a broker of vehicles; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 189—AN ACT relating to the public employees' retirement system; authorizing legislators who are also public employees to obtain credit for retirement under the system for periods of service in the Nevada Legislature while on leave from public employment in certain circumstances; requiring certain members of the Nevada gaming commission to participate in the system; authorizing the system to calculate the elective service of certain members as regular service under certain circumstances; amending the benefit formula in certain circumstances; authorizing a public employer to contribute to a retirement fund that is not a part of the system on behalf of certain retired employees; authorizing members to use money from various retirement plans for the purchase of service under certain circumstances; increasing certain survivor benefits; raising the amounts of certain minimum cumulative benefits; eliminating the requirement of marriage to receive benefits under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Arberry (by request):

Assembly Bill No. 190—AN ACT relating to communicable diseases; requiring the testing of certain persons for communicable diseases; increasing the penalty for conduct likely to expose others to a communicable disease; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Segerblom, Neighbors, Parks, Manendo, Gibbons, Anderson, Freeman, Chowning, Williams, Thomas, Arberry, de Braga, Buckley, Koivisto, Collins, Evans, Goldwater, Price, Mortenson, Claborn, Hettrick, Nolan, Bache, Perkins, Leslie and Parnell; Senator Porter:

Assembly Bill No. 191—AN ACT making an appropriation to Boulder City for the Boulder City Museum; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Segerblom, Williams, Parks, Anderson, Gibbons, Buckley, Freeman, Arberry, Berman, Manendo, Chowning, McClain, Koivisto, de Braga, Evans, Goldwater, Giunchigliani, Mortenson and Leslie:

Assembly Bill No. 192—AN ACT relating to firearms; prohibiting a person from negligently storing a firearm; imposing civil liability upon the parent, guardian or other person who is legally responsible for a minor for negligently storing a firearm if the minor gains access to the firearm and commits a negligent act or willful misconduct; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Segerblom, Williams, Buckley, Neighbors, Parks, Manendo, Anderson, Freeman, Chowning, Arberry, McClain, Koivisto, de Braga, Berman, Collins, Evans, Cegavske, Goldwater, Price, Giunchigliani, Mortenson, Claborn, Nolan and Leslie:

Assembly Bill No. 193—AN ACT relating to trade practices; revising the provisions governing the use of a device for automatic dialing and announcing on a telephone; prohibiting the use of such a device under certain circumstances; providing that the dissemination of an unsolicited prerecorded message is a deceptive trade practice under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Segerblom, Williams, Buckley, Neighbors, Carpenter, Parks, Manendo, Anderson, Freeman, Chowning, Thomas, Arberry, Koivisto, de Braga, McClain, Berman, Collins, Evans, Goldwater, Humke, Price, Ohrenschall, Giunchigliani, Mortenson, Claborn, Hettrick, Nolan, Lee, Bache, Perkins, Leslie, Gibbons and Parnell:

Assembly Bill No. 194—AN ACT relating to managed care organizations; prohibiting a managed care organization from committing certain acts that limit the accessibility of its insureds to services provided at certain hospitals

in smaller cities and unincorporated areas with which the managed care organization has contracted; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Manendo, Perkins, Buckley, Koivisto, McClain, Mortenson, Bache, Williams, Price, Gibbons, Parks, Carpenter, Lee, Thomas, Leslie, Giunchigliani, Von Tobel, Anderson, Chowning and Arberry:

Assembly Bill No. 195—AN ACT relating to mobile home parks; revising the eligibility requirements for receiving assistance from the fund for low-income owners of mobile homes; authorizing a waiver from the eligibility requirements under certain circumstances; providing authority for law enforcement agencies of certain cities and counties or the metropolitan police department to patrol certain areas within mobile home parks under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Gustavson, Manendo, Humke, Cegavske, Berman, Hettrick, McClain, de Braga, Parks, Perkins, Gibbons, Bache, Tiffany, Buckley, Goldwater, Angle, Von Tobel, Lee, Nolan, Koivisto, Mortenson, Leslie, Chowning and Beers:

Assembly Bill No. 196—AN ACT relating to motor vehicles; providing in skeleton form to make it unlawful for a driver of a motor vehicle to have a detectable amount of a controlled substance or its metabolite in his system; making all prior offenses count in determining the penalty for subsequent offenses of driving under the influence of intoxicating liquor or a controlled substance regardless of when the prior offenses occurred; increasing the penalties for driving under the influence of a controlled substance; making various other changes concerning driving under the influence of intoxicating liquor or a controlled substance; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen de Braga, Dini, Hettrick and Parnell; Senators McGinness, Jacobsen, and Amodei:

Assembly Bill No. 197—AN ACT relating to water; including a portion of Churchill County within the Carson Water Subconservancy District; including representatives of Churchill County as members of the board of directors of the Carson Water Subconservancy District; increasing the

authorized compensation for members of the board of directors of a water conservancy district; increasing the authorized compensation for members of the board of directors of an irrigation district; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time and ordered to third reading.

Assembly Bill No. 25.

Bill read second time and ordered to third reading.

Assembly Bill No. 73.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 24:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 101:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 124:

YEAS—41.
NAYS—None.
EXCUSED—Marvel.

Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Rains.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lou Bashor, Matt Bodourian, Dave Bolick, David Brady, Linda Bratton, Cheryl Bricker, Sheila Byington, Tom Chamberlain, Mike Coleman, Joi Davis, Linda Deacy, Ann Delahay, Mo Draper, Bob Hines, Brent Holderman, DeAnne Hoogeshant, Carlene Howard, Shriley Isenagle, Shelli Keiser, Eileen Paige, Damon Partridge, Monique Reno, Mike Riley, Ron Sagen, Dave Sheets, Carolyn Stillman and Sendi Stockle.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to John Michela, Jerry Mager and Stephie Mager.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 11, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:47 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 11, 1999

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Carpenter, Collins and Marvel, who were excused.

Prayer by the Chaplain, Lt. John Van Cleef.

Direct, O Lord, this Assembly, in all of its doings, with Thy gracious hand. And further its members with Thy continual help; that in all works begun, continued and finished, they might know Your wisdom and will for the people of this great state. As they serve the people of Nevada, Lord, may Your hand of health be upon them and their families. We think of Mr. Marvel and his wife as we ask You to restore those who are now ill; sustain those who are struggling with illness; and keep those who are well. We ask You to accomplish this through our Great Physician. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 68, 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 10, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10:

Assemblyman Williams moved the adoption of the resolution.

Remarks By Assemblyman Williams.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. Carter G. Wilson initiated African-American history week in 1926. As we approach the millennium, it is important for us in Nevada to utilize this time, not so much to acknowledge and celebrate the deeds and accomplishments of African-Americans throughout history, which is long and rich, but more importantly to do all we can to include everybody in our state; to get along; to acknowledge the value of all people – women, children, African-Americans, Latinos, and others; and to make Nevada the great state that we all know it is.

I would urge my colleagues to adopt this resolution and I encourage them to use our legislative agenda to forward the circumstances of all people.

Resolution adopted.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carpenter, Hettrick, Gustavson, Collins, Von Tobel, Neighbors, de Braga and Dini:

Assembly Bill No. 198—AN ACT relating to grazing; providing that a grazing preference right is appurtenant to base property; prohibiting a person from being deprived of that right without just compensation under certain circumstances; providing a penalty for willfully or negligently interfering with the herding or grazing of livestock or damaging or destroying certain improvements under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Beers, Nolan, Chowning, Koivisto, de Braga, Leslie, Brower, Hettrick, Cegavske, Gibbons, Von Tobel, Parks and Thomas:

Assembly Bill No. 199—AN ACT relating to watercraft; prohibiting the operation of certain motorboats by an operator who has not completed a course or passed an examination relating to safe boating; prohibiting the

renting or leasing of such motorboats to such operators; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Mortenson, Giunchigliani, Cegavske, Hettrick, de Braga, Claborn, Anderson, Williams, Parks, Collins, Manendo, Von Tobel, Price, Gibbons, Segerblom, Nolan and Beers; Senator Porter:

Assembly Bill No. 200—AN ACT relating to elections; providing for the appointment of committees to prepare arguments for and against county and municipal ballot questions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Gustavson, Humke, Parks, Manendo, Von Tobel, Cegavske, Beers, Tiffany, de Braga, Hettrick, Collins, Lee, Williams, Angle, Bache, Marvel, Carpenter, Berman, Price, Giunchigliani, Dini, Segerblom and Brower; Senators Amodei, Shaffer and Washington:

Assembly Bill No. 201—AN ACT relating to motor vehicles; eliminating the requirement that the driver and passenger of a motorcycle being driven on a highway wear protective headgear; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 202—AN ACT relating to professional land surveyors; authorizing a professional land surveyor to remove certain monuments; prescribing the manner in which such monuments must be perpetuated; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 203—AN ACT relating to the rehabilitation division of the department of employment, training and rehabilitation; specifying the duties of the administrator of the rehabilitation division; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 204—AN ACT relating to nursing; eliminating the civil liability of members of the state board of nursing under certain circumstances; revising the definitions of "nursing assistant," "practice of practical nursing" and "practice of professional nursing"; expanding the definition of "practice of nursing" to include the direct and indirect provision of care; making various changes concerning disciplinary action against a licensee or a holder of a certificate; increasing the permissible fees that may be charged by the board; revising provisions governing the approval of schools of nursing; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Neighbors and Segerblom; Senator McGinness:

Assembly Bill No. 205—AN ACT making an appropriation to the State Public Works Board for the construction of a Hi-Tech Learning Center in Pahrump; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Neighbors, de Braga and Segerblom; Senator McGinness:

Assembly Bill No. 206—AN ACT relating to water; revising the circumstances under which the state engineer may reject an application for an interbasin transfer of ground water; requiring the state engineer to subordinate such an application to certain applications to appropriate ground water; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Claborn, de Braga, Koivisto, Price, Collins, Anderson, Giunchigliani, Ohrenschall, McClain, Leslie, Chowning, Mortenson and Humke:

Assembly Bill No. 207—AN ACT relating to taxation; providing under certain circumstances that a local or state apprenticeship committee is an organization created for educational purposes for the purpose of an exemption from sales and use taxes and certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Price, Collins, Chowning, de Braga, Parks, Cegavske, Giunchigliani, Arberry, Ohrenschall, Gibbons, Von Tobel, Beers, Berman, Williams, Segerblom, Buckley, Anderson, Carpenter and Bache:

Assembly Bill No. 208—AN ACT relating to solicitations by telephone; requiring a person who is incarcerated in a correctional facility when he makes a solicitation by telephone to disclose certain facts; providing that the failure to disclose such facts constitutes a deceptive trade practice; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Price, Collins, Chowning, de Braga, Parks, Giunchigliani, Arberry, Ohrenschall, Gibbons, Williams, Von Tobel, Segerblom, Buckley, Anderson, Carpenter and Bache:

Assembly Bill No. 209—AN ACT relating to electricians; creating the board of electricians' examiners; prescribing the duties and powers of the board; providing for licensing and disciplinary actions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Price, Chowning, Ohrenschall, de Braga, Beers, Cegavske, Arberry, Gibbons, Williams, Von Tobel, Segerblom, Buckley, Anderson, Carpenter and Bache:

Assembly Bill No. 210—AN ACT relating to privileges; creating an evidentiary privilege for a parent for certain confidential communications between the parent and his child; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Price, Collins, Chowning, Claborn, de Braga, Parks, Giunchigliani, Arberry, Ohrenschall, Gibbons, Williams, Von Tobel, Segerblom, Buckley, Carpenter and Bache:

Assembly Bill No. 211—AN ACT relating to taxation; providing that certain property held by a legal entity formed by an apprenticeship committee is property of the apprenticeship committee for purposes of exemption from property taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Price, Chowning, Hettrick, de Braga, Parks, Cegavske, Giunchigliani, Arberry, Gibbons, Berman, Von Tobel, Anderson, Williams, Segerblom, Buckley, Beers, Carpenter and Bache; Senator Jacobsen:

Assembly Bill No. 212—AN ACT relating to meetings of public bodies; excluding certain appearances by a quorum of a public body from the definition of "meeting" for the purposes of the open meeting law; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 213—AN ACT relating to the state personnel system; requiring that certain information obtained in an investigation of the conduct of an officer or employee of the executive department of government be recorded, kept confidential until the completion of the investigation and made available to the public upon completion of the investigation; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Williams, Giunchigliani, Arberry, Anderson, Bache, Freeman, Tiffany, Koivisto, Parnell, McClain, Gustavson, Price, Segerblom, Gibbons, Thomas, Neighbors and Mortenson:

Assembly Bill No. 214—AN ACT relating to employment; requiring certain private employers to grant leave with pay to certain employees for meetings with educational personnel; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Humke, Beers, Hettrick, Perkins, Buckley, Giunchigliani, Berman, Gibbons and Chowning:

Assembly Bill No. 215—AN ACT relating to escrows; requiring the holder of an escrow to record certain information regarding the license or certificate of cooperation of a real estate broker, broker-salesman or salesman at the time an escrow for the sale of real property is established; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Humke, Dini, Hettrick, Cegavske, Williams, Gibbons, Collins, Evans and Chowning:

Assembly Bill No. 216—AN ACT relating to education; creating a trust fund for geographic education; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Cegavske, Humke, Hettrick, Chowning, Mortenson, Claborn, Gustavson, Angle, McClain, Von Tobel, Berman, Beers, Nolan, Brower, Leslie, Goldwater, Collins, Price, Parks, Dini, Carpenter, Gibbons, Tiffany, Koivisto, Perkins and Manendo; Senators Jacobsen, Amodei, Care, Coffin, James, Mathews, O'Donnell, Porter, Titus, Washington, and Wiener:

Assembly Bill No. 217—AN ACT relating to education; requiring that parents and members of the general public be afforded an opportunity to review textbooks and supplemental textbooks for use in the public schools; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Cegavske, Hettrick, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, Gibbons, Tiffany, Williams, Arberry, Giunchigliani, Buckley, Von Tobel, Nolan, Brower, Leslie, Anderson, Thomas, Goldwater, Collins, Beers, Berman, McClain, Price, Parks, Dini, Carpenter, Manendo and Parnell; Senators Raggio, Rawson, Porter, Titus, James, Amodei, Care, Coffin, Jacobsen, Mathews, O'Donnell, Washington and Wiener:

Assembly Bill No. 218—AN ACT relating to lobbyists; revising provisions governing lobbyists to include certain employees of the government of this state who engage in lobbying; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Cegavske, Hettrick, Perkins and Dini; Senators Raggio, Rawson, Porter, Titus, James, Amodei, Care, Jacobsen, O'Donnell and Washington:

Assembly Bill No. 219—AN ACT relating to public schools; requiring school districts to spend a minimum amount of money each year on certain items for public schools; revising provisions regarding authorized expenditures and budgets of school districts; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Perkins, Dini, Segerblom, Goldwater, Thomas, Gibbons, Cegavske, Lee, Neighbors, Berman, Bache, Price, Ohrenschall, Manendo, Parks, Anderson, Hettrick, Beers, Nolan, Mortenson, Claborn, Chowning, Humke, McClain and Williams; Senators Porter, Wiener, Care, James, O'Connell, Amodei, Carlton, Neal, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer and Townsend:

Assembly Bill No. 220—AN ACT making an appropriation to the University and Community College System of Nevada for a needs assessment and implementation plan for a 4-year state college in Henderson, Nevada; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 55.

Bill read second time and ordered to third reading.

Assembly Bill No. 94.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 94 be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 99.

Bill read second time and ordered to third reading.

Assembly Bill No. 125.

Bill read second time and ordered to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Parks, Cegavske, and Nolan.

Potential conflicts of interest declared by Assemblymen Parks and Nolan.

Roll call on Assembly Bill No. 2:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Carpenter, Collins, Marvel—4.

Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 25:

YEAS—38

NAYS—None.

EXCUSED—Arberry, Carpenter, Collins, Marvel—4.

Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 73:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Carpenter, Collins, Marvel—4.

Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Joint Resolution No. 5:

YEAS—38

NAYS—None.

EXCUSED—Arberry, Carpenter, Collins, Marvel—4.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:

Assembly Concurrent Resolution No. 15—Urging the Nevada Legislature to provide money to school districts for special education program units in an amount that is commensurate with the current costs incurred to maintain and operate the units.

Assemblyman Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Concurrent Resolution No. 16—Urging the Department of Education to establish an advisory group to review the requirements for a pupil with a disability to graduate from high school with a standard diploma.

Assemblyman Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Current Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Emmy Bell.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Pozarski.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Pennell.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Bachman.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Antipa.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Witschi.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Anita LaRuy.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Keri Putnam.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Monteria Hightower.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Hope Williams.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Martha Gould.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Buckley.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Vicky Newell.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Deacy.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Lockard.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Spiller.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Christiane Freer Parsons.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Myrna Williams.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Kendall.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Canfield.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Foley.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Suzy Sepahpour.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Gouker.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Jones and Duncan McCoy.

On request of Assemblyman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Chilton.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Starkweather.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Edna Perkins.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Lawrence Weekley.

Assemblyman Perkins moved that the Assembly adjourn until Friday, February 12, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday), February 12, 1999

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Collins, and Marvel, who were excused.

Prayer by the Chaplain, Lt. John Van Cleef.

All Mighty God, giver of all good things, we thank You for the natural majesty and beauty of this land. We thank You for the resources of this great state. We thank You for the men and women who have made and continue to make this state strong. We thank You for the torch of liberty which has been lit in this land. We thank You for the faith we have inherited in all of its rich glory. Therefore, help us Lord, to finish the good work begun. Strengthen our efforts to blot out ignorance and prejudice, and to abolish poverty and crime. And we do continue to lift up, too, those who are absent and ill. We lift up, too, again, Mr. Marvel and pray Your hand will be upon him and that You will bring healing and wholeness to his body. And that You will comfort his wife. We pray for Mr. Collins and ask that You will give him rest and relief as he recovers. We pray for the families of those represented here that they will be strengthened in their loved ones absence. We pray these things in the name of Your Son. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 93, 128, 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 42, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 11, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 20.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 7, 8.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Manendo, Buckley, Segerblom, Thomas, Evans, Bache, Freeman, Parnell, Koivisto, McClain, Claborn, Mortenson, de Braga, Chowning, Humke, Giunchigliani, Goldwater, Leslie, Brower, Beers, Nolan, Hettrick, Cegavske, Perkins, Lee, Neighbors, Berman, Gibbons, Price, Ohrenschall, Von Tobel, Parks, Williams and Dini:

Assembly Bill No. 221—AN ACT relating to children; providing that a child who commits an offense involving a firearm must be taken into custody, detained for certain periods and psychologically evaluated; requiring the juvenile court to order counseling or other psychological treatment for a child who commits an offense involving cruelty to an animal; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 222—AN ACT relating to the Airport Authority of Washoe County; requiring police service for the authority to be provided by the sheriff of Washoe County; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gibbons, Segerblom, Mortenson, Humke, Von Tobel, Parnell, Neighbors, Thomas, Angle, Gustavson, Claborn, Hettrick, Buckley, Leslie, Evans, Perkins, Goldwater, Price, Ohrenschall, Giunchigliani, Brower and Nolan:

Assembly Bill No. 223—AN ACT relating to counties; prohibiting a board of county commissioners, during certain periods, from taking any action that will result in an increase in the taxes paid by the residents of the county; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Giunchigliani, Anderson, Bache, Freeman, Parnell, Koivisto, McClain, Angle, Claborn, Mortenson, de Braga, Nolan, Leslie, Dini, Tiffany, Evans, Parks, Arberry, Williams, Thomas, Collins, Manendo, Ohrenschall, Price, Beers, Goldwater, Buckley, Neighbors, Cegavske, Hettrick, Marvel, Perkins, Berman, Segerblom, Gibbons, Brower, Gustavson, Humke, Chowning, Lee and Carpenter:

Assembly Bill No. 224—AN ACT making an appropriation to the Department of Education for the Governor's Advisory Council on Education Relating to the Holocaust; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 7.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 8.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 20.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 49.

Bill read second time and ordered to third reading.

Assembly Bill No. 68.

Bill read second time and ordered to third reading.

Assembly Bill No. 126.

Bill read second time.

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

Amendment No. 11.

Amend sec. 3, page 2, line 7, by deleting "*paragraph (b)*" and inserting: "*paragraphs (b) and (d)*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.
Bill read second time and ordered to third reading.

Assembly Bill No. 140.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 55.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 55:
YEAS—39.
NAYS—None.
EXCUSED—Arberry, Collins, Marvel—3.
Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 99.
Bill read third time.
Remarks by Assemblywoman Gibbons.
Roll call on Assembly Bill No. 99:
YEAS—39.
NAYS—None.
EXCUSED—Arberry, Collins, Marvel—3.
Assembly Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 125.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No.125:
YEAS—39.
NAYS—None.
EXCUSED—Arberry, Collins, Marvel—3.
Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Remarks by Assemblyman Hettrick.
Assemblyman Dini requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HETTRICK:
Thank you, Mr. Speaker. As you know, our colleague Mr. Marvel is in a local hospital, gravely ill. In fact, Mr. Speaker, he had major surgery less than 24 hours ago. One week ago, Mr. Marvel uttered an ethnic slur during a committee hearing in this building. A few minutes later, he publicly indicated that he did not intend to offend anyone with his unfortunate choice of

words. Today, a group has gathered in Reno to protest our colleague's use of that ethnic slur and in support of the Hispanic community.

Mr. Speaker, you and I have known John Marvel for many years. We know him to be honest and fair. He is a man of integrity who has worked in these halls for every Nevadan—regardless of their ethnic background. We also know him to be human—capable, as we all are, of making mistakes.

John Marvel is a man of character, willing to take responsibility for his actions and willing to make amends. Until he is well enough to do that, in John's behalf, I would offer a sincere personal apology and deepest regrets for a very unfortunate incident.

In closing, I would ask my colleagues and all Nevadans to pray for John's complete recovery and quick return to this chamber.

Assemblyman Price requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I would like to express my appreciation and I would like to see our body express an appreciation, by sending a letter to the *Elko Daily Free Press*, for furnishing us with newspapers every day. I think in a state as large as ours, where we are dealing with issues that affect every corner of the state, some 450 miles away, it is commendable that a newspaper actually takes the time and the expense to furnish us with a copy of the paper so we can see what is going on in their area and get their opinions. I think the *Elko Daily Free Press* should be recognized and I would suggest we show our appreciation for them.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Nan Nasbitt and Kelvin Probasco.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah LaFrance, Leonard LaFrance and Richard Gomez.

Assemblyman Perkins moved that the Assembly adjourn until Monday February 15, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:46 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 15, 1999

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

On this President's Day of 1999, I choose to read words from President George Washington's first inaugural address and President Abraham Lincoln's Fast Day Proclamation.

First, George Washington: "We ought to be persuaded that the smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained".

From Abraham Lincoln: "We have grown in numbers, wealth, and power as no other nation has ever grown. But we have forgotten God. It behooves us, then, to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness".

Shall we pray. Heavenly Father, as we honor these presidents today, we also take this moment to honor You—their God and ours. Thank You in the name of our Lord. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 12, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 18, 19, 63.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 7—Proposing to amend the Constitution of the State of Nevada to increase the limitation on the state indebtedness solely to pay the costs of the construction and renovation of school facilities.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 3. 1. The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every

such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

2. The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for ~~[the]~~ :

(a) The protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof ~~[,]~~; and

(b) The improvement, acquisition and construction of facilities for schools,

however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise.

The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblyman Bache moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Assembly Concurrent Resolution No. 4.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted.

By Assemblymen Chowning, Ohrenschall, Parks, de Braga, Hettrick, Giunchigliani, Dini, Perkins, Evans, Arberry, Cegavske, Beers, Parnell, Freeman, Bache, Neighbors, Von Tobel, Lee, Segerblom, Gibbons, Thomas, Goldwater and Williams:

Assembly Concurrent Resolution No. 17—Expressing support for programs and policies that encourage the residents of the State of Nevada to master the English language and other languages.

Assemblywoman Chowning moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Marvel:

Assembly Bill No. 225—AN ACT relating to tort actions; requiring that damages in certain actions be reduced by benefits received from a collateral source; limiting noneconomic damages in certain actions; providing for periodic payments of future damages in certain actions; limiting attorney's fees in certain actions; providing a period of limitation for commencing actions for product liability; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 226—AN ACT relating to public employment; exempting relatives of members of certain town boards from prohibition against certain public employment; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 227—AN ACT relating to programs for public employees; revising the provisions governing the securing of certain insurance and services for the officers and employees of a public agency through a nonprofit cooperative association or nonprofit corporation; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 228—AN ACT relating to common-interest ownership; providing in skeleton form for the repeal of various provisions governing common-interest ownership; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 229—AN ACT relating to children; authorizing the assignment of certain juvenile offenders to a program of cognitive training and human development; establishing requirements for such a program; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 230—AN ACT relating to crimes; prohibiting a prosecuting attorney from dismissing a charge of engagement in or solicitation for prostitution under certain circumstances; prohibiting an operator of an entertainment by referral service from employing an entertainer who has been convicted of the crime of engagement in or

solicitation for prostitution; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 231—AN ACT relating to children; imposing certain requirements before a court may waive arrearages in the payment of child support; expanding the class of persons to whom district attorneys must provide certain services for the support of children; clarifying certain provisions regarding the appointment of a guardian ad litem in an action to determine paternity; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 232—AN ACT making an appropriation to the Department of Education for the extension of teachers' contracts by 2 days to provide professional development for teachers; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 233—AN ACT making an appropriation to the City of Las Vegas for the support of emergency shelters for homeless persons; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 234—AN ACT relating to state financial administration; repealing the permanent net proceeds fund; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 235—AN ACT relating to public employment; directing the Department of Personnel to increase the salaries of certain custody positions in the Department of Prisons and Department of Human Resources; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Hettrick; Senator Jacobsen

Assembly Bill No. 236—AN ACT relating to local governments; authorizing contracts with certain private organizations to perform certain services; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Dini, de Braga and Hettrick; Senators Amodei, McGinness and Jacobsen:

Assembly Bill No. 237—AN ACT relating to water; authorizing grants for certain improvements to conserve water; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Evans, Manendo, Gibbons, Humke, Williams, Goldwater, Segerblom, Chowning, Giunchigliani, Arberry, Hettrick, Freeman and Cegavske:

Assembly Bill No. 238—AN ACT relating to public health; requiring the establishment and maintenance of a system for the collection and analysis of information concerning birth defects and other poor reproductive outcomes; restricting access to and the use of information obtained by the system; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblyman Nolan:

Assembly Bill No. 239—AN ACT making an appropriation to the Central Repository for Nevada Records of Criminal History of the Department of Motor Vehicles and Public Safety for background checks of criminal history for volunteers who work with children; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Nolan moved that the vote whereby Assembly Bill No. 239 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Nolan moved that Assembly Bill No. 239 be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Collins, Lee, Parks, Thomas, Nolan, Manendo, Von Tobel, Ohrenschall, Price, Gibbons, Berman, Neighbors, Anderson, Bache, Koivisto, Claborn, McClain, Beers, Chowning, Williams, Mortenson, Goldwater, Carpenter and Segerblom:

Assembly Bill No. 240—AN ACT making an appropriation to the City of North Las Vegas for the completion of the Kiel Ranch Historic Site; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen McClain, Koivisto, Parks, Manendo, Claborn, Chowning, Lee, Williams, Segerblom, Bache, Giunchigliani, Arberry, Thomas, Goldwater, Anderson, Price, Ohrenschall, Freeman, de Braga, Gustavson, Collins, Parnell, Leslie, Mortenson, Gibbons, Berman, Perkins, Beers, Neighbors, Carpenter, Angle, Tiffany, Buckley, Nolan, Hettrick, Humke, Evans and Cegavske; Senators Washington, Porter, Amodei and Shaffer:

Assembly Bill No. 241—AN ACT relating to public schools; requiring school districts to set aside money for the purchase of certain books, supplies and materials; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen McClain, Koivisto, Freeman, Giunchigliani, Arberry, Parnell, Parks, Neighbors, Lee, Buckley, Perkins, Hettrick, Cegavske, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, Leslie, Brower, Evans, Carpenter, Williams, Thomas, Gibbons, Price, Beers and Segerblom; Senators O'Connell, Porter, Amodei, Shaffer, Titus, Washington and Wiener:

Assembly Bill No. 242—AN ACT relating to elections; revising the period of residency for certain candidates for public office; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Education:

Assembly Bill No. 243—AN ACT relating to public schools; making various changes to the program of accountability for public schools; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 244—AN ACT relating to education; establishing the state program for the financial support of local programs to improve the academic achievement of pupils who are at risk; authorizing school districts to participate in the state program; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 245—AN ACT relating to education; making various changes regarding truancy and the discipline of pupils; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 18.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 19.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 63.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 42.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 13.

Amend the bill as a whole by deleting sections 1 through 11 and the text of repealed sections and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. 1. The Legislative Commission shall appoint a subcommittee of legislators to conduct an interim study concerning misdemeanors.

2. The study must include an analysis of:

(a) The existing statutes concerning misdemeanors to determine whether it is feasible to categorize misdemeanors and provide penalties commensurate with the categorization;

(b) Whether it is beneficial to amend the Nevada Revised Statutes to categorize misdemeanors in such a manner;

(c) The effect that categorizing misdemeanors in such a manner would have on the courts of this state, including, without limitation, any increase in the volume of cases handled by the courts and any necessary changes to the jurisdiction of the lower courts; and

(d) Any other matter related to misdemeanors, as deemed necessary by the subcommittee.

3. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 71st session of the Nevada Legislature.

Sec. 2. This act becomes effective upon passage and approval.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, During the 1995 Legislative Session, legislation was enacted to provide categories for felonies; and

WHEREAS, The Nevada Revised Statutes currently has only two categories of misdemeanors that are designated as misdemeanors and gross misdemeanors; and

WHEREAS, A study needs to be conducted to determine whether providing categories for misdemeanors and penalties commensurate with those categories would provide more consistency in the criminal statutory scheme; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; directing the Legislative Commission to conduct an interim study concerning misdemeanors; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Directs Legislative Commission to conduct interim study concerning misdemeanors. (BDR S-173)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 42 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Elections, Procedures, and Ethics.

Assembly Bill No. 93.
Bill read second time and ordered to third reading.

Assembly Bill No. 128.
Bill read second time and ordered to third reading.

Assembly Bill No. 129.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 49.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.
Roll call on Assembly Bill No. 49:
YEAS—41.
NAYS—None.
EXCUSED—Marvel.
Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 68.
Bill read third time.
Remarks by Assemblywoman Gibbons.
Roll call on Assembly Bill No. 68:
YEAS—41.
NAYS—None.
Excused—Marvel.
Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 126.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No.126:
YEAS—41.
NAYS—None.
Excused—Marvel.
Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 130.
Bill read third time.
Remarks by Assemblymen Giunchigliani, Beers, and Anderson.

Conflict of interest declared by Assemblyman Beers.

Roll call on Assembly Bill No. 130:

YEAS—40.

NAYS—None.

Excused—Marvel.

Not voting—Beers.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 140:

YEAS—41.

NAYS—None.

Excused—Marvel.

Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Current Resolution No. 10.

Assemblyman Perkins moved that the Assembly recess until 5:15 p.m.

Motion carried.

Assembly in recess at 12:12 p.m.

ASSEMBLY IN SESSION

At 5:16 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Bache and Tiffany as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:25 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Townsend, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Marvel, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Wiener and Assemblyman Anderson to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator for Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed Senator Reid and invited him to deliver his message.

United States Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTIETH SESSION, 1999

Lieutenant Governor Hunt, Speaker Dini, Leader Raggio, members of the Legislature, and guests:

It was 100 years ago that a man by the name of Reinhold Sadler was elected Governor of the state of Nevada. He was the tenth governor of Nevada. He won the election by 63 votes. That sounds like a small number of votes, but really, my election was by a smaller percentage than his 63 votes. History seems to repeat itself. Governor Sadler's election was contested and we this year, when the contest was filed, used the precedent set in the Sadler election to resolve the issue in my election.

I am a student of history. I believe that the lessons that we have learned over the last century can help us find our way through the next century. In addition, when I see how far we have come in the last 100 years, it inspires me to think how far we can go in the next 100—if we only have the courage, the will, and really, the imagination.

In the twentieth century, we saw the United States rise to become the most powerful nation in the history of the world.

During this same century, we saw Nevada grow from a collection of mining camps in a world dominated by the railroad and the telegraph, to the tourism and gaming capital of a world dominated by the microchip and the satellite.

In 1899, only 42,000 people lived in the entire state of Nevada, and most of those people around the Reno, Carson City area. Southern Nevada, even Searchlight, was virtually undeveloped then, and uninhabited. Today, our population is approaching two million people; and southern Nevada is the fastest-growing region, in the fastest-growing state, in our rapidly growing nation.

One hundred years ago, Nevada's population was not only growing but becoming more diverse. The mines beckoned to the people of Europe—the Slavs, the Irish, Italians, and the Greeks. Today, in 1999, our population is more diverse than ever, and a new generation of Nevadans hails from more far-flung corners of the globe, more so than ever before.

Although today's new arrivals have skin of a different color than they did a century ago, they are, underneath that skin, no different.

Where the immigrants who contributed to the legacy and heritage of the 20th century were named Laxalt, Dini, Raggio, Del Papa, and Giunchigliani; in the next century they will be named Sandoval, Herrera, Martinez, Wong, and Tran. But, whatever their names—and whether their families have lived in Nevada 100 years, or 100 days—they share the same dreams and aspirations in common with all Americans.

One hundred years ago, Governor Sadler's first state of the state address reflected discouragement with a state debt of more than $563,000. The Governor despaired that the state would not be able to provide services to its citizens. History does repeat itself.

Our predecessors, a hundred years ago, overcame their doubts for the future and made this century one of the greatest in world history. If anything, we are better positioned for the next century than they were for this one. Therefore, I look forward to working with our new Governor, Kenny Guinn, and this new legislature to help solve problems of the next century. Both the Governor, with his impressive résumé as a school superintendent, corporate executive in both the banking and the utilities field, and as a university president; and an experienced middle-of-the-road legislature, are ingredients for success.

The national economy is undergoing the longest peacetime economic expansion in our history. The federal budget is balanced for the first time in more than 30 years. Violent crime rates are at their lowest rate in 25 years. Unemployment and inflation are at their lowest peacetime rates since I graduated high school. Nevada has been the fastest growing state in the nation for six straight years. No great crisis threatens the nation's security.

This prosperity on the federal level gives us the opportunity to embark in a new era of partnership between all levels of government—one in which our state and federal officials work together, as partners, to share their resources and combine their visions, to address Nevada's problems. This model partnership is based on something I announced two years ago when I addressed this legislature at the Lake Tahoe Summit.

The Lake Tahoe Summit defined a new paradigm for this nation, a new model of partnership, and a new approach to solving the challenges dealing with improving our quality of life. This summit, convened on the shores of beautiful Lake Tahoe, featured the President, the Vice President, five Cabinet Officers—and these five cabinet officers had met with over 1000 people on the ground: two governors of two different parties, four United States Senators, multiple Congressmen and women, two state legislatures, scientists from two University systems, members of the business community, developers, environmentalists, and property rights activists. In his concluding remarks, the President said the concept of working together across state lines, party lines, and ideological lines to preserve the environment and promote economic growth was a model he could apply in Northern Ireland, in the Middle East, and in situations across our country.

Here in Nevada, almost two years after the summit occurred, we are continuing to live by and legislate by this concept of partnership. Today I am proud to announce my plan to join with my friends, Congressman Jim Gibbons, Speaker Joe Dini, and Senator Dean Rhoads, to enact a public lands bill for northern Nevada. Congressman Gibbons, Speaker Dini, Senator Rhodes, will you please stand. And speaking of the benefits of partnership, Jim will you please ask your lovely wife, partner, and Assemblywoman, Dawn Gibbons to stand as well. This body will benefit from her energy and her dedication to public service.

Congressman Gibbons and I will introduce a bill in both the House and the Senate that will allow BLM land in northern Nevada to be sold at auction, with the proceeds to be used to help improve rural areas of the state. It is based on the Southern Nevada Lands Bill we passed last year and we are now in the process of meeting with state, counties, outdoors community, miners, and environmentalists to gain input for this legislation. I have already acknowledged the help of Dean Rhodes, but this is something he has worked on for years. I personally appreciate the interest he has shown. We are going to do something on a national level to meet the demands rural Nevada has.

I ask each of you, especially those of you from Clark County, to work with us to implement this program and help Senator Rhodes and the Speaker on the state level. If we succeed in this endeavor, we will show the people of Nevada—and really the nation—a new framework for

cooperation, not only between the two governments, but also between two political parties.

Let us call this unified approach the "Nevada Model." It is a model I want to use on both the national and the Nevada level to improve our quality of life. I used it in my new position as the Assistant Senate Minority Leader when we crafted our agenda this year. One of the cornerstones of this agenda is a bill based directly on The Patients' Bill of Rights, drafted in Carson City by Assemblywoman Barbara Buckley. Assemblywoman Buckley, please stand so we can recognize you for your good work.

Our national Patients' Bill of Rights, modeled on Assemblywoman Buckley's bill, ensures that patients receive the care they have been promised and paid for. It makes doctors directly responsible for care, not bureaucrats and bean counters, and seeks to address all those consumers who are in ERISA plans and thusly not eligible for the benefits in state bills like Assemblywoman Buckley's. It is the only Patients' Rights Bill out there with teeth because it gives patients the right to sue HMOs. Do you know there are only two groups of people who can't be sued in this country—HMOs and foreign diplomats? This enforcement mechanism will not raise costs but it will raise service for millions of Americans.

I will continue to lead efforts to pass the Patients' Bill of Rights this Congressional session and make Assemblywoman Buckley and her health care coalition proud. In addition, speaking of partnerships, this bill is supported by over 200 organizations and also doctors, lawyers, nurses, and patients. Why hasn't it been passed? Because one organization opposes it, the healthcare industry. We will see what will happen when the 200 go up against the one. Maybe we will come out ahead this time.

We based our Patients' Bill of Rights on a Nevada bill, but today here in the Assembly and the Senate, two hearings were held on bills which are based on my national Contraceptive Coverage bill.

Each year there are more than 3.6 million unintended pregnancies in this country, close to half of these end up in abortion. Insurance companies and HMOs cover abortions, vasectomies, and tubal ligations, but a majority of them will not cover contraception.

My federal bill, also known as the Snowe-Reid Bill, requires insurance companies or HMOs who cover prescription drugs to cover the cost of prescription contraceptives as well. Last year, after a tough fight, we passed a smaller version of this bill for federal employees. Today, my wife Landra testified in support of a state bill in the Senate supported by Minority Leader Dina Titus and a bill in the Assembly written by our own Assemblywoman Chris Giunchigliani. It is an incredible honor to have two such skilled legislators working on contraceptive coverage here in Nevada. I ask them to stand and be recognized for their work for equity in prescription coverage. We must make health care equally accessible and affordable for men and women.

We tend to bash health care delivery organizations and insurance companies and most of the time they deserve it, but it's only fair to point out that Sierra Health, a Nevada based company, has extended contraceptive coverage to all their enrollees and we should applaud that.

Another piece of national legislation which is receiving a lot of attention from the White House and members of Congress on both sides of the aisle is my bill establishing a system to conduct background checks for employees of nursing homes. This bill, called the Patient Abuse Prevention Act is modeled on a Nevada law passed last session, thanks to Assemblywoman Vivian Freeman and former Assemblyman Jack Close. Assemblywoman Freeman, please stand.

Nursing home safety is an issue which touches us all, because 43 percent of all Americans will spend some time in a nursing facility sometime in their life. A national system of background checks will help both patients and facility managers keep workers with abusive or criminal records out of long-term care facilities. As the fastest growing senior state in the nation, Nevada is facing the challenges of an aging population earlier than almost anywhere else in this country. By the year 2030, more than 34,000 Nevadans will be over the age of 85. They and their families deserve safe facilities.

And speaking of facilities—thanks in large part to the efforts of Bill Raggio, Lawrence Jacobsen, Governor Miller, Assemblyman Mark Manendo, and many others in this room; plus Nevada's veterans' groups, and the assistance of the federal government, we will finally break ground this year on Nevada's first Veterans' Home. I look forward to working with all of you and Governor Guinn on a second Veterans' Home in northern Nevada. This partnership on all levels of government helped move us to the top of the VA's list for homes last year. This year

Senator Bryan and I look forward to working with Representatives Berkley and Gibbons who both were placed on the Veterans Committee in the House. This is good for Nevada's 250,000 deserving veterans.

Partnership is not only important for our aging population and our veterans but it is also an important concept to be used for the challenges facing our youth. Every day in America, 3,000 children drop out of high school—3,000 a day; not a month or a week, but a day. Nevada, I am sorry to say, has the highest teen dropout rate in the country.

Last year New Mexico Senator Jeff Bingaman and I introduced a bill, which passed the Senate with 74 votes, creating a $150 million national grant program to take local programs, which are working to reduce dropouts, and expand them into districts which need them most. We here in Nevada have experimented with some of these kinds of programs that seem to be working.

One of these local efforts is the "Hola Carson City" program, which encourages Hispanic students to stay in school until they graduate through the creation of a locally produced television show. I have been appearing on "Hola Carson City" for the past four years and I am proud to say that tonight's speech is being taped by these talented young people. Let us give them a round of applause. Nevada has an exemplary program that started here in Carson City on a wish and a prayer and now will be nationally known.

Keeping our children in high school is just the first step. We must also do more to increase the number of Nevadans going to college. Nevada has one of the lowest rates of students attending college in the nation. Only 38 percent of all Nevada students attend college and only 17 percent of them ever graduate. Ideas like the Governor's "Millennium Scholarships" are good starts although questions about how they are funded and who is covered by them need to be worked out here at the state level. The State of Nevada does need a program and I think you have to take a close look at the program the Governor has proposed. With the Governor's experience in education, which I have talked about, we need to take a closer look.

I have been a strong proponent of a similar program on the federal level called "Hope Scholarships," which have been helping Nevada students of every age and economic group attend university, community college, or technical training programs with a $1500 yearly tax break.

My other chief education initiative which is directly based on local, state, and federal partnerships is our school construction bill. This bill will help fund new schools and renovate schools across the country as well as here in Nevada. We have all kinds of problems in Nevada. Take little Lincoln County. They have no economic base. They have schools there which need to be renovated and replaced, but they have no way to do it. If you go to the other extreme with Clark County—it is a rapidly growing community, the eighth or ninth largest school district in Nevada. We need to pass this legislation on a national level. It would pay the interest on bonds taken out by local school districts. The decision where to build schools and when to renovate schools would remain in local hands. The federal government's role would be to free up resources to help fast growing communities and those that do not grow so fast, to keep up with student populations. School construction is the other side of the coin for class size reduction. Our bill could bring more than $70 million to Nevada each year for school construction. Superintendents like Brian Cram are spending more time supervising construction than supervising education.

When it all comes down to it, this "Nevada Model" is really about communities making choices. What kind of Nevada do we want to leave for our children? Last session I ended my speech talking about the importance of saving Lake Tahoe, as Mark Twain said, "the fairest place on all the Earth." The summit not only allowed us to begin the work to preserve this jewel of the Sierras but it gave birth to a process and an idea—the notion of livable communities—the notion that communities can come together and work in partnership with all levels of government and with the private sector to set their own directions for growth and improvement.

One group who has come together in such a manner, has done so to save Walker Lake and the Walker River. In addition, they understand this idea. They have two challenges: to preserve Nevada's agricultural greenbelt and save a lake of which there are only 22 like it left in the entire world. Interior Secretary Babbitt has recently visited Walker Lake and pledged federal

resources and assistance. He has also pledged to honor the Lake Tahoe model that we have set up and to work with all interested parties.

I ask each of you to support these efforts to save Walker Lake. But I have to comment: each of you speak of the importance of states rights; why then is it necessary for the federal government to save Walker Lake? Shouldn't that be the responsibility of the state? The federal government is here because the state has defaulted on its responsibilities.

In southern Nevada, we are presented with a perfect opportunity to put the concept of "livable communities" to the test. As Las Vegas, Henderson, North Las Vegas, and their suburbs break records for growth, I want to make sure that growth doesn't break us. To protect our nation's quality of life, we need to advance smart growth and livable community policies that are driven by state governments in partnership with the federal government—that's you and I. I encourage each of you to make these issues your top priority. If we manage our growth responsibly, we will manage our future responsibly.

Proper regional planning combined with financial incentives and prioritizing of funds must be employed to ensure that our roads, highways, mass transit systems, waterways, and schools can keep pace with growth. In doing so, we will connect and protect our communities into the next century and have Nevada continue to be the envy of the world.

I have secured a commitment from Republican Senator John Chaffee of Rhode Island, the chair of the Environment and Public Works Committee, to hold a field hearing in Las Vegas this spring on "livable communities" and the specific legislative proposals we will be pushing through Congress. Vice President Gore has also committed to coming to southern Nevada in May to meet with local and state officials on strategies for dealing with urban sprawl and ways to promote livable communities on the national agenda.

A few weeks ago, Governor Guinn stated that we must ask ourselves what the proper role of our government is going to be. I could not agree more. We need to decide what our priorities are.

Will ours be a state that fulfills its commitments to its people—to our children, to our seniors, to our veterans, and most of all, to those ordinary, everyday citizens who work hard, play by the rules, sacrifice for their families, and who form the backbone of this state? Or will ours be a government of auditors and accountants, focused only on a bottom line that may measure the costs of modern society but which ignores the very things that make life in that society worth living?

As a former lieutenant governor, and a former assemblyman, a county board member, and a city attorney, I know that this Legislature and our new Governor can meet virtually any challenge. However, in doing so, we cannot sacrifice the very things that make our state livable and valuable.

One hundred years ago, our predecessors were drawn to Nevada by the lure of precious metals. We still have a booming mining industry; but today, even more people are drawn to the state by the lure of something far more precious, and more elusive: a sense of security, of community; a better way of life. Let us, today, resolve together to make the attainment of that better life our legacy for the next century. Thank you.

Senator Raggio moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able and constructive message.

Seconded by Assemblyman Thomas.

Motion carried unanimously.

The Committee on Escort escorted the Senator to the bar of the Assembly.

Senator Care moved that the Joint Session be dissolved.

Seconded by Assemblyman Parks.

Motion carried.

Joint Session dissolved at 5:58 p.m.

ASSEMBLY IN SESSION

At 5:59 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey Briana Beers and Chelsea Marie Cox.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Aas, Billy Durden, Peter Fritz, Michael Williams, John Reilly, Julie Fritz, Gary Williams, Patty Williams, Lisa Durden and Anne Aas.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Bean.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Vickiedawn Allen, Michael Sturm, Joshua Rauch, Brian Murphy, R.H. Campbell, Erik Edwards, Loren Wooldridge, Chris Knight, Cameron Knight, Kyle Campbell, Shirley Knight, Bill Murphy and Rich Campbell.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Frehner.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Schmith and Zachery Schmith.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to R. J. Keetch.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle McAfee and Sharon Burnham.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Czerwinski, Monika Czerwinski and John Milburn.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, February 16, 1999, at 4:15 p.m.
Motion carried.

Assembly adjourned at 6:00 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 16, 1999

Assembly called to order at 4:23 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, we began this week with a day to celebrate love. Love, an odd thing to mention in state government. Allow me today, Lord, to request a spirit of love, joy, and peace in these chambers as we go about our daily business. Thank You. I pray in the Name of the One who taught us, "Love one another as I have loved you." AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 15, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 11, 31, 48, 52.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 13.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hettrick, Cegavske, Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 18—Memorializing former Nevada Legislator and engineer Max J. Bennett.

WHEREAS, The members of this legislative body note with regret the sad passing of former Nevada Legislator Max J. Bennett on September 19, 1998; and

WHEREAS, Max Bennett was born in the town of Duncan, Oklahoma, on July 10, 1952; and

WHEREAS, Max Bennett attended East Central University in Ada, Oklahoma, and earned a Bachelor of Science Degree in mathematics and in physics; and

WHEREAS, After moving to Nevada, Max Bennett joined the Clark County Republican Party Central Committee, served on its Executive Committee and was honored in 1994 with the Clark County GOP "Leadership Award"; and

WHEREAS, In 1994, Max Bennett was elected to the Nevada Legislature to represent Assembly District No. 14; and

WHEREAS, During Max Bennett's term in the 68th session of the Nevada Legislature, he received praise for his sincerity and hard work as a member of the Assembly Standing Committees on Education and on Government Affairs, in addition to his service as a Vice Chairman on the Assembly Standing Committee on Natural Resources, Agriculture and Mining; and

WHEREAS, One of Max Bennett's special interests was working with the Department of Education's Educational Outreach Program; and

WHEREAS, Former Assemblyman Max Bennett is survived by two daughters, Nicole of Biloxi, Mississippi, and Jennifer of Las Vegas, a son, Matthew, of Blanchard, Oklahoma, his father, Jack Sr., of San Antonio, Texas, and a brother, Jack Jr., of Countyline, Oklahoma; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature extend their heartfelt condolences to the family of Max J. Bennett; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Max Bennett's children, Nicole, Jennifer and Matthew.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Koivisto, Carpenter, Humke, Chowning, Nolan and Ohrenschall.

Resolution adopted unanimously.

Assemblyman Hettrick moved that all rules be suspended and that Assembly Concurrent Resolution No. 18 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Freeman, Neighbors, Segerblom, Goldwater, Bache, Mortenson, Claborn, McClain, Koivisto, Parnell, Anderson, Arberry, Giunchigliani, Williams, Parks, Collins, Manendo, Ohrenschall, Price, Gibbons, Lee, Buckley, Perkins and Chowning:

Assembly Bill No. 246—AN ACT relating to state employees; requiring payment for all accrued unused sick leave of a state employee in certain circumstances; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Chowning (by request):

Assembly Bill No. 247—AN ACT relating to passenger cars; increasing the fee a short-term lessor of a passenger car may charge for a waiver of damages; authorizing a short-term lessor of a passenger car to charge a short-term lessee an additional fee for certain additional authorized drivers; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Chowning, Giunchigliani, Parks, de Braga, Hettrick, Dini, Perkins, Evans, Arberry, Freeman, Gibbons, Neighbors, Beers, Parnell, Humke, Claborn, Mortenson, Koivisto, Tiffany, McClain, Brower, Leslie, Buckley, Goldwater, Segerblom, Anderson, Bache, Angle, Gustavson and Price:

Assembly Bill No. 248—AN ACT relating to contracts of insurance; authorizing an insurer to provide a copy of a policy or contract of insurance written in a language other than English; providing that the policy or contract of insurance written in English is controlling in the case of a dispute; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 249—AN ACT relating to Medicaid; amending the provisions governing the recovery of assets pursuant to the Medicaid estate recovery program; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 250—AN ACT relating to elderly persons; revising the provisions governing the duties of the specialist for the rights of elderly persons within the aging services division of the department of human resources; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 251—AN ACT relating to county hospitals; authorizing county hospitals to join purchasing groups for the purpose of purchasing supplies, materials and equipment used by the hospital; authorizing county hospitals under certain circumstances to purchase supplies, materials and equipment without complying with the Local Government Purchasing Act; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 252—AN ACT relating to public water; revising the provisions governing liens upon lands entitled to receive water from an irrigation district; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 253—AN ACT relating to industrial insurance; removing the limitation on the payment of a death benefit for the transportation of the remains of a deceased employee beyond the continental limits of the United States; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 254—AN ACT relating to the incorporation of cities; deleting certain requirements for the incorporation of cities by general law; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 255—AN ACT relating to state financial administration; requiring biennial reporting by the director of the department of administration on the status of internal accounting and administrative controls in certain state agencies; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 256—AN ACT relating to county government; increasing the number of members on the board of county commissioners in certain counties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 257—AN ACT relating to public employment; requiring the Department of Personnel to add steps to the pay plan for classified employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Chowning, Segerblom, de Braga, Mortenson, Claborn, McClain, Koivisto, Freeman, Bache, Anderson, Tiffany, Thomas, Parks, Gibbons, Berman, Evans, Cegavske, Price, Arberry, Ohrenschall, Manendo, Humke, Dini, Perkins, Buckley and Brower:

Assembly Bill No. 258—AN ACT relating to automotive repairs; requiring a garageman to display at his place of business certain information concerning the repair of motor vehicles and to file a bond with the department of motor vehicles and public safety under certain circumstances; revising the provisions concerning a written estimate of cost to repair a motor vehicle; extending the date upon which the advisory board on the repair of motor vehicles expires by limitation; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Lee, Giunchigliani, Arberry, Goldwater, Thomas, Berman, Chowning, Dini, Perkins, Neighbors, Carpenter, Segerblom, Gibbons, Buckley, Hettrick, Humke, Gustavson, Angle, Claborn, McClain, Koivisto, Tiffany, Freeman, Bache, Anderson, Williams, Parks, Manendo, Collins, Ohrenschall and Price:

Assembly Bill No. 259—AN ACT relating to the state contractors' board; revising the membership, terms of office and duties of the board; specifying that the attorney general shall enforce the requirements of chapter 624 of NRS; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 260—AN ACT relating to ethics in government; revising the definition of "public officer" to exclude a county health officer; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 261—AN ACT relating to counties; clarifying the authority of a board of county commissioners to take final action at a meeting held outside the county seat; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parks, Perkins, Bache, de Braga, Segerblom, Anderson, Neighbors, Thomas, Buckley, Lee, Arberry, Collins, Manendo, Williams, Cegavske, Beers, Brower, Tiffany, Gustavson, Chowning, Evans, Leslie, Koivisto, Freeman, Carpenter, Parnell, Gibbons, Goldwater, McClain, Dini, Nolan, Price, Berman, Von Tobel, Claborn, Mortenson, Giunchigliani, Humke and Hettrick:

Assembly Bill No. 262—AN ACT relating to juveniles; revising provisions concerning notification of a parent, guardian or custodian of a child who is taken into custody for committing an offense; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 263—AN ACT relating to state financial administration; creating a trust fund for money received from manufacturers of tobacco products; establishing provisions regarding the appropriation of money in the trust fund; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 264—AN ACT relating to counties; extending the authority to make charitable grants to include surplus personal property; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Leslie, Gibbons, Buckley, de Braga, Parnell, Parks, Williams and Manendo; Senator Townsend:

Assembly Bill No. 265—AN ACT relating to facilities for the treatment of substance abuse; providing in skeleton form for the licensure and regulation of facilities for the treatment of abuse of alcohol or drugs by the bureau of

alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation; transferring the duties of the department of human resources related to such facilities to the bureau of alcohol and drug abuse; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Dini (by request):

Assembly Bill No. 266—AN ACT making an appropriation to the Garlic and Onion Growers' Advisory Board for research on White Rot; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Perkins, Williams, Lee, Carpenter, Ohrenschall, Thomas, de Braga, Berman, Claborn, Anderson, Collins, Parnell, Neighbors, Mortenson, Segerblom, Buckley, Freeman, Evans, Goldwater, Brower, Chowning, McClain, Parks, Manendo, Bache, Tiffany, Hettrick, Price, Gibbons, Leslie, Nolan, Beers, Giunchigliani and Dini; Senators James, Rawson, Coffin, O'Donnell, Titus, Amodei, Care, Carlton, Mathews, Neal, Porter, Schneider, Shaffer, Washington and Wiener:

Assembly Bill No. 267—AN ACT relating to public safety; requiring a person under certain circumstances to report certain violent or sexual offenses against a child to a law enforcement agency; providing for criminal penalties and civil liability for a person who fails to report certain violent or sexual offenses against a child to a law enforcement agency; revising the provisions governing reports of the abuse, neglect, exploitation or isolation of persons who are 60 years of age or older; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 268—AN ACT relating to the legislature; requiring the disclosure of legislators and registered lobbyists who request legislative measures; requiring cosponsorship or withdrawal of certain duplicative legislative measures; revising the date by which the report of the economic forum must be presented to the legislature; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 11.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 13.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 31.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 48.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 52.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Collins and Williams as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Richard Bryan.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 4:53 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Marvel, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Titus and Assemblywoman Segerblom to wait upon Senator Bryan and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Richard Bryan, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Bryan and invited him to deliver his message.

United States Senator Richard Bryan delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTIETH SESSION, 1999

Her honor, the Lieutenant Governor, Mr. Speaker, Majority Leader Raggio, members of the Legislature, guests and my fellow Nevadans. This will be the last legislative session of the century. A new millenium awaits us with different challenges; but pausing to reflect for a moment, if one goes back a century ago, one sees how different the challenges were that our state faced at that time.

No state in the Union has been more dramatically transformed in the past century than Nevada. A century ago, Nevada was struggling to maintain a population which was barely reaching 40,000 people. The fabled riches of the Comstock Lode had faded from view and they were tough times indeed. How different is the twentieth century and the twenty-first century that we are about to embark upon.

In 1899, it was the Nineteenth Session of the Nevada Legislature, there were 15 senators and 30 members of the Assembly. May I assure you, my friends, that not all wisdom is a product of the twentieth century. They were able to complete their endeavors in 54 days and enact 102 pieces of legislation. Perhaps this is an instructive message for all of us who are part of the legislative process.

These are extraordinary times for the nation's economy. We are amidst the ninety-fifth consecutive month of economic expansion—the largest peacetime expansion in the nation's history. If ten years ago, when I left for Washington, D.C., I had said there would be a budget surplus at the national level ten years later, I believe a fellow with a net and white jacket would have been sent to promptly dispatch me. It is something none of us foresaw. A decade ago we were talking about budget deficits of $292 billion annually. Today our budget surplus is $70 billion, sort of.

I have been privileged to serve as your governor. I understand that the politics of surplus may be even more daunting than the politics of shortfall. Now there is a great hue and cry in the nation's capitol as to how we should spend the money. To the right of center, there is a great ground swell building to give tax cuts across the board. That has enormous political appeal. All of us in this chamber who hold elective office understand that none of us is penalized when we say, "Look, elect me. I want to reduce your taxes." That has a favorable reaction. We are also not unaware that there are unmet needs in our state as there are in the nation. There are many programs that may be advanced and others which can be enriched; it is an enormous temptation. I would hope that we could resist that temptation. We do not know how long the economic expansion may continue. There is no short-term prospect for any economic turn down; but the reality is, the business cycle has not been repealed.

We have an opportunity. That opportunity can profoundly affect each of you. Social security, Medicare and Medicaid programs consume a vast percentage of the federal budget. Because of longer longevity and because of the advent of 76 million Americans born between the years 1946 and 1964—the so call "baby boom generation"—social security will be under enormous pressure. In the year 2032, if we do nothing, social security benefits will have to be reduced by 25 percent. Medicare, upon which 40 million Americans depend for their health coverage, faces an even shorter-term prospect of running into financial problems. Medicaid, in which you participate with us, and which has an enormous impact on your budget, has problems as well.

We have an opportunity—it seems to me, having emerged from the travails of the past month which have engulfed us in the Senate and the nation— to work together in a bipartisan way; Democrats and Republicans, the White House, and the Congress, to sustain and preserve the financial integrity of social security and to restore the solvency of Medicare. If we respond to that challenge and exercise a little financial discipline, the challenges that await you with Medicaid and other health related expenditures will be eased considerably.

Looming out on the horizon are some issues that have a federal genesis that I want to talk with you about—issues which pose some challenges for us. The National Gambling Study Commission is a commission that did not have its genesis by request from state legislatures such as ours in Nevada. It was not requested by any municipal governments. It was not requested by any outpouring of local or state leadership. It was a proposal which was generated by those who define gambling as a moral issue. The commission will be reporting to the Congress this year. I do not know what the report's contents may be, but gaming looms large on the economic horizon in America.

Having left the confines of Nevada, 48 states now have gaming in some form or another. Only Hawaii and Utah do not. The report of the National Gambling Impact Study Commission could have a significant impact on our economy.

No one is this chamber is unmindful of Proposition 5 and what its impact may be upon us. California is the largest source of tourism for both northern and southern Nevada. Indian gaming is proliferating. There has been a misguided attempt by the Secretary of Interior to suggest that he has the power, under the law, to supersede a state's governor in his negotiations with a gaming tribe—that he can define what the terms of that compact may be. Nothing could be more potentially dangerous for us. Nothing represents a more unsound policy.

The 1988 Indian Gaming Regulatory Act was enacted with the premise that Native Americans should have the same opportunity as any other American to participate in gaming ventures, so as along as it was consistent with the law of the state. Utah and Hawaii, states without gaming, should have no tribe able to negotiate any kind of gaming activity. We were successful in the last session of the Congress to add such an amendment to the appropriation bill. I will do so again in this session of the Congress. It is of critical importance to us.

Let us talk for a moment about air service. One of the critical arteries of commerce for our state is tourism revenue with the millions of tourists coming to Nevada. At a meeting this morning at the Reno airport, I talked about some of the challenges that are faced in northern Nevada. The acquisition of Reno Air by American Airlines has put into question whether or not the only air service that we have in northern Nevada from Chicago to Reno, currently provided by Reno Air, will continue. I indicated as a follow up to a meeting in Dallas, that American Airlines has reassured us that they will maintain and continue that service. That is extremely important for the economy of northern Nevada.

In southern Nevada, the challenge has also been to generate additional air traffic. At a time when the economic expansion has made it more economic, in terms of dollar alignment and budgets, to use air service for business travel rather than for recreation, we need every plane that can to fly into our airports in Nevada.

The so-called "perimeter rule" which was a creation of the Congress in 1986, prevents an airplane from departing Washington National and traveling further than 1250 miles. Conversely, this rule prevents an aircraft which originates beyond the perimeter of 1250 miles from departing and arriving at Washington National. This was a creation of the Congress we need to repeal. Senator John McCain chairs the Commerce Committee on which I serve as a member of the Aviation Subcommittee. This past week, legislation was passed out of the Commerce Committee that will amend the perimeter rule. It will permit direct flight service from Washington, D.C., to Las Vegas' McCarran International Airport. That is something which is going to be critically important to help fill those thousands of new hotel rooms that are coming on line in southern Nevada.

We all know—those of us who travel frequently by air, and all of you do— what the congestion at the nation's airports has meant in terms of providing basic creature comforts for travel. More frequently, passengers are being bumped; airline schedules have been delayed; and there is difficulty in getting fare information or understanding how your frequent-flyer miles are going to be handled. Last week I introduced what a number of colleagues and the Commerce

Committee are calling, a "Passenger Bill of Rights." It states that the nation's airlines must inform you if you are being booked on a flight which is overbooked, and your baggage must be delivered 24 hours after your arrival. This does not seem unreasonable to me. They must fully provide you information about fare structures and what options are available to you as a traveler. They must also tell you how they are going to deal with your frequent-flyer miles. This legislation is a must, in my judgment.

Let me say a word about education that is a priority of Governor Guinn and this legislature. It is a priority of the Congress of the United States and of the President. In order to sustain this remarkable economic expansion that I have discussed earlier, we will need an educated work force—a work force that will be able to do the kinds of things that a generation ago were the kind of things you read about in a science fiction magazine. For the great majority of Nevadans and great majority of Americans, that means attention to the public school systems of our state and of our nation.

I am a cosponsor of legislation which in no way seeks to preempt the primacy of state and local school district autonomy, but would do three things. It would help provide an additional 100,000 teachers which, as the demographics indicates to us, will be needed. It would also assist in class-size reduction, something that has been a long time goal shared in this chamber. It would also provide a funding mechanism for new construction. In some parts of our state, as well some parts of the nation, it is not new construction that we need, but the rehabilitation and renovation of an aging school infrastructure. This piece of legislation should enjoy bipartisan support which, I hope, we are able to have.

This morning, under the Governor's leadership, we convened a "Nuclear Summit." As you know, for 17 years I have been in the arena; I know firsthand about the fight; and I have had countless meetings. It is the first time we have ever had the entire delegation—the Governor, the constitutional officers, and key legislative leaders—to design and work on a common strategy. My friends, the nuclear express is moving down the tracks again. Its name is HR 45. It would attempt to situate, as its predecessors did, an interim storage facility at the Nevada Test Site for the storage of high-level nuclear waste. If we lose that fight, the site becomes the de facto permanent waste dump for America.

This in an issue that I am sad to report has nothing to do with science. It was not science which selected us as the only site in the nation to be considered. The science is beginning to come home for us, however; seismic activity seemed like something out of the geologic past but last month there were six significant earthquakes. There have been more than 200 in the last 20 years. More evidence continues to abound that the seismic activity may continue to grow. It is an area which is the third most active earthquake region in the nation. That is the site the nuclear industry has chosen.

Volcanic activity has also been indicated. Current scientific reports indicate volcanic activity much more recently than previously contemplated. There is also news that plutonium, as well as water, has migrated through the geologic formations. This should frighten us all, in terms of the health and safety of future generations of Nevadans.

If science were the only criteria, this would be a contest which would be a winner without any serious heavy lifting. Unfortunately, it is politics that we deal with. The political deck, to some extent, is stacked against us. That is why this summit convened this morning was so terribly important. We need your help in working with your congressional delegation to fund Bob Loux's office, to make sure that scientific work can continue and that we are not out-gunned and out-fought by the nuclear utilities and the Department of Energy, which seem to have endless resources available. Not to provide those resources is to, in effect, unilaterally disarm us. This is not a partisan issue in Nevada. I know of no issue, in the more than 35 years of public service that I have rendered in this state, that has galvanized and unified Democrats and Republicans, liberals and conservatives, rural and urban Nevadans. This is an issue that we can win.

This morning, which has frequently happened, the nuclear utilities and their skeptics planted seeds of doubt. Will the President veto this legislation? I know he said that last year. Well, we got on the phone and here is a letter from the White House; "Dear Dick, I am with you again." I will make a copy of this letter available for everyone. The President's veto commitment is the bedrock upon which our strategy is predicated. There is also encouraging news that Congressmen Gibbons and Berkeley shared with us—they are within striking distance of getting

147 votes, enough to sustain the President's veto. We need your help. I hope that we can count upon you for that support.

Let me move to another issue that was one of our major accomplishments in the last Congress. I introduced in the Senate, and Congressman Ensign carried it in the House, the Southern Nevada Public Lands bill. That bill has the potential of being the most important environmental legislation, Nevada specific, in decades. As many of you know, it involves the sale of BLM lands in the metropolitan Las Vegas area. The proceeds from those sales have been estimated to be at as much as $500 million. Every cent remains right here in Nevada. Five percent will go to help finance the public school system in our state and 85 percent will be used to either acquire additional environmentally sensitive lands, or in southern Nevada to improve facilities heavily impacted by our own growth and millions of visitors each year. Some of these facilities, such as Lake Mead National Recreational Area, the Spring Mountain National Recreational Area, the Desert Wildlife Refuge, the Red Rock National Conservation Area, need to be improved.

And Lake Tahoe, the crown jewel of the Sierra—within its boundaries lies land under the old Santini-Burton Act, which many of you will recall from the early 1980s. The sale of land which occurs in that area—which is smaller than the entire BLM land that is to be sold—will represent approximately $50 million which will go into the Santini-Burton Fund to help fund Lake Tahoe environmental projects.

To use the Jack Nicholson line, "Is that as good as it gets?" No. In the 11 years that I have been in the United States Senate I have devoted most of my time during the summer traveling to rural Nevada with my wife Bonnie and our staff. I understand that in rural Nevada there is a challenge of how to generate economic growth. There is also the prospect that in some counties, where 99 percent of the land in the rural community is owned by the federal government, there can be a limitation on that growth. The Southern Nevada Public Lands bill can be the model to help us move the concept aimed at southern Nevada to rural Nevada. It would provide rural Nevadans with the opportunity to experience the growth that they need and yet, at the same time, receive benefits from the sales of that land. I have asked the Bureau of Land Management, via meetings earlier this year and over the recess period, to look into that and I believe it is going to be possible for us to work out some kind of bipartisan approach which would allow that to occur.

This leads me to the Rural Lands Initiative in Douglas County. How do Nevadans preserve the lifestyle that we all love? The open space? Douglas County is challenged with enormous growth. The Rural Lands Initiative will make it possible for lands to be sold in Lincoln County to acquire a conservation easement in which the ownership of the property is retained by the private sector, but the land is retained in open status. It strikes me as the best of both worlds, and I am committed to work on that as well.

Coming into Washoe Valley every day, as you look to the left and right of Highway 395, you see some of the loveliest scenery in Nevada. It is a part of the Casey Estate. This afternoon we had a meeting with the executor of the estate, the lawyers, and others on how can we acquire it and retain it for public usage. We are working on that challenge, either through legislation to provide some estate tax credit because of the estate's liability, or by some other means. Obviously, sales from the BLM lands under the Southern Nevada Public Lands Management Act would assist us as well.

Let me just say something about my wife, Bonnie, and her involvement in a project that is near and dear and a source of pride to all of us as Nevadans: our national park. As Nevada's First Lady, she was the one who was the honorary chairman and presided over the dedication of those facilities over a decade ago. She is leading a nonpartisan private sector group to help the Great Basin National Park, which needs so many more amenities that are not acquired through the appropriation stream in Washington, D.C. Bonnie, I salute your efforts, even if it means you are not home preparing our dinner each evening. Thank you very much.

Tom Brokaw has a bestseller, *The Great Generation*. If you haven't read it, get it. It is an extraordinary book. It is a testament to the amazing men and women who were part of World War II and their experience in America. In a sense, it is even a greater testimonial to the veterans of all wars and all times. We have a special obligation to those who have fought and served in the nation's armed services.

Eleven years ago, we did not have a veterans' hospital in southern Nevada and one was not even on the drawing board. We did not have an adequate outpatient clinic. The Ioannis Lougaris Federal Hospital in Reno was very crowded and obsolete. Although I had signed a bill as governor to provide for veterans' cemeteries in Nevada, they were not yet completed—they were still in the construction process. Now, a new wing will be completed later this year at Ioannis Lougaris. We have a federal hospital in southern Nevada and a new outpatient clinic. In Pahrump, a new outpatient clinic is opening. Plans also move forward with a veterans' home, through a joint federal/state partnership. Later this year, we hope to see a ground breaking for a multidenominational chapel at the Southern Nevada Veterans' Cemetery. We need all of you to work together as we try to build a northern Nevada veterans' home that would do honor and justice to northern Nevada veterans. It is a partnership. We will do our share. I hope that we can count on you doing your share for our nation's veterans.

In 1452, Johan Guttenburg perfected movable type. It transformed his time. It hastened the end of a thousand years, from the fall of the Roman Empire, that history records as the Dark Ages. It made it possible for books, education, and learning to spread not only to those who were part of the affluent in society, but to ordinary citizens as well. The Internet is for our time like movable type was in the fifteenth century.

There are enormous educational opportunities—tremendous opportunities in terms of growth. Ten million Americans were on the Internet in 1995; today there are 140 million. The Internet will redefine the way in which we acquire knowledge and the way in which we conduct our business. It is a way of doing things that could not have been dreamed of just a decade ago.

A couple of issues, however, warrant our consideration and I want to share them with you. In the twilight days of the last session of the Congress I was able to put together a piece of legislation working with the online providers, aimed at the various Web sites. There are commercial Web sites, the content of which as parents we would approve, but they target our children for various kinds of products. More significantly, in a survey we found 95 percent of those Web sites were asking children under the age of 12 about family bank accounts, stock accounts, where they spend their time on vacation, and what kind of automobile they owned. The point I am making is that the right of privacy as we have known it in America is today at risk.

It is at risk because computers make it possible to collect, store, and transmit volumes of information at an unprecedented level. So too, it is possible to compile this kind of data that I have discussed with you. We were successful with legislation, the Child Online Privacy Act. Under this legislation, commercial Web sites that target children and children's audiences will be required to get permission from the parents prior to asking the kinds of very personal and invasive family questions that I just discussed.

Two other issues concern us: the theft of identification and privacy. We have an enormous challenge to make sure information that is collected about us is not simply transmitted into cyberspace for anybody to acquire. Under the current law it is legally possible for your bank, your stock broker, and your insurance agent to share all of the financial information about you: when your certificate of deposit is due; what kind of insurance coverage you have; or what is in your stock portfolio. That information has enormous commercial value. Imagine the kinds of vendors that would want certain kinds of profiles, indicating more affluent people who might be receptive to various products which are being sold.

We are doing a financial restructuring act in this Congress, I hope. I will not belabor the time to talk about it at length; but, suffice it to say, the right of privacy needs to be protected. We need to make sure that information you share with the expectation that it remains confidential does so.

Theft of identification is possible. Someone can steal and appropriate your name. A young man in Carson City had the experience where his name, literally, was stolen. The young man who stole this identity married, went into the Army, and ran up a whole lot of debts. The individual whose name was stolen could not get that straightened out. Fraudulent appropriation of an individual's name is part of protecting our privacy, as well. Those will be a couple of priorities I will be working on with a number of my colleagues in a bipartisan way in this coming session of Congress.

Let me conclude by acknowledging—as I have each time that I have appeared before you—how privileged we are to serve. In the history of our state, there have been 1956 state legislators. For the first time in the state's history, all four members of our congressional delegation have had legislative experience. They have sat here, as you have, in this chamber and struggled firsthand with the problems that confront our state.

It is fair to say you represent different parts of our state, different political parties, and different political philosophies. Thirty years ago, when I first became a member of the state legislature, was one of the happiest days of my life. I respect very much the challenges that confront each of you. They are not easy. I would hope that we might, as was the case a generation ago, help instill in the young people of our state that public service, as you and I have chosen, is an honorable undertaking; that what you do each and every day of this legislative session and throughout the year, is to try as best you can to represent the constituents that elect you and to serve the public good. Somehow, we have lost that a little bit, in America. We see a generation of cynics that think unkindly of all, irrespective of party or political persuasion. Discourse and disagreement is what the legislative process is all about, but we ought to respect each other's opinions where we differ.

You have all done a much, much better job than we have done at the federal level. The public elected us, not to quarrel in a partisan sense, not to see us divided in a regional sense, but in a bipartisan way to work in the best interests of the state of Nevada. Those of us who are privileged to represent you in the Congress of the United States receive a similar charge.

I pledge today that we will try to put the divisiveness of this past year behind us. We will work together in a bipartisan way to represent the best interests of our state, to defend it when it's under attack, to advance its cause, and to work in the best interest of America. I know that you, too, will be working in the best interest of the state of Nevada.

Thank you again for the opportunity to address you.

Senator Shaffer moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Bryan for his timely, able and constructive message.

Seconded by Assemblywoman McClain.

Motion carried unanimously.

The Committee on Escort escorted Senator Bryan to the bar of the Assembly.

Senator Schneider moved that the Joint Session be dissolved.

Seconded by Assemblywoman Parnell.

Motion carried.

Joint Session dissolved at 5:35 p.m.

ASSEMBLY IN SESSION

At 5:49 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Perkins moved that Assembly Bills Nos. 93, 128 and 129 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Toby Lamuraglia, Sr.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, February 17, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:54 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 17, 1999

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Humke and Marvel, who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Lord, In ancient days some of Your people would show remorse and sorrow by wearing sackcloth and ashes. Today, on this particular Wednesday, some of Your children are also wearing those ashes. Whether we wear them or not, please see our sincerity and our repentance. We are sorrowful for our sins, but because of Your love and forgiveness, see our joy and gratitude too. Please bless us in our tasks this day. We thank You in the Name of the One who makes it all possible. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 16, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 30 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No.176 be placed on the Second Reading File.

Remarks by Assemblyman Perkins.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 269—AN ACT relating to public employees' retirement; revising the provisions governing contributions by justices of the supreme court; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 270—AN ACT relating to regional transportation commissions; increasing the number of representatives on the regional transportation commission of Carson City; providing for the designation of a chairman of the commission; establishing staggered terms of office for the representatives of the commission; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 271—AN ACT relating to vehicles; requiring certain information to be included in a consignment contract involving a vehicle; requiring a consignee of a vehicle to establish a trust account in which the proceeds of a consignment sale of the vehicle must be deposited; prescribing duties for a consignee of a consignment contract involving a vehicle; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 272—AN ACT relating to motor vehicles; revising the penalty for driving without the required insurance in effect; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen de Braga, Neighbors, Mortenson, Evans, Parks, Freeman, Tiffany, Giunchigliani, Beers and Goldwater; Senator McGinness:

Assembly Bill No. 273—AN ACT relating to prisons; increasing the compensation of persons employed at certain correctional facilities; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman de Braga:

Assembly Bill No. 274—AN ACT relating to White Pine County; directing the State Board of Finance to issue general obligation bonds for the construction and renovation of certain schools in White Pine County; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Neighbors and de Braga; Senator McGinness:

Assembly Bill No. 275—AN ACT relating to hospital districts; providing for the dissolution of a hospital district; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Lee and Humke:

Assembly Bill No. 276—AN ACT relating to the board of wildlife commissioners; requiring nomination by a county advisory board to manage wildlife before certain persons may be appointed to the commission; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 26.

Amend section 1, page 1, line 3, by deleting "$15,963,440" and inserting "$9,000,000".

Amend sec. 2, page 1, line 6, by deleting "$2,334,472" and inserting "$1,000,000".

Amend sec. 3, pages 1 and 2, by deleting lines 7 through 13 on page 1 and lines 1 through 3 on page 2, and inserting:

"Sec. 3. 1. Notwithstanding the provisions of NRS 287.041 to 287.049, inclusive, to the contrary, the operation of the Committee on Benefits, created by NRS 287.041, is hereby indefinitely suspended and the committee shall not transact any business or hold any meetings after the effective date of this act.

2. On and after the effective date of this act, the Governor, or his designee, shall administer the provisions of NRS 287.041 to 287.049, inclusive. For this purpose, the Governor or his designee are hereby granted all powers necessary and proper to ensure the efficient and effective operation of the plan of self-insurance for state officers and employees and all other programs and benefits authorized by NRS 287.041 to 287.049, inclusive, and shall act on behalf of the Committee on Benefits in all matters relating to any contracts or other matters to which the committee is a party.

3. The State of Nevada is liable for indemnification of the Governor and his designee against liability relating to the administration of the state's program of group insurance, subject to the limitations specified in NRS 41.0349."

Amend the title of the bill, second and third lines, by deleting:

"requiring an assessment of certain state agencies for deposit in the benefit services fund;" and inserting:

"suspending indefinitely the operation of the Committee on Benefits and transferring its powers and duties to the Governor;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriations to benefit services fund and suspends operation of Committee on Benefits indefinitely. (BDR S-1455)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry, Perkins, Bache and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended, Assembly Bill No. 176 be considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Perkins.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblymen Bache and Anderson.

Roll call on Assembly Bill No. 93:

YEAS—40.

NAYS—None.

EXCUSED—Marvel, Humke—2.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 128:

YEAS—40.

NAYS—None.

EXCUSED—Marvel, Humke—2.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 129.

Bill read third time.

Remarks by Assemblyman Bache.

Conflict of interest declared by Assemblyman Goldwater.

Roll call on Assembly Bill No. 129:

YEAS—39.

NAYS—None.

EXCUSED—Marvel, Humke—2.

NOT VOTING—Goldwater.

Assembly Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblymen Arberry, Hettrick, Evans, Carpenter, Koivisto, Freeman, Goldwater, Dini, Parks, and Bache.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 176:
YEAS—40.
NAYS—None.
EXCUSED—Marvel, Humke—2.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed as amended.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that all rules be suspended and that Assembly Bill No. 176 be immediately transmitted to the Senate.

Motion carried unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Curtis.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Mae Malatesta and Gerry Leetch.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Muse Grant, Valerie Weber and Ann Larson.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Ziser.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Burchiel.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Butch Speer, Carol Speer and Mouryne Dini.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Toby Lamuraglia.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 18, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:45 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 18, 1999

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Buckley, Humke, Marvel and Williams who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Lord, I have been impressed this week seeing Mr. Speaker touch the computer screen and immediately have things respond to his command. What power! Seriously, Father; teach us that ours are not positions of power and control but positions of service. Service to the great people of our state and even in a more important way, service to You. I pray this in the Name of the One who came not to be served but to serve. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 88, 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 17, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 30, 100, 101, 114, 115, 118, 120, 123.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 69, 77, 87, 96.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 44 be re-referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 4—Providing for the appointment of additional attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Kenneth P. Beaton, Sr., Bonnie Compton, Crystal Jennings, Millicent Jorgenson, Valerie Valdez and Linda Ann Young are elected as additional attachés of the Assembly for the 70th session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Senate Concurrent Resolution No. 3.

Assemblyman Perkins moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Segerblom, Evans, Bache, Carpenter, Freeman, Koivisto, Claborn, Mortenson, Chowning, Parks, Buckley, Perkins, de Braga, Arberry and Giunchigliani:

Assembly Bill No. 277—AN ACT relating to utilities; authorizing a local governing body to establish a fund to finance underground electric facilities; authorizing the imposition of assessments to pay for such facilities; prohibiting a local governing body from requiring the construction of or conversion to such facilities under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Collins:

Assembly Bill No. 278—AN ACT relating to real property; revising the provisions relating to the licensure and the operation of mortgage companies; removing the exemption from licensure for certain mortgage companies; requiring mortgage companies to maintain a minimum net worth and a surety bond; requiring mortgage companies to provide certain information to prospective debtors; making mortgage companies liable in a civil action for certain damages; prohibiting various acts by mortgage companies; providing for administrative sanctions and criminal penalties against certain persons; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Evans, de Braga, Perkins, Dini, Leslie, Claborn, Mortenson, Chowning, Hettrick, Cegavske, Giunchigliani, Segerblom, Carpenter, Gibbons, Freeman, Arberry, Williams, Lee, Neighbors, Buckley, Bache and Parks; Senators Carlton, McGinness, Neal, Titus and Wiener:

Assembly Bill No. 279—AN ACT relating to financial institutions; establishing certain rights of a lessee of a safe-deposit box that is improperly opened; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Buckley, Carpenter, Ohrenschall, Leslie, Thomas, Segerblom, Perkins, Giunchigliani, Lee, Arberry, Parks, Williams, Manendo, Anderson, Price, Freeman, Goldwater, Gibbons, McClain, Koivisto, Collins, Bache, Tiffany, Neighbors, Nolan, Hettrick and Evans:

Assembly Bill No. 280—AN ACT relating to persons with disabilities; prohibiting the use of aversive intervention and deprivation techniques on persons with disabilities under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen de Braga, Dini, Collins, Carpenter, Leslie, Anderson, Segerblom and Neighbors:

Assembly Bill No. 281—AN ACT making an appropriation to the State Conservation Commission in the State Department of Conservation and Natural Resources for the support of conservation districts; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 30.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 69.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 77.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 87.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 96.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 100.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 101.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 114.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 115.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 118.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 120.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 123.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 177.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 1.
Resolution read second time and ordered to third reading.

Assemblyman Perkins moved that the Assembly recess until 4:45 p.m.
Motion carried.

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 4:57 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Lee, Gibbons, Segerblom, Mortenson, Neighbors, Thomas, Koivisto, McClain, Goldwater, Perkins, Cegavske and Collins:

Assembly Bill No. 282—AN ACT relating to crimes; revising the provisions governing the unlawful exhibition or distribution of material that is harmful to minors; making it unlawful under certain circumstances for a person knowingly to exhibit, sell or offer to sell in a vending machine located in a public place material that is harmful to minors; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 283—AN ACT relating to solicitation by telephone; requiring an applicant for registration as a seller and certain persons associated with a seller to obtain a work card issued by the sheriff of the county in which the business of the seller is located; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker pro Tempore appointed Assemblymen de Braga and Von Tobel as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jim Gibbons.

The members of the Senate appeared before the bar of the Assembly.

Madam Speaker pro Tempore invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:04 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Townsend, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblymen Arberry, Buckley, Dini, Humke, Marvel, and Williams, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator James and Assemblywoman Gibbons to wait upon Representative Gibbons and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Jim Gibbons, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Madam Speaker pro Tempore welcomed Representative Gibbons and invited him to deliver his message.

United States Representative Jim Gibbons delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTIETH SESSION, 1999

Thank you very much.

Speaker Pro Tempore Evans, Lieutenant Governor Hunt, Governor Guinn, Senator Raggio, Senator Titus, Assemblyman Perkins and Assemblyman Hettrick, members of the Legislature, justices of the Supreme Court, constitutional officers, fellow Nevadans, and friends.

Let me first say that it is an honor for me to be here tonight. As you can imagine, this is a special night for me because my wife, Dawn, is here in the audience as your colleague, to share this moment with me. I am very proud of Dawn and the strong commitment she has made to her constituents and the citizens she represents.

And to all of you friends, legislators and dedicated public servants, Nevada is so very honored and fortunate to have your dedication and commitment as well. No one here doubts that public service is very demanding, time consuming, and often devoid of the thanks from the public you serve. So, we have a good idea about what kind of lives we all lead. That is, unless your spouse is also in politics and then it seems that your life is being directed by Alfred Hitchcock.

You may not believe this, but so far, my legislative career has been a blessing—a blessing mostly because of you, the people who I have had the distinct pleasure and honor of working for and serving with. Many of you are here tonight, and I thank you.

Whether you are a radio station owner from Fallon, a rancher from Elko, a teacher from Las Vegas, or, in the case of our Speaker, a casino owner in Yerington, our political careers may have taken each of us on different paths; but we all share a common bond. Each man and woman in this chamber— no matter how long we may serve in the legislature, no matter how long we may serve in Congress, no matter how long we live on earth—we have just one obligation, and that is to make a difference. And how we make that difference will most likely be affected, either directly or indirectly, by the challenges we each face, whether here in Carson City or in Washington D.C.

Without a doubt, our Nevada congressional delegation faces some tough battles this session, and because there are enormous challenges for our bipartisan delegation, we must all pull together and fight for our state.

For the sake of Nevada's hard working families, we must continue to pull together and work on a common agenda—fighting on issues like nuclear waste, gaming, mining, ranching, farming, education, social security, health care, national defense, and veterans' issues. Trust me, I am not going to talk about all of those tonight. You will be making it home sometime before midnight.

I last addressed the Nevada Legislature in 1997, and I began my speech by discussing one of our most important issues, education.

One of the greatest recent debates that has taken place in Washington D.C. concerns our education dollars and how they can be most effectively and efficiently spent.

Should your money be left in the pockets of Washington bureaucrats? Or should your money come back here directly to Nevada, to classrooms to help our children and their teachers? Should every important decision be left to the red-tape bureaucrats in Washington to develop the plan to educate our children in our schools in Nevada? Or should our parents, our teachers, and our local school board—and you, ladies and gentleman—develop that plan? Let me tell you a brief, personal story about education because I can tell you firsthand that a vast majority of our schools here in Nevada are doing a great job and should be commended.

Two years ago, Dawn and I decided to take our youngest son, Jimmy, to Washington and place him in a local school. He was zoned into a magnet school with 1000 other kids. They spoke 66 different languages in this school and when they posted a notice on a school bulletin board it was in 29 different languages. We found ourselves spending four to six hours every evening with our son, trying to keep him up to speed with the academic level he had when he left Nevada. They had no tests, no homework, and the teachers were unable to communicate to all these children. They did not have a great education like Jimmy had in Nevada. It was because of the great schools we have in Nevada that the decision to bring Jimmy and Dawn back here became our number one decision. Let me say to the good schools we left here Nevada: thank you and we are back home. So, in my opinion.—and unarguably, the biggest and best investment we can make as a nation— is in the proper education of our children.

I was honored and pleased to have been at the Governor's State of the State. Governor, thank you. I believe the Governor got it, and was exactly on point, when he said that the education of our children, today, will determine our nation's place in the world, tomorrow. I applaud your vision of the "Millennium Scholarships" and your continued dedication and commitment to Nevada's young people.

I do envision a national goal on education—a goal that offers every child the best education in the world. A goal that puts you in the driver's seat, a program that lets you— the parents, teachers, schools, and communities in Nevada—accomplish that goal by reaching a higher standard of learning on your own terms!

The legislative specialists in education are right here, this evening, in this room. We have the guidance of leaders like Senator Bill Raggio, Senator Ray Rawson, and Assemblymen Bernie Anderson and Wendell Williams. There are other people here in this audience, as well, who offer and provide their leadership and guidance on our local school boards and in our classrooms. On behalf of my children and all Nevada children, thank you for your strong commitment to provide Nevada's children with a great system of education. And let me say thanks to Nevada's teachers, who are on the educational front-lines every day, who are caught

between federal government mandates and tight budget restraints, and yet manage to give our kids a great education.

Just a couple of weeks ago, I had the great opportunity and privilege of visiting some of our teachers and students at several of our schools in Dayton, Reno, Incline Village, and Sparks, to discuss the issues that are important to them. I met with many students and talked to them personally about their desires and their ambitions after graduation. Every one of them was reaching for that star—and after reflecting back on each of those wonderful kids, I thought that it is not a disaster to reach for that star and come up short; but it is a disaster not to have a star to reach for. Our schools and our teachers are helping to put those stars out there for our kids. We should listen closely to their concerns and suggestions. Their concerns were overwhelmingly consistent: we need more resources, money, and more control. And I couldn't agree more. Whether it's a new roof, new books, more teachers, more classrooms, or even more chalk, we must ensure that these determinations are made in our classrooms, not 2600 miles away in Washington, D.C., by somebody who refers to us as "Ne-vah-dans." If we can say that the education of our children is the saving grace for our state, then I think it's safe to say that a proposal to ship high-level nuclear waste to Nevada is our clear and present danger.

You all know the story.

There are 49 states who want to place the most dangerous, toxic substance known to man, in our back yard. It is an area that is clearly not scientifically suited for such a purpose.

The occurrence of several earthquakes near the proposed storage area last month strengthened our scientific arguments that there are numerous inherent dangers in storing nuclear waste in southern Nevada.

Let me take this opportunity to commend Governor Guinn and my colleagues in our bipartisan congressional delegation and all the leaders here in this room for their hard work and leadership in the fight against nuclear waste.

This is an issue that we have vowed to oppose with all our strength. And thank all of you, especially Senator James and Assemblyman Perkins, for the overwhelming vote to send that recent joint resolution to us on nuclear waste. It gave a clear message to Congress that none of us are going to stand idly by while they try to cram this thing down our throats. No, we—and I mean all of us in this room—will not be silenced. We will continue to fight until they get the message.

Just two days ago, the Governor held a critical, bipartisan Nuclear Waste Summit demonstrating our unity and our common desire to work together at all levels of government, to stop the threat of nuclear waste shipments, not just through our communities in Nevada but nationwide. I believe when one of these communities nationwide has an accident with nuclear waste and someone gets hurt, they will realize it is not just Nevada which is at risk.

For a state that boasts the beauty of Lake Tahoe, the Red Rock Canyon, the Toiyabe National Forest, and the Ruby Mountains, we must never toast the beast of a nuclear waste dump.

I have a message for the powerful nuclear industry lobbyist in Washington, D.C.: Nevada will never give in and we will never back down in our opposition to nuclear waste.

I have been talking quite a bit about nuclear waste and how we as Nevadans share common concerns about our safety, our environment, and our economy. Let's look for a moment at the topic of our economy.

Nevadans are very fortunate to have someone like Lieutenant Governor Lorraine Hunt leading our state's economic development and tourism efforts. She has the vision, the energy, the leadership, the charm, and the innovation necessary to meet Governor Guinn's challenge of a stronger commitment to economic development and diversification in Nevada.

As we all know, one of the best ways to attract business to Nevada is to keep government intervention to a minimum. I am proud of our leaders in Nevada, like Senator Randolph Townsend and Assemblywoman Barbara Buckley, who are taking the lead on issues to make Nevada a better place to do business. I know Barbara Buckley isn't here, but I want to thank her for what she's done to protect Nevadans' health care. We're looking in Congress to use her model as a reform for the nation's health care problems. Also, I want to further congratulate her and her husband on their recent announcement of a new child to be arriving later this year. Her efforts here as a legislator, wife, and soon-to-be mother give other young working moms a great role model to follow. Women—they can do so much and so many wonderful things, all at the

same time. Our legislature is becoming, I think, closer to the make-up of our population. We are now only second to Washington State in total numbers of women legislators. Guys, the writing is on the wall. The days of the good ol' boys are gone.

During my second term in Washington our efforts will be to protect Nevada's primary industries such as ranching, mining and gaming; and it will also consist of keeping a close eye on the federally-appointed National Gambling Impact Study Commission. As many of you know, this controversial commission will be wrapping up its two-year study on the nation's gaming industry. For the better part of those two years, we have closely monitored every meeting and hearing they have held around our nation. Now, in June, the federal commission will issue its findings and report to the President and Congress. I'm sure you'll agree that any decisions about our gaming that are to be made should be made by Nevadans and Nevada's own Gaming Commission with common sense people like former state Senator Sue Wagner and Brian Sandoval, and not, as I've heard, some "pencil-neck geek" in Washington.

It is my hope that the full commission will not fall victim to those who would paint a negative image of our successful gaming/entertainment industry. Nevadans are very fortunate to have two highly respected members on this commission—great Nevadans like Bill Bible and Terry Lanni. They have done an outstanding job on this commission, and their distinguished service will help ensure that this report is not biased against the gaming industry. No one doubts that there are some politicians in Washington who would try to use this report against the industry. I want to assure you I will forcefully fight any attempts to tax or regulate the gaming industry on the federal level. That is a state issue.

Let me say that same enthusiasm goes for our mining industry as well. Along with Senators Harry Reid and Richard Bryan, we have fought diligently and stood steadfast in our commitment to the mining industry and its support services. With mining being the second largest industry in our state, it becomes imperative that we work together to defeat the Administration's proposals, such as repealing the percentage depletion tax allowance, or the creation of unnecessary and burdensome regulations, or new tax legislation that would essentially end mining in Nevada as we know it.

In an effort to generate across-the-board support for these important mining issues, I have reinstituted the bipartisan Congressional Mining Caucus, which was originally started by my predecessor, Barbara Vucanovich. The Congressional Mining Caucus was established to educate members on regulatory and legislative ideas and how they impact the mining industry. We want to establish a strong presence for mining in Congress, one that not only supports the mining industry, but also suppliers, mining equipment manufacturers, and support services members. This caucus will serve as an educational and informational resource center for all the members of Congress, and it will provide a much-needed forum to address the present and future needs of the U.S. mining industry.

And, our final goal is to promote policies that balance our economic, political and environmental concerns. We must care for the public resources and we must care for the public lands that make up our great state.

Last Monday evening you heard Senator Reid share with you our joints efforts to create the Nevada Lands bill. This legislation will change the landscape on how Nevada deals with federal bureaucracies on public lands issues. For the first time our rural communities will be allowed to identify and make available for sale, specific lands needed by northern Nevada cities and towns for growth and economic development. Cities like Wendover, Elko, Winnemucca and Tonopah.

These cities today and many other rural Nevada communities are suffering, because they do not have the land to grow, nor do they have the tax base from private property to adequately fund their schools, their police and fire protection, judicial system, roads or even basic health care services. Well, that is all about to change; with your help we will forever change the landscape of Nevada.

I want to take just a minute or two to talk about our armed forces this evening. As we look to protect our state's economic interest, we must also pay attention to protecting our country's national security. You all know of my commitment to strengthening our national defense has never been higher. Providing our young men and women in the military with the very best training and equipment is paramount on all our minds. When they are called upon, we can all be assured they can do their job, and more importantly, return home safely. I have the distinct

experience and distinct privilege of seeing both sides of the coin. Having served in the military and now in Congress, I know firsthand the real commitment that it takes to defend our nation. As a member of both the House Armed Services and Intelligence Committees, I see firsthand the rings and flaming hoops that we must jump through to find the necessary funding for our military men and women, so that our servicemen and women at Nellis, Fallon, and Hawthorne have the resources to do their jobs.

One national security issue that hits home is terrorism. According to a recent press report, Hoover Dam is the third most likely strategic target in a nuclear or biological attack. Ladies and gentlemen, if you haven't thought of it before, that puts Nevada's largest and most populated community, Las Vegas, right at the center of the "bulls-eye." I am committed to protecting that "bulls-eye" from whatever threat may arise. As a member of the Intelligence Committee, I will work to see that our intelligence agencies have the resources to identify any hostile military or terrorist intentions, and to prevent any such event from ever occurring.

Nevada's contribution to this nation's defense and military strength also includes the research and fine work developed at the Nevada Test Site. Let me also point out my appreciation to Secretary Bill Richardson and the Department of Energy, for their plans to maintain the Nevada Test Site in a state of readiness. It is imperative that we preserve our nation's role as a world leader—with the solid commitment to the stockpile stewardship and the testing program at the Nevada Test Site, we can be assured this nation will remain the number one leader in the world.

We live in a wonderful state, in many ways in a wonderful time, with many great people who have given and sacrificed a great deal so that we may have brighter future. Let me take a moment to tell you about a friend named Ron Garside, who has made many sacrifices to make our lives worth living.

You see, my friend joined the army when he was 21. He joined the Rangers and was immediately sent off to fight in Vietnam. While there, he was wounded three times by enemy grenades and mortar shells. After recovering from his wounds, and undaunted by the experience, he returned to Vietnam three years later for his second tour of duty. Shortly after his return, he was again wounded when one of his fellow soldiers stepped on a land mine. Six months later, back on the line, he was wounded again during a nighttime attack by the Viet Cong. Sadly, rather than receiving a hero's welcome when Ron Garside returned home he was greeted by angry crowds of antiwar demonstrators. Despite his physical injuries, Ron continued to serve the public for another 17 years as a law enforcement officer with the Department of Prisons. He has done far more that just serve his country, his state, and family; he has helped build a better future for you, for me and for all our children. So tonight, I ask you to join me, to give hero's welcome to a brave Nevadan. A man of distinction and a distinguished legend of valor with five Purple Hearts, Two Bronze Stars, Two Air Medals, the Combat Infantry Badge and the Vietnam Gallantry Cross, Mr. Ron Garside.

Like Ron, and many others in this room who have served this county, our nation's veterans deserve more than just our recognition. They have earned the care and attention that our nation promised them. As a newly-appointed member of the House Veterans' Affairs Committee, I will work hard to protect the benefits that my fellow veterans have justly earned and deserve. Our nation's servicemen and women deserve the highest quality of health care. No veteran should have to wait six months just to see a doctor. No veteran should be denied medical care for any health problems that arise out of their service. Furthermore, we must change the law to permit, rather than deny, career military veterans the right to receive disability compensation and military retired pay without an offset. Many of you here tonight, like Senators Jon Porter and, of course, Lawrence Jacobsen, have fought to locate a veterans' home in southern Nevada, and it is my hope that someday soon we will be able to provide a similar home to our northern Nevadan veterans as well.

The issues I have addressed with you tonight are important to us all as Nevadans. Of course, accomplishing these goals will require courage; yet, it is our duty to demonstrate our grit and our fortitude and just get the job done. Nevadans have a lot to be proud of, and I am certainly proud to be a Nevadan. And I am even more thankful that I am part of this extraordinary and unique state that has so much to offer. I ask that you join with me in working toward our common goals—not just as politicians and legislators, but as colleagues, and neighbors, and most importantly as Nevadans.

I would like to close my remarks tonight in honor and tribute to two wonderful people who have spent a lifetime in service to this nation and to this state, Richard and Bonnie Bryan. Both Richard and Bonnie have been leading the way on important issues in this state for decades, whether here in the Assembly, or as the attorney general, or governor, or as a U.S. senator. This state and all of us owe them a great deal of gratitude and thanks for their service. I look forward to working with him in the next two years on even greater and bigger things, making Nevada a brighter place to live.

And finally, I would like to thank you for giving me the opportunity to be here tonight. I wish each of you well in this, the 70th Legislative Session of Nevada. Remember, together, we can make a difference. Thank you and God bless each and every one of you as you work to build a better and brighter future for all Nevadans.

Senator O'Connell moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Gibbons for his timely, able and constructive message.

Seconded by Assemblyman Brower.

Motion carried unanimously.

The Committee on Escort escorted Representative Gibbons to the bar of the Assembly.

Senator Amodei moved that the Joint Session be dissolved.

Seconded by Assemblywoman Leslie.

Motion carried.

Joint Session dissolved at 5:44 p.m.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Peel.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Meyers, Lorraine Hill, Steven Robinson, Andrea Runco, Daniel Lange, Regina Jozwik, Janel Harris, Raul Guzman, Aimee Allis, Carmella Zacarias, Linda Osbon, Rachel Strutton, Heather Stewart, Patrick Angley, John Lopez, Scott Thompson and Kim Wingate.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Gwen Washburn, Brittany Washburn, Debbie Lani, Mindy Seal and Sandy McGowan.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Albertson, Aimee Anderson, Kimo Borges, Danny Bradshaw, Ashly Donaldson, Amanda Dulin, Jared Gaylord, Jaime Hintz, Luke Holton, Barron Hunt, Chad Jamison, Ryan Kellner, Rachael Kennedy, Nicole Martinez, Michael Matthews, Vyrna Burgara, Mallory Meyer, Judith Nagle, Donna Burns, Briane Carothers, Samantha Conklin, Steve Deskin, Daniel Fields, Anthony Griffith, Kevin Habegger, Sarah Hunter, Anthony Kamikawa, Ashley

Kanekoa, Michael Lopez, Joletta Lowery, Travis Mattice, Roman Mcarther, Natalie Moersch, Madeline Nelson, Kayla Osterhoff, Jeremy Quarnberg, Rafael Navarrete, Cody Osgood, Karen Ramos, Gary Roberts, Natile Smith, Ashley Stewart, Denise Street, Jasmine Tenner, Mitch LaTolley, Kaylene Wetteson, Jesse Woden, Marlina Robles, Andrew Sensibaugh, Christopher Simonis, Cody Snyder, Nikole Soule, James Walker, Kaitlin Weeks, Ashley West, Mr. Bowlen and Mr. Mangum.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Aubrey Allen, Opal Allen, Joanne Botsford, Majorie Cutler, Fred Davis, Charlotte Dennis, Paul Dierlam, Cleotilda Dierlam, Marlene Fulper, Rita Isner, Harold Larson, Betty Larson, Marga Makabe, Kirk Odencrantz, Annaliese Odencrantz, Lois Robinson, Evelyn Shewan, Jack Waite, Winnie Waite, Jean Bawden, Marie Bondick, Clayton Brant, Margaret Brant, Norman Butler, Betty Butler, Jim Costa, Josephine Cowperthwaite, Claire Douglass, James Garland, Ruby Garland, Italo Gavazzi, Gloria Gavazzi, Edward Harris, Judy Harris, Marguerite Heinen, Roger Hesselman, Christine Hesselman, Fred Hinners, Walter Johnson, Betty Johnson, Toni Leffler, Ida Mae Mahood, Joseph Malugani, Donna Malugani, James Mauck, Martha McNeall, Arthur Mertzke, Claire Mertzke, Joan Metcalfe, Sophie Meyers, Mikel Miluck, Nancy Miluck, David Packwood, Johanna Packwood, Carol Parsons, Roger Pelish, Anne Pelish, Ray Pidlypchak, Phyllis Pidlypchak, Pat Puccinelli, Donald Reitzer, Raymond Robustelli, Warner Siepenkothen, Jeannie Siepenkothen, Anthony Sutich, Marietta Vaughan, C.O. Watson and Scott Young .

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Celestina Valdez.

Assemblyman Perkins moved that the Assembly adjourn until Friday, February 19, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:45 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 19, 1999

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Humke, Marvel and Williams, who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

I once asked my then school-aged daughters their favorite day of the week. Expecting them to say it was Saturday, I was surprised when they told me that their favorite day was Friday. I believe they responded that way because of the idea of expectation, promise and hope for great things to come on the weekend. So, God, here we are, and it is Friday. On this our nineteenth day here, we still have hope and expectations. May it not diminish as the time wears on, and may this weekend offer us rest and resuscitation. For after all, You took a day of rest too.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 27, 130.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, February 19, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 176.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman Giunchigliani:

Assembly Joint Resolution No. 8—Expressing support for the development of SPACEPORT NEVADA and other commercial activities at the Nevada Test Site and commending the Nevada Congressional Delegation for its continued support of the Nevada Test Site Development Corporation.

Assemblywoman Giunchigliani moved that all rules be suspended reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Giunchigliani.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 8.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 8:

YEAS—39.

NAYS—None.

Excused—Humke, Marvel, Williams—3.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 1:

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Arberry, Parks, Bache, Williams, de Braga, Collins, Perkins, Buckley, Manendo, Lee, Evans, Anderson, McClain, Koivisto, Tiffany, Freeman, Parnell, Ohrenschall, Von Tobel, Price, Gibbons, Neighbors, Goldwater, Thomas, Carpenter, Segerblom, Leslie, Brower, Nolan, Beers, Mortenson and Claborn; Senators Rawson, Coffin, Titus, Jacobsen, Amodei, Care, Carlton, Mathews, Neal, Schneider, Shaffer and Wiener:

Assembly Bill No. 284—AN ACT relating to water; requiring the state board of health to adopt regulations requiring the fluoridation of certain public water systems in more populous counties; making it unlawful for a supplier of water to fail to maintain the required concentrations of fluoride in such a public water system; limiting the application of certain existing provisions concerning proposals to adjust the concentration of fluoride in

water to certain less populous counties; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 285—AN ACT relating to the Lake Tahoe Basin; requiring the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources to establish and administer a program for the protection of the Lake Tahoe Basin; authorizing the issuance of general obligation bonds and providing for legislative appropriations to carry out the program; creating the fund to protect the Lake Tahoe Basin; authorizing the Administrator of the Division of State Lands to issue grants to carry out the program; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

By Assemblymen Anderson, McClain, Thomas, Manendo, Buckley, Carpenter, Ohrenschall, Nolan, Claborn, Koivisto, Leslie, Collins, Angle, Parnell, Chowning, Segerblom, Freeman, Bache, Perkins, Giunchigliani, Arberry, Neighbors and Evans; Senator Care:

Assembly Bill No. 286—AN ACT relating to corporations; requiring commercial resident agents to obtain a license; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 27.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 130.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 40.

Bill read second time and ordered to third reading.

Assembly Bill No. 79.
Bill read second time and ordered to third reading.

Assembly Bill No. 88.
Bill read second time and ordered to third reading.

Assembly Bill No. 100.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 177 and Assembly Joint Resolution No. 1 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 176 and Assembly Concurrent Resolution No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Barlane "Ike" Eichbaum, Patricia Puchert and David Vickery.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Michael John Pappageorge.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to General Jack Gregory.

Assemblyman Perkins moved that the Assembly adjourn until Monday, February 22, 1999, at 11:00 a.m.
Motion carried.

Assembly adjourned at 11:53 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 22, 1999

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Angle and Marvel, who were excused.

Prayer by the Chaplain, Minister Tom Rahme.

Dear Heavenly Father, we are reminded by Your word that You instituted government for the good of its citizens. In that way, You gave us the ability to establish laws that would be for that purpose. We pray Father that Your presence would fill this chamber and that You will guide those that serve this great state. Lord, we pray their decisions will reflect Your will. We pray this in Jesus name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 20, 38, 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 19, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Ways and Means:

Assembly Joint Resolution No. 9—Urging Congress to prohibit federal recoupment of the money recovered by the states from the tobacco settlement.

Assemblyman Arberry moved that the resolution be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

Senate Concurrent Resolution No. 2:

Assemblyman Perkins moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Gibbons, Williams, Parks, Buckley, Manendo, Freeman, de Braga, Collins, Berman, Neighbors, Tiffany, Evans, Cegavske, Anderson, Goldwater, Gustavson, Humke, Price, Giunchigliani, Mortenson, Claborn, Hettrick, Angle, Nolan, Carpenter and Beers:

Assembly Bill No. 287—AN ACT relating to eminent domain; making various changes to the provisions governing the procedures, proceedings and awards in actions relating to eminent domain; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 288—AN ACT relating to taxation; revising the provisions governing the compensation paid to the State of Nevada for the cost of collecting certain taxes on behalf of local governments; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 289—AN ACT relating to the department of prisons; enacting provisions governing the operation of vending machines located in the institutions and facilities of the department; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 290—AN ACT making an appropriation to the Supreme Court of Nevada for the operational costs of the Commission on Racial and Economic Bias within the Judicial System; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 291—AN ACT making an appropriation to the Division of Agriculture of the Department of Business and Industry for the development of a statewide data base and economic analysis relating to grazing trends on public lands and their effect on private business, rural economies, and county and state governments; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 292—AN ACT relating to liquified petroleum gas; imposing certain responsibilities upon the owners of containers; requiring the licensing of certain repairmen; requiring a notice of work performed to be provided a supplier under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Nolan, Beers, Brower, de Braga, Chowning, Evans, Leslie, Hettrick, Cegavske, Gustavson and Angle:

Assembly Bill No. 293—AN ACT relating to insurance; requiring certain health insurers to inform a claimant immediately when a claim is denied and to inform the claimant of the reason for the denial; requiring a managed care organization to provide coverage for medically necessary emergency services provided to an insured at any hospital; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle, Nolan, Carpenter, Von Tobel, Gustavson, McClain, Mortenson, Price, Tiffany, Claborn, Lee, Cegavske, Hettrick, Manendo, Collins, Segerblom, Arberry, Gibbons and Humke; Senators Washington, Rawson and Jacobsen:

Assembly Bill No. 294—AN ACT relating to education; prohibiting the state board of education and the boards of trustees of school districts from adopting courses of study in reading that are not based upon scientific research and that do not include explicit systematic phonics instruction; revising provisions governing the approval of certain courses of study and

training for teachers; requiring the governor and the department of education to comply with the Federal Act that provides grants of money for literacy programs; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 295—AN ACT relating to the Virgin Valley water district; excluding a certain part of its original territory; extending an exception from the advertising of public contracts; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 296—AN ACT relating to wildlife; requiring the board of wildlife commissioners to make certain revisions to the criteria for the issuance of special incentive elk tags; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 297—AN ACT relating to employment; requiring an employer or former employer of a person who is an applicant for a position as a peace officer with a law enforcement agency to provide certain information regarding the applicant to the law enforcement agency under certain circumstances; authorizing a law enforcement agency to bring an action to compel the provision of such information; providing immunity from civil liability in certain circumstances for an employer or former employer that provides such information; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 298—AN ACT relating to public works projects; requiring the adoption of criteria for the qualification of bidders on a contract for a public work; requiring a person to qualify before bidding on such a contract; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 299—AN ACT relating to municipal obligations; requiring the governing body of a local government that authorizes a medium-term obligation to include certain information in the resolution authorizing the obligation and to amend its plan for capital improvement under certain circumstances; eliminating the exception for medium-term obligations from the limitation on the amount that certain local governments may receive from taxes ad valorem; ratifying the approval of the issuance of certain medium-term obligations by the board of trustees of the Pahrump Community Library District; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 300—AN ACT making an appropriation to the revolving account for the management of estray horses in the Virginia Range; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Williams, Price, Gibbons, Koivisto, McClain, Ohrenschall, Segerblom, Neighbors, Carpenter, Manendo, Parks, Freeman, Lee, Arberry, Anderson, Evans, Goldwater, Giunchigliani, Collins, Chowning, Bache, Tiffany, Humke, Beers, Berman, Buckley, Nolan, de Braga and Von Tobel; Senators Neal and Schneider:

Assembly Bill No. 301—AN ACT relating to child care; establishing a program to provide loans for the construction and renovation of child care facilities; revising the provision regarding the licensing and regulation of child care facilities; expanding the exemption from the business tax for a business that provides for the care of the children of its employees; prohibiting an insurer from refusing to issue, canceling or refusing to renew a policy for casualty insurance under certain circumstances; making appropriations; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Freeman, Williams, Arberry, McClain, Leslie, Evans, Gibbons, Von Tobel, Tiffany, Parnell, Bache, Anderson, Giunchigliani,

Parks, Collins, Manendo, Ohrenschall, Price, Koivisto, Angle, Chowning, Mortenson, Neighbors, Berman, Perkins, de Braga, Thomas, Claborn, Goldwater, Segerblom and Lee; Senators Townsend, Wiener, Porter, Amodei, James, Schneider and Titus:

Assembly Bill No. 302—AN ACT relating to the care of children; providing for the establishment of a toll-free telephone service for inquiries and complaints relating to child care facilities; requiring annual reports on the quality of child care in this state; making various changes regarding the provision of child care and the licensing and inspection of child care facilities; expanding the class of child care facilities subject to state regulation; establishing and assigning duties to a temporary advisory council to improve the quality of child care in this state; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 98.

Bill read second time.

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

Amendment No. 37.

Amend section 1, page 2, by deleting line 8 and inserting:

"4. ~~[To Facilitate]~~ *The chief shall assist in* the development of ~~[a]~~".

Amend section 1, page 2, line 13, by deleting "developing" and inserting "~~[developing]~~ *adopting*".

Amend the title of the bill, second line, by deleting "develop" and inserting:

"assist in the development of".

Amend the summary of the bill, second line, by deleting "develop" and inserting:

"assist in development of".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 100 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Gibbons and Beers.

Roll call on Assembly Bill No. 40:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Marvel—2.

Assembly Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Assembly Bill No. 79:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Marvel—2.

Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88.

Bill read third time.

Remarks by Assemblymen Bache and Von Tobel.

Roll call on Assembly Bill No. 88:

YEAS—36.

NAYS—Carpenter, Gustavson, Price, Von Tobel—4.

EXCUSED—Angle, Marvel—2.

Assembly Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 177:

YEAS—40.

NAYS—None

EXCUSED—Angle, Marvel—2.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblymen Bache, Von Tobel, Carpenter, Goldwater, Beers, Leslie, Neighbors, Gibbons, Hettrick and Anderson.

Assemblyman Neighbors requested that his remarks be entered in the Journal.

I rise in support of Assembly Joint Resolution No 1. For the past three years, I have been working on the Nellis Air Force Base lease renewals and as a member of the Nevada Standing Public Lands Committee, these leases were discussed on two different occasions; with officials in Washington, D.C. and during committee hearings in Reno. I have discussed this issue with our congressional delegation on two occasions and have met with Senator Reid. I believe that a time limit of 15 years, not 25 years—as requested by the Air Force, pursuant to the 1986 Military Withdrawal Act—is sufficient. Eighty-seven percent of Nevada's land is controlled or under management of the federal government. I think to extend the lease to 25 years or beyond, to an indefinite withdrawal of millions of acres, is an unconscionable disregard to the citizens of this state.

Just last week we heard The Honorable Congressman Gibbons, on the Floor, indicating that our many rural areas are landlocked; they have no tax base. He would be working in Washington, D.C. to free some of that land, not take it indefinitely off the rolls.

There is no question that the training on the range plays an important roll in the national defense. Bomb impact areas—hot areas—will always be off limits to the public. My efforts of the past three years have been to urge the Secretary of Defense to release to the Department of Interior the western portion of the Talichi Mining District. This is 50,000 acres about 10 miles north of Beatty, Nevada. The University of Nevada was commissioned by the Air Force to do a geologic study of that area. It took three years and the results were very, very positive. The Talichi Mining District got its start around the turn of the century. It has never been drilled. It's about three miles off the fringe. It generated $1 million at that time based on the price of gold in 1820. Silver was 20 cents an ounce. I think it's a highly mineralized area, as are other areas of the Test Site.

I remind this honorable body that during the 1995 Legislative Session, Senate Joint Resolution 25 was sent to Washington, D.C., supporting release of land in this district—not total and indefinite taking it off the rolls.

Finally, Nye and Lincoln County commissioners, through an oversight I'm sure, were never contacted regarding the proposed indefinite withdrawal of the land. I would hope that in the future the local governments would be contacted and involved in the decision making process that affects local areas. Thank you. I urge your support on Assembly Joint Resolution No. 1.

Roll call on Assembly Joint Resolution No. 1:

YEAS—30.

NAYS—Beers, Berman, Carpenter, Cegavske, Gustavson, Hettrick, Humke, Price, Tiffany, Von Tobel—10.

EXCUSED—Angle, Marvel—2.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 12:

Assemblywoman Segerblom moved the adoption of the resolution.

Remarks by Assemblywoman Segerblom.
Resolution adopted.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Smith, Dick Bravo, Duncan McCoy, Gerald Johnson, John Sullard, Marilyn Miks, Roy Theiss, Bryan Nix, Kim Crandell, Tom Ayres, Bill Garis, Jim Ferrence, Cary Fisher, Brad Cameron, Angelica Cox, Phillip Brown, Alan O'Neill and Jerry Pendleton.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Hilton, Andy Bath and Walker Hilton.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to William E. Brock.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Joannie Hill.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Knutson.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, February 23, 1999, at 11:00 a.m.
Motion carried.

Assembly adjourned at 12:26 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), February 23, 1999

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Angle, who was excused.

Prayer by the Chaplain, Minister Tom Rahme.

Our Loving Heavenly Father, when we observe our universe and all that You have created, it is plain to see Lord that You are not a God of confusion, rather a God of order and peace. Bless, therefore, this Assembly. Impart Your wisdom upon those who work diligently to make life not only prosperous, but also peaceful for all the citizens of the State of Nevada. We pray this in Your Son's Holy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 83, 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Assembly Concurrent Resolution No. 9 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 2.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Concurrent Resolution No. 1.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 303—AN ACT relating to the public employees' retirement system; providing for the counting of certain service performed by certain injured police officers and firemen towards eligibility for retirement as a police officer or fireman; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 304—AN ACT relating to peace officers; prohibiting false or fraudulent complaints against a peace officer; requiring each agency that employs peace officers to establish a written procedure for investigating complaints against peace officers; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 305—AN ACT relating to mental health; changing the name of the mental hygiene and mental retardation division of the department of human resources and the commission on mental health and

mental retardation; changing the name of certain budget accounts and facilities of the division; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Giunchigliani, Buckley, Arberry, Anderson, Bache, Freeman, Tiffany, Parnell, de Braga, Williams, Parks, Segerblom, Collins, Manendo, Ohrenschall and Goldwater:

Assembly Bill No. 306—AN ACT relating to community redevelopment; revising the provisions governing community redevelopment; restricting the power of eminent domain of a redevelopment agency in certain counties; authorizing the creation of advisory councils for redevelopment within redevelopment areas; requiring the funding of such councils in certain counties; revising the definition of a blighted area; providing for the appointment of citizens' advisory boards; revising the provisions governing a rehousing bureau; revising the provisions governing the setting aside of money for low-income housing in certain cities; making various changes relating to relocation benefits; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 307—AN ACT relating to education; making various changes concerning the discipline of pupils for carrying or possessing certain electronic devices for paging or communicating on school grounds; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gibbons, Segerblom, Mortenson, Berman, Tiffany, Humke, Von Tobel, Anderson, Carpenter, Manendo, Leslie, Collins, Ohrenschall, Price, Parks, Bache, Koivisto, McClain, Gustavson, Brower and Angle:

Assembly Bill No. 308—AN ACT relating to prisons; requiring the department of prisons to establish a program to use dogs to sniff certain persons entering an institution to detect the presence of a controlled substance; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 309—AN ACT relating to the charter of the City of Reno; providing that the boundaries of wards must be determined on the basis of population; revising the qualifications for certain offices; revising certain provisions governing the adoption of ordinances; providing that a misdemeanor offense under state law is deemed also to be a misdemeanor offense against the city if the offense is committed within the city; repealing certain provisions; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 20 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 38.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 1.050 is hereby amended to read as follows:

1.050 1. ~~[The]~~ *Except as otherwise provided in NRS 3.100, the* district court in and for Carson City shall sit at Carson City.

2. Except as provided in subsection 4 ~~[,]~~ *or NRS 3.100,* every other court of justice, except justice's or municipal court, shall sit at the county seat of the county in which it is held.

3. Justices' courts shall be held in their respective townships, precincts or cities, and municipal courts in their respective cities.

4. The parties to an action in a district court may stipulate, with the approval of the court, that the action may be tried, or any proceeding related to the action may be had, before that court at any other place in this state where a district court is regularly held.".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. NRS 3.100 is hereby amended to read as follows:

3.100 1. *Except as otherwise provided in this subsection, the district courts shall hold court at the county seat of their respective counties. The board of county commissioners may establish one or more additional locations within the county for the district court to hold court.*

2. If a room for holding court ~~[be]~~ *at the county seat is* not provided by the county, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, the court may direct the sheriff to provide such room, attendants, fuel, lights and stationery, and the expenses thereof shall be a county charge.

~~[2. Offices shall]~~

3. An office at each county seat must be provided and furnished by and at the expense of the several counties for the several district judges. Whenever the county commissioners of any county ~~[shall]~~ neglect or refuse to provide and furnish *such* an office for the use of the district judge, ~~[it shall be lawful for such district judge to]~~ *the district judge may* make an order, which ~~[order shall]~~ *must* be entered upon the minutes of the court, requiring the sheriff to provide and furnish ~~[such]~~ *the* office. The necessary expenses incurred therein ~~[shall become]~~ *are* a legal and valid claim against the county."

Amend sec. 2, page 1, by deleting lines 5 and 6 and inserting:

"district pursuant to section 2 of this act must be".

Amend sec. 2, page 1, line 8, by deleting "the successor" and inserting "this".

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 6, following sec. 3, to read as follows:

"Sec. 6. 1. This section and sections 1, 3, 4 and 5 of this act become effective on October 1, 1999.

2. Section 2 of this act becomes effective on January 1, 2001.".

Amend the title of the bill, second line, after "district;" by inserting:

"authorizing the board of county commissioners to establish one or more locations within the county for a district court to hold court in addition to the county seat;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning district courts. (BDR 1-363)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 38 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 39.

Amend section 1, page 1, by deleting lines 8 through 11 and inserting:

"*2. The board may:*

(a) Revoke the parole of a prisoner described in subsection 1 immediately and allow the time during which the prisoner is".

Amend section 1, page 1, line 13, by deleting "*or*".

Amend section 1, page 1, line 14, by deleting "*(2) At*" and inserting:

"*(b) Revoke the parole of a prisoner described in subsection 1 at*".

Amend section 1, page 1, line 17, by deleting "*or*".

Amend section 1, page 2, by deleting lines 1 and 2 and inserting:

"*(c) Continue the parole of a prisoner described in subsection 1 immediately and allow the parole of the prisoner to run*".

Amend section 1, page 2, line 4, by deleting "*(2) At*" and inserting:

"*(d) Continue the parole of a prisoner described in subsection 1 at*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 127.

Bill read second time.

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

Amendment No. 46.

Amend sec. 3, page 2, by deleting line 28 and inserting:

"(a) An affidavit setting forth the ~~[address of his place of residence]~~ *adjoining state in which he resides, his mailing address* and".

Amend sec. 3, page 2, line 38, by inserting an open bracket before "who".

Amend sec. 3, page 2, line 40, by inserting a closed bracket after "employment".

Amend the title of the bill, third line, after "confidential;" by inserting: "providing that an applicant for appointment as a notary public is not required to disclose his residential address or telephone number on certain documents;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 98:

YEAS—41.

NAYS—None.

EXCUSED—Angle.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. You know, when you spend two or three days in the hospital, the first two or three days you are covered with a little decorum; but after four or five days you lose just about all your dignity. Your body is like an open book—I found mine not to be very interesting reading. When you are lying in the hospital you think of all the support you've had from people, like you that are here, the Legislative Counsel Bureau, and the general public. I would like to think of something really profound and deep to say describing how much gratitude that I have in my heart, for the interest, love, and friendship people have shared with me and Willie. I think when it comes right down to it, all I can say, sincerely, to each and every one of you, is thank you from the bottom of my heart.

Thank you again, Mr. Speaker. Apparently, I was guilty, maybe somewhat, of an indiscretion. I did not really mean for it to be taken that way. I sincerely would like to apologize to anyone that I may have slurred. It was not done intentionally. I think around these halls, every once in a while, we need to lighten up a bit. This was, in all good faith, what I was attempting to do. It certainly was not to hurt anyone's feelings. I feel very, very strongly that I have been raised a gentleman. I shall die a gentleman. I never in my life intentionally try to hurt another's feelings. Thank you.

Assemblyman Perkins moved that the Assembly recess until 4:45 p.m.
Motion carried.

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 4:46 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 275, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Ohrenschall, Carpenter, Leslie, Koivisto, McClain, Claborn, Nolan, Collins, Manendo, Anderson, Perkins, Arberry, Giunchigliani, Williams, Parks, Von Tobel, Price, Gibbons, Berman, Thomas, Beers, Evans, Segerblom, Goldwater, Parnell, de Braga, Freeman,

Bache, Chowning, Mortenson, Neighbors, Humke, Tiffany, Gustavson, Lee, Hettrick, Cegavske, Marvel and Brower:

Assembly Bill No. 310—AN ACT relating to health; establishing the office of the ombudsman for health care within the bureau of consumer protection in the office of the attorney general; defining the duties of the ombudsman; imposing a fee on managed care organizations to pay the expenses of the office of the ombudsman for health care; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Commerce and Labor and Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 311—AN ACT relating to employment practices; revising the provisions governing the employment practices of certain employers to prohibit discrimination based upon sexual orientation; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Freeman and Nolan as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Chief Justice Robert Rose of the Nevada Supreme Court.

The President pro Tempore of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:04 p.m.

President pro Tempore of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Coffin, James and Townsend, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Angle, Gibbons and Marvel, who were excused.

The President pro Tempore of the Senate appointed a Committee on Escort consisting of Senator McGinness and Assemblywoman Ohrenschall to wait upon The Honorable Robert Rose, Chief Justice of the Nevada Supreme Court, and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Robert Rose, Chief Justice of the Nevada Supreme Court, appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

The Speaker welcomed Chief Justice Rose and invited him to deliver his message.

Chief Justice Rose delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTIETH SESSION, 1999

Senator Raggio, Speaker Dini, senators, assemblymen and assemblywomen, my old friend Lawrence Jacobsen, our special guests, and ladies and gentlemen.

Tonight, it is my pleasure to report on the state of the Judiciary for the state of Nevada, a branch of the government that receives less than one percent of the state's General Fund budget. When we are important, we are very, very important. I am happy to say that the picture I am to paint is positive, from top to bottom. That is not to say that the courts of Nevada do not have their problems, especially with the problems presented by the unprecedented population growth we have experienced. But it is not the problems that you have in life, but rather how you deal with those problems that really counts; and your Nevada courts are handling the problems very well.

Before I proceed further, I would like to introduce to all of you my colleagues who have come today to share with me the State of the Judiciary. First is Justice Cliff Young and his wife Jane, second is Justice Bill Maupin, third is Justice Miriam Shearing, next Justice Deborah Agosti, then Justice Myron Leavitt, and finally Justice Nancy Becker, and my wife Joline.

Myron and I were each Lieutenant Governor and have served in state service a number of times for over 20 years. We finally arrived today. I'm glad I have an opportunity to give the State of the Judiciary; I hope Myron gets to give this address in the coming years of the Supreme Court.

I would also like to remind you of the reception we are holding in your honor immediately following this special session.

The mission of the judiciary is to provide the public with a system for dispute resolution—a system that decides each dispute with the appropriate result in a fair, user-friendly process, and in a reasonable amount of time. However, our judicial system has some features that were in it from the beginning that now present some challenges.

The judicial system in America was developed from the English model that was adversarial in nature; dependent on attorneys and judges to resolve cases; and placed great reliance on judgment by one's peers, the use of juries—a wonderful, but cumbersome process. It probably is the best system of justice in the world, but also one of the most time-consuming and expensive ever devised.

As we review the state of the Judiciary, we see our courts attempting to make the system more user-friendly, less expensive to the parties and taxpayers, and more expeditious. The two tools our courts are using are mediation and arbitration, to resolve controversies, and technology in the operation of the courts.

Mediation, and to a lesser degree, arbitration, have many benefits over confrontational litigation. First, it is the parties exploring a settlement with a neutral third party—a more friendly process that often achieves good results. Second, the cost is almost always much less

than litigation with attorneys. Third, the time taken to mediate is much less than having your case heard on a busy court calendar. Fourth, since both parties must agree to the settlement, there is usually much less anger or disappointment than when a court declares a winner and a loser.

We have seen mediation used effectively as an adjunct settlement process to our justice and municipal courts which are the courts that handle all traffic and misdemeanor violations and small claims up to $7500. The mediation process assisting these courts is called the Neighborhood Justice Center in Clark County. The initial funding was provided by the 1991 Legislature. The center provides community mediation in all its forms, and people who seem destined for small claims court are informed of this process. Lower court judges also refer certain cases to the center. This program is a welcome addition to the dispute resolution process, helping relieve the case load in our lower courts, and hopefully it will spread to a process throughout the State of Nevada.

In the family court division of district court, the services of social workers and family counselors have long been used to evaluate children and their parents and make recommendations to the family court about child custody and visitation. The family courts in Washoe and Clark counties have now instituted a mandatory mediation program that resolves child custody cases in an attempt to resolve the disputes through mediation. This was mandated by your legislation in 1997 and implemented by court rules. Since beginning in October 1997, 1435 families have been referred to the service in Clark County and 1133, or 70 percent, have resulted in mediated custody agreements. This program is working.

In many family law disputes, one or both of the adult parties are not represented by an attorney. In Clark County, 44 percent of the parties who appear in family court do not have legal representation. This means that one or both parties are disadvantaged because they do not have assistance of an attorney or know the law or the court procedures to follow. By having a process that informs people who cannot afford an attorney of their legal rights and procedures, the parties and the family court are better served. This process exists in the Washoe County family court. On average, this program assists 380 *pro per* litigants each month.

The same type of program is planned for family court in Clark County and will be called the Self Help Center. Part of the staffing will be provided by students at the Nevada Boyd School of Law. This is a good example of the legal profession's effort to help those who cannot afford an attorney and to make the court system as user-friendly as possible. It is interesting to note that this project has had the full support of the state bar association, the family court, and legal aid organizations. This is in stark contrast to some states where this proposal has been vigorously opposed by the legal profession on the grounds that it could amount to the illegal practice of law or be in direct competition with attorneys.

At the district court, there is a mandatory arbitration process that you have set forth in law and we have mandated by rule for all civil disputes having a reasonable settlement value of under $40,000. This process has the parties appear before an experienced attorney and present the facts and claimed damages in a hearing. The arbitrator makes his decision and either party can request a jury trial before a district court judge, but face penalties if not bettering their position. The attorney-arbitrator is paid on an hourly basis up to $500 per case. In Clark County, about 65 percent of the civil, non-family-law, cases are diverted to this program and only 15 to 20 percent go on to a full district court trial. This means that 50 percent of the civil cases before the general jurisdiction courts in Clark County are settled by this program. Similar results are reported from Washoe County. This court-annexed arbitration program is a major settlement tool and one reason why neither Clark nor Washoe counties will be asking for additional general jurisdiction district court judges this session. There is no doubt that mediation and arbitration has helped the Nevada court system resolve controversies and is now an integral part of our justice court system.

The second trend we see in the Nevada courts is the use of court technology in processing cases and producing reliable court records as a by-product. This is the coupling of technology with modern court management principles. It is usually done by developing a system of computers and software that tracks the process of each case through the court system. These systems are usually called "case management systems," and when designed and installed, help the court to more effectively process its case load and keep reliable records. Most of the larger

court systems have their own case management system. Boulder City Municipal Court just installed such a system, and the family court in Clark County is presently designing its own system and hopes it will be operative next year. We are taking every step to ensure that the technology installed is compatible throughout the state.

I reported to the Senate Finance and Assembly Ways and Means Committees earlier last month, the Nevada Supreme Court finally signed off on its own fully operational case management system which we began eight years ago. We have entered the twentieth century in regards to technology just in time. I would like to thank our Court Clerk, Janette Bloom, for spearheading this project, and sticking with it for eight long years. This demonstrates that the courts at all levels are committed to use technology and court management practices in their operation, and that their funding agencies see the wisdom in such use of technology. But, the fact that each court keeps its own records with the use of technology does not mean we have a uniform statewide system for keeping judicial records. We have had a hodgepodge of judicial record keeping. Some courts keep them, some do not. Some courts keep statistics one way, others another way. Some send their statistics to the Administrative Office of the Courts, some do not. In 1995, your legislative auditors, in dismay, lamented in an audit report concerning the Court that a system for collecting uniform, reliable court records was nonexistent and would probably not be achieved. It stated as follows:

> "Because the AOC has not properly planned the development and implementation of the uniform system for judicial records, little uniformity exists, accurate and reliable information cannot be easily assembled, and there is no assurance that a uniform system will ever be achieved. "

However, the situation was not quite as bleak as your auditors might have thought, and the push for reliable court records now amounts to a quiet revolution in the Nevada court system. In 1993 the Urban Court Workload Assessment Commission was formed to study the operation of the courts in Clark and Washoe counties. Since I had pushed this idea when I was chief justice, I served as chairman, and the commission took on the shorthand name of the "Rose Commission." One of the major concerns of the commission was that reliable court records were not kept on a statewide basis. The commission was made up of mostly lay people from throughout the state and was a group of 50. There was great input throughout the state and mostly from those who were not lawyers. The commission report recommended that the Nevada Supreme Court create the Division of Planning and Analysis to develop a system for collecting reliable court statistics and use modern court administration practices and technology to plan for the future. You responded to our request by creating the division with three positions.

Some people might ask why the emphasis on reliable court statistics. To them I give three reasons. Reliable court records are an excellent management tool. Can you imagine a grocery store or a restaurant not keeping track of its inventory or not knowing what was sold on any given day? The courts must know the number and type of pending cases, the degree of difficulty presented, the need for expeditious handling, and the probable length of time to disposition. All those facts help a judge or court administrator handle the case load in the most efficient way. Reliable court records give a judge or court system the ability to evaluate its performance from year to year and compare it with other states and national standards. It is an excellent tool for self-evaluation. It is a tool for public accountability by the courts. Reliable court statistics show what the courts have been doing—the work that has been accomplished with the taxpayers' money. I know this legislative body looks to performance indicators to evaluate the operation of an entity, and you have many times asked us for certain statistics about our operation or that of other courts. Some we could provide you—a lot we could not. We hope to have all that information in the future.

When Karen Kavanau came aboard last year, the Court and Karen made the establishment of a Uniform System of Judicial Records a priority for the Administrative Office of the Courts. To establish such a statewide system, you have to do four things: determine the technology and know-how that each of the 91 Nevada court systems presently have; establish a uniform method for keeping court records and statistics, an example is the counting of each case; provide all courts with the minimum technology and training needed to keep reliable records; and collect those records from throughout the state and publish them each year.

The first step has been accomplished. The AOC has evaluated the equipment and technical competence of the staff of every court in Nevada. The second step has almost been accomplished. Meetings have been held throughout the state with judges, court administrators, and court clerks; and general agreement has been reached on what statistics should be kept and how they should be counted. The final draft has been prepared and sent to all the courts in the state for comment. It is expected that the Nevada Supreme Court will approve this agreement later this year.

The third phase, providing the necessary technology and training to our courts, will be the longest and most difficult part of the process. This is why we have asked for two additional technical positions for the Planning and Analysis Division. Many courts have adequate technology as is evidenced by the courts that already have case management systems. The additional necessary technology will be funded by local entities and the use of administrative assessment fees. Two hundred and fifty thousand dollars of these AA fees that go to the Supreme Court every year are earmarked for this technology and training, but it will not be nearly enough money to do the project statewide in five years without substantial additional local funding. This is why we guard this account jealously and resist the suggestion to spend this money for other purposes.

The fourth phase is the collection and publication of these statistics. Within five years, we should have a complete set of statistics on the operation of all court systems in the state of Nevada; and by doing this, we will go from the state having the worst statewide court statistics to one of the very best—thanks to all the courts' good efforts and your help. This is real progress and very exciting. As an aside, you know you are in your middle years when you think judicial records are really exciting.

By emphasizing reliable court records collected in a uniform manner and management by the numbers, I do not mean to say that they are the end all and be all of the justice system. That still takes a competent judge having sufficient time to hear and consider the parties' claims. But good records help the judge get that time and use it most effectively so that he or she can reach the appropriate result in a reasonable amount of time. Good court management and good records enhance justice rather than detract from it.

At the Nevada Supreme Court, the obvious change is from five to seven justices and the fact that we are breaking into panels to decide the vast majority of cases. We had our first full court hearings two weeks ago, and some of you stopped in to see this historic event. The seven-justice Court will hear only the major cases and do that two or three times a year. The panels will rotate every six months on a random basis and the two panels have now swung into full action and will continue for six months. This will give us the first indication of the number of cases a panel can dispose of in a six-month period. Although you will probably be out of session in July when the first panels end, we will send each of you the results of their operation.

But, even before the Court expansion, we took steps to keep up with our ever-increasing case load. We began two programs with your help during the last few years that have been very successful. The first is the fast track criminal case program, which attempts to resolve most of our criminal cases within six months of appeal to our Court. The rules require an abbreviated record and ten-page briefs by the defendant and the state. The four-person fast track team analyzes the case and proposes a speedy disposition for about 80 percent of the cases. The remaining 20 percent of the cases go on to a full briefing. This program makes a quick disposition of most criminal cases and prevents them from becoming part of the backlog. The second program is the civil settlement program which requires all civil cases, except the termination of parental rights, to go to an experienced attorney who acts as a settlement judge. Shortly after the appeal of a civil case, the parties are required to write a five-page settlement statement and meet with the settlement judge in an attempt to settle the case. When Justice Cliff Young was encouraging us to come to you and ask to implement this program, we all thought that if we could settle 25 to 30 percent of our civil cases, it would be worthwhile. However, we are settling anywhere from 55 to 60 percent of our cases. Last year, 372 were settled. The program is a roaring success and is helping us stay even with the case load. In fact, last year was the first time in 10 years that we have decided more cases than were filed. Both programs are excellent and will continue under the newly expanded Court and the cases will be processed by the panels when settled.

What does the future hold? In a few weeks, the Buckley Report on family courts and its recommendations will be enacted into law. I applaud Barbara Buckley and her committee and this legislature in their willingness to address a serious problem and for being willing to go where judicial angels feared to tread. We at the Court will review the legislation and issue the necessary orders and rules to effectuate the purpose of the report and legislation. This should prevent any problem concerning the issue of separation of powers that might arise. One of the recommendations of the Buckley Report and the proposed legislation is that a strong chief judge be created in family court, and that she, or he, have sufficient authority to see that all judges are pulling their load and to coordinate the operation of family court. The problem arises in multi-judge districts when some judges leave early, take excessive vacation time, do not take overflow trials from other departments, or when judges do not cooperate to run the court system in the most effective manner. It is simply not fair to most of the hard-working judges when one or two judges are not putting in the same work hours or effort as the others. Without a chief judge, the situation goes on without a remedy.

The Buckley Report is not the first time this concept has surfaced. In the Rose Commission Report of 1994, one major section was entitled, "Who's In Charge," and the commission went on to conclude that in the Washoe and Clark County district courts, no one was. The recommendation was that a strong chief judge be selected for a four-year period with sufficient authority to ensure that all judges were working full time and the court's rules and policies for processing cases were enforced.

How can this be accomplished? In two ways, a majority of the judges in a district can amend their court rules to provide for a strong chief judge and ask the Supreme Court to approve it, or the Supreme Court can order that a chief judge be installed in all multi-judge districts of three or more. We have never exercised this authority before, but I have little doubt that the *Nevada Constitution* gave the Court that authority when it provided in Article 6, Section 19, that "The chief justice is the administrative head of the court system." You, the legislature, and the legislative auditors, have had no doubt that the Supreme Court is the administrative head of the Nevada court system. Just read the laws and audit reports that require us to discharge that role. A clear majority on the Court believes that we are the administrative head of the court system and we have the authority to issue appropriate and necessary orders to the lower court system. What is stopping us from acting? The answer is nothing, except judicial deference to the district courts. But the failure to use properly vested authority is just as bad, and sometimes worse, than the misuse of power.

Therefore, I predict that a strong chief judge system will be enacted where needed, throughout the state, one way or the other. This will ensure that the full measure of judicial firepower is being used to serve the people, that the taxpayers are getting the most bang for their buck, and the most efficient methods are used by all judges to process the cases.

Too often, a death penalty has been unnecessarily delayed by a glitch in the system or mixup in court calendaring. We have a vested interest to see that all cases move expeditiously through the court system, and that certainly includes major cases like death penalty cases. To do that, the Nevada Supreme Court has begun to track all death penalty cases from the time the death sentence is pronounced until the case leaves the state court system. Our new rules provide that the district court clerk notify us when a death penalty verdict is returned. Once we receive this notice, we will track the case through the state court system to conclusion. We believe that this will prevent glitches or unnecessary delays in these important cases.

Legal aid and attorney pro bono programs—these programs will continue to assist those in our society who need legal services but cannot afford them. In 1998, 9374 cases were closed statewide by legal aid, and pro bono attorneys closed 13,425 cases, for a combined total of 22,799. As impressive as this legal effort is, the Nevada Legal Services estimates that only 20 percent of the citizens who could not afford help but had requested it, got it. This need for legal services will continue to go unmet in the future, and communities and the legal profession must redouble their efforts to try to ensure that all Nevadans have the necessary legal services and access to our court system.

Drug court was begun in Clark County in 1992 and established in Reno a few years later. Their sole mission is to break the cycle of crime, violence, and child abuse caused by drug addiction. I will share some statistics on the drug court in Clark County because it is the longest

running. The drug court celebrated its 1000th graduate in December 1998. To date, the recidivism rate for all graduates is 14 percent. That is amazing and means that 86 percent of the graduates have gone on to live law abiding, drug-free lives. Thirty-one drug-free babies were born to participants of the program. If a child is born to a drug-addicted mother, care for the infant usually runs around $81,000 a year for three years. By any measure the drug courts in Las Vegas and Reno are a great success, and must continue.

Last legislative session, we asked you to pass the first leg of the joint resolution to establish an intermediate appellate court in Nevada. This was done in conjunction with expanding our court to seven members. Our concern has been that our case load has expanded at an alarming rate and may overwhelm us. Ten years ago, the number of appeals to this Court was just under 1000; today our case load is just under 2000. That is a 100 percent increase in 10 years. In 1996, the cases appealed to our court jumped more than 650. If this trend continues, this means that our case load will double in 10 years to 4000. At that time, I doubt that the present court of seven justices could possibly handle that workload.

However, since we have embarked on the seven-justice court and are sitting in panels to decide most of the cases, we should give this system a chance to operate before submitting the question to the voters. Accordingly, our Court has requested that the joint resolution passed in 1997 be jettisoned and the amendment process for an intermediate appellate court begin anew. This will mean that there will be two full years of panel operation before you consider the second leg of the amendment process in 2001. If we need it, we can proceed. It not, we can proceed no further. But I can tell you, if these six judicial sharpshooters cannot gun down the backlog and the incoming cases, we will know that there is no alternative than to give us more firepower. I think this is a prudent, cost-conscious way for us to proceed and I hope you will agree.

As you see the Nevada Supreme Court before you, it is an enthusiastic group that is working well together both in panels and as a full court. I would be amazed if you see any public bickering or criticism similar to what unfortunately happened in the past. We at the Court have struggled for years in a "winter of discontent." But this grim period has given way to today—a spring of hope and promise—and I truly believe that this optimistic time will give way to a summer of fulfillment and achievement. It may be difficult for some to believe that solid accomplishment can be had on the heels of such dissension on the Supreme Court; but in years to come I believe people will come to understand that, during this period, the Court enacted innovative programs to meet the booming case load, expanded the Court to decide more cases, and took the necessary steps to provide uniform, reliable records showing the operation of every court in the State of Nevada. In the end, when people look back at the judiciary during this period of time, they will say that these were very good years for the Nevada Supreme Court.

Senator Washington moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Rose for his timely, able and constructive message.

Seconded by Assemblywoman Tiffany.

Motion carried unanimously.

The Committee on Escort escorted the Chief Justice to the bar of the Assembly.

Senator Rhoads moved that the Joint Session be dissolved.

Seconded by Assemblyman Claborn.

Motion carried.

Joint Session dissolved at 5:46 p.m.

ASSEMBLY IN SESSION

At 5:48 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Martin.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Torres.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Ellen Peters and Jon K. Peters.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, February 24, 1999, at 11:00 a.m.
Motion carried.

Assembly adjourned at 5:49 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 24, 1999

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Angle and Parnell, who were excused.

Prayer by the Chaplain, Minister Tom Rahme.

Dear Heavenly Father, in the Book of Hebrews we read that the land drinks in the rain that often falls upon it. It produces a useful crop to those who have farmed it and a blessing from God. The land that produces thorn and thistle is worthless and in danger of being cursed and, in the end, is burned. Lord, I would ask a blessing upon this Assembly, that through their efforts they may produce a crop that is not only useful but also meaningful. Above all Lord, a crop that is keeping with your commands. We ask this in Our Lord and Savior's Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 104, 105, 108, 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 21, 22, 82, 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Von Tobel, Gibbons, Neighbors, Lee, Parnell, Segerblom, Freeman, Bache, Tiffany, Thomas, Carpenter, Ohrenschall, Price, Berman, Hettrick, Cegavske, Chowning, de Braga, Mortenson, Claborn, Nolan, Collins, Leslie, Anderson, Manendo, Parks, Giunchigliani, Angle, Brower, Evans, Williams, Humke, Beers, Arberry, McClain, Koivisto, Dini, Buckley, Perkins and Goldwater; Senators Porter, Rawson, Washington, Amodei and James:

Assembly Bill No. 312—AN ACT making an appropriation to the legislative fund for expenditure by the Closeup Foundation; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Giunchigliani, Chowning, Parks, Evans, Buckley, Anderson, Bache, Freeman, Koivisto, McClain, de Braga, Williams, Segerblom, Collins, Manendo, Lee, Ohrenschall, Goldwater, Thomas, Neighbors, Berman, Gibbons and Price:

Assembly Bill No. 313—AN ACT relating to education; clarifying the provisions governing the discipline of pupils with disabilities; extending the length of the school year; prohibiting the placement of a child in a program for pupils with disabilities solely because the child has a disciplinary problem or social maladjustment; requiring schools to provide certain courses of study; requiring employment contracts for teachers to include certain provisions; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Dini, Hettrick, de Braga and Parnell; Senators Jacobsen, Amodei and McGinness:

Assembly Bill No. 314—AN ACT relating to juveniles; providing a mechanism for the funding of certain regional facilities for children; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 315—AN ACT relating to children; making various changes in accordance with the Adoption and Safe Families Act of 1997 and the Child Abuse Prevention and Treatment Act of 1996; clarifying certain provisions regarding the authority of a court to determine the custody of a child; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Dini (by request):

Assembly Bill No. 316—AN ACT making an appropriation to Lyon County for the expansion of the Lyon County Museum and the restoration of the Thompson School House; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Von Tobel, Hettrick, Gibbons, Cegavske, Giunchigliani, Williams, Beers and Humke:

Assembly Bill No. 317—AN ACT relating to state financial administration; prohibiting the University and Community College System of Nevada from using money appropriated or authorized for expenditure by the legislature to provide certain merit increases; prohibiting the University and Community College System of Nevada from including in its base budget money necessary to pay certain related portions of salaries; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 318—AN ACT relating to local government; specifying the contents and requiring the recordation of an agreement pursuant to which a board of county commissioners or governing body of a city conveys certain property to a nonprofit organization for use as affordable housing; authorizing a county or city to take certain actions if a nonprofit organization or its assignee fails to use the property to provide affordable housing pursuant to such an agreement; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Williams, Mortenson, Manendo, Lee, Carpenter, Leslie, Segerblom, Parks, Price, Von Tobel, Collins, Giunchigliani, Ohrenschall, Arberry, Cegavske, Bache, Tiffany, Freeman, Parnell, Koivisto, McClain, Gustavson, Anderson and Neighbors:

Assembly Bill No. 319—AN ACT relating to banking; requiring the disclosure of any surcharge required to be paid by a customer for the use of an automated teller; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 48.

Amend sec. 8, page 3, line 2, by deleting "*bank,*" and inserting: "*bank or other financial institution,*".

Amend sec. 9, page 3, line 24, by deleting "*bank,*" and inserting: "*bank or other financial institution,*".

Amend sec. 13, page 5, line 3, by deleting "*bank*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 49.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to crimes against property; making various changes to".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning taking into custody and detention of person suspected of shoplifting. (BDR 52-595)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 20 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 132.

Bill read second time and ordered to third reading.

Assembly Bill No. 223.

Bill read second time.

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

Amendment No. 45.

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

"Section 1. NRS 244.030 is hereby amended to read as follows:

244.030 ~~[County commissioners shall enter upon their duties on the 1st Monday of January succeeding their election, and, except for 2-year terms established pursuant to NRS 244.018, shall hold their offices for 4 years as provided in this chapter; and the term of office shall expire at 12 p.m. of the day preceding the 1st Monday in January following a general election.]~~ *Except as otherwise provided in NRS 244.018, the term of office of a county commissioner is 4 years from the day next after his election.*".

Amend the title of the bill to read as follows:

"AN ACT relating to counties; providing in skeleton form for the revision of the date on which the term of office of a county commissioner commences; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises date on which term of office of county commissioner commences. (BDR 20-952)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 223 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Assembly Bill No. 275.

Bill read second time and ordered to third reading.

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 58.

Amend sec. 2, page 2, line 22, before "A" by inserting "*1.*".

Amend sec. 2, page 2, line 24, by deleting "1." and inserting "~~[1.]~~ *(a)*".

Amend sec. 2, page 2, line 25, by deleting "2." and inserting "~~[2.]~~ *(b)*".

Amend sec. 2, page 2, line 27, by deleting "3." and inserting "~~[3.]~~ *(c)*".

Amend sec. 2, page 2, line 29, by deleting "4." and inserting "~~[4.]~~ *(d)*".

Amend sec. 2, page 2, between lines 31 and 32, by inserting:

"*2. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of justice of the supreme court if a decision to*

remove or retire him from a judicial office is pending appeal before the supreme court or has been overturned by the supreme court.".

Amend sec. 3, page 2, line 33, before "A" by inserting "*1.*".

Amend sec. 3, page 2, line 35, by deleting "1." and inserting "~~[1.]~~ *(a)*".

Amend sec. 3, page 2, line 36, by deleting "2." and inserting "~~[2.]~~ *(b)*".

Amend sec. 3, page 2, line 38, by deleting "3." and inserting "~~[3.]~~ *(c)*".

Amend sec. 3, page 2, line 40, by deleting "4." and inserting "~~[4.]~~ *(d)*".

Amend sec. 3, page 2, after line 42, by inserting:

"*2. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of district judge if a decision to remove or retire him from a judicial office is pending appeal before the supreme court or has been overturned by the supreme court.*".

Amend sec. 4, page 3, line 5, after "*discipline.*" by inserting:

"*For the purposes of this subsection, a person shall not be ineligible to be a candidate for the office of justice of the peace if a decision to remove or retire him from a judicial office is pending appeal before the supreme court or has been overturned by the supreme court.*".

Amend sec. 5, page 3, between lines 31 and 32, by inserting:

"*3. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of municipal judge if a decision to remove or retire him from a judicial office is pending appeal before the supreme court or has been overturned by the supreme court.*".

Amend sec. 6, page 4, after line 12, by inserting:

"*5. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of municipal judge pro tempore if a decision to remove or retire him from a judicial office is pending appeal before the supreme court or has been overturned by the supreme court.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Assembly Bill No. 80:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Parnell—2.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblymen Bache, Humke and Koivisto.

Potential conflicts of interest declared by Assemblymen Humke and Koivisto.

Roll call on Assembly Bill No. 127:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Parnell—2.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gibbons, Von Tobel, Segerblom, Tiffany, Freeman, Parnell, Mortenson, Bache, Lee, Humke, Carpenter, Ohrenschall, Beers, Anderson, Cegavske, Hettrick, Nolan, Leslie, Evans, Thomas, Price, Goldwater, Berman, Buckley and Williams:

Assembly Concurrent Resolution No. 19—Urging all Nevadans who agreed to donate organs and tissues to direct that their anatomical gifts first be offered to transplant candidates living in Nevada.

Assemblywoman Gibbons moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Mr. Speaker announced that if there were no objections the Assembly would recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 320—AN ACT making an appropriation to the account for local cultural activities; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 321—AN ACT making an appropriation to the legislative fund for additional equipment and software for information

systems for the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 322—AN ACT making an appropriation to the Legislative Counsel Bureau for the reproduction of older volumes of Nevada Reports; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Dini, Neighbors, de Braga, Marvel, Hettrick, Carpenter and Parnell:

Assembly Bill No. 323—AN ACT making an appropriation to the Division of Agriculture of the Department of Business and Industry for the support of the Advisory Council for Organic Agricultural Products; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Dini, Neighbors, de Braga, Marvel, Hettrick, Arberry, Carpenter and Parnell:

Assembly Bill No. 324—AN ACT relating to agricultural extension programs; expanding the subjects included in agricultural extension programs; making an appropriation to the agricultural extension department of the public service division of the University and Community College System of Nevada for the abatement of tall white top; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Robert W. Potter.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Marr.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to AnnMarie Cutkosky.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Rulan Stands.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Campbell.

On request of Assemblywoman Von Tobel, the names of the following student artists are listed for this day; Jimmy Trejos, Jennifer Law, Sarah McLung, Tashina Williams, Angela Yeager and Nicholas Wentworth.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Jackson, Michael Doneson, Julian Haynes, LeVona Williams, Heather Dickinson, Jennifer Narkonsky, Loni Harris, Kellie Lieb, Yadria Luna, Holly Davidson, Matthew Boucher, Jimmy Belanger, Charles Vailes, Joanne McKinley, Brenda Brown, Cinthia Gomez, Zach Moyes, Joe Carrigan, Senayet Hailu, Regina Hammer, Veronica Garcia, Elvia Barrera, Amanda Neilson, Jennifer Caro, Daisy Thomas, Todd Greenfield, Brock Mitchell, Charles Thorpe, Vickie Smith, Vivian Park, Ronan Matthew, Lucien Matthew, Bevelyn Winfree, Shirley Barber, Lou Grillo and Virginia Massaro.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 25, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), February 25, 1999

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Angle and Arberry, who were excused.

Prayer by the Chaplain, Minister Tom Rahme.

Dear Heavenly Father, let us never forget that this country was founded on Judeo Christian principles. Let us never forget the thousands that made the sacrifice to keep our flag waving free. Lord, we pray that You would bless all the leaders of our great land and remind them of their responsibilities—not only to her citizens—but also to You, Lord. Now bless this Assembly as they begin to work, we pray, towards Your goals. We ask all this in Jesus Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 254, 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 4, 139, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bills No. 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Without Recommendation.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Commerce and Labor.

BERNARD ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Assembly Bills Nos. 4, 139 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 246 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 123 be re-referred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Anderson, Freeman, Gibbons and Evans:

Assembly Bill No. 325—AN ACT making an appropriation to Washoe County for the establishment of a community-based, early intervention program for certain pupils; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 326—AN ACT relating to industrial insurance; providing a procedure by which an injured employee may participate in the selection of his rating physician or chiropractor; requiring an insurer to reimburse an injured employee for the expense of a second determination of disability under certain circumstances; revising the provisions governing the effect on the availability of compensation of a preexisting condition and of an aggravation of an industrial injury or disease that is not related to employment; revising the provisions governing the determination and provision of compensation for permanent total disability, temporary total disability and permanent partial disability; expanding the maximum length of certain programs of vocational rehabilitation; authorizing vocational rehabilitation services to be provided outside of this state under certain circumstances; authorizing a claimant to bring and maintain a cause of action against an insurer or third-party administrator if the claimant does not accept a benefit penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 327—AN ACT relating to damages; prohibiting a person from seeking noneconomic damages as a result of an accident involving a motor vehicle if the person owned or was operating or using the motor vehicle without insurance for the motor vehicle at the time of the accident; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 328—AN ACT relating to motor vehicles; prohibiting a person from using a portable telephone while operating a moving motor vehicle; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 329—AN ACT relating to motor vehicles; expanding the circumstances under which special license plates may be used on motor vehicles loaned by dealers and rebuilders of vehicles; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 20:

YEAS—39.

NAYS—Chowning.

EXCUSED—Angle, Arberry—2.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Assembly Bill No. 83:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Arberry—2.

Assembly Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

Remarks by Assemblymen Anderson and Perkins.

Roll call on Assembly Bill No. 85:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Arberry—2.

Assembly Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 132:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Arberry—2.

Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 275.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 275:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Arberry—2.

Assembly Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary: Amendment No. 57.

Amend section 1, page 1, by deleting line 5 and inserting:

"*secret ballot for the election of the officers and members of the executive board, all voting at the meeting of the association related to that election must be by secret* ".

Amend section 1, page 1, by deleting lines 7 and 8 and inserting:

"*2. If a vote is taken by secret ballot, the president shall appoint tellers to count the ballots cast, unless the governing documents of the association provide otherwise.*".

Amend the title of the bill, second line, by deleting:

"at a meeting" and inserting:

"in an election for the officers and members of the executive board".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 55.

Amend section 1, pages 1 and 2, by deleting lines 3 through 17 on page 1 and lines 1 through 3 on page 2 and inserting:

"*1. Except as otherwise provided in subsection 4, if a person who is or was imprisoned in the state prison or a county jail is awarded a judgment against the State of Nevada or a county or a department, commission, board or other agency of the State of Nevada or a county or a current or former officer, employee or contractor of the State of Nevada or a county arising from a civil action that accrued while the person was imprisoned in the state prison or county jail, the person or governmental entity that pays the judgment shall deposit the money for the judgment with the court. The court shall deduct from the money received from the judgment any amount of money owed by the person for restitution and send the money to the appropriate person, governmental agency or political subdivision of a governmental agency to whom restitution is owed.*

2. Except as otherwise provided in subsection 4, if a person enters into a settlement for money in an action described in subsection 1, the person or governmental entity that pays the settlement shall deposit the money for the settlement with the court in which the action was filed or the district court of the county in which the person resides if no action was filed. The court shall deduct from the money deposited with the court any amount of money owed by the person for restitution and send the money to the appropriate person, governmental agency or political subdivision of a governmental agency to whom restitution is owed.

3. If any money remains after the court makes the deduction pursuant to subsection 1 or 2, the court shall forward the remaining money to the person who initiated the action.

4. The provisions of this section do not apply to a judgment or settlement in a case that involves the death of a person who was imprisoned.".

Amend the title of the bill by deleting the first, second and third lines and inserting:

"AN ACT relating to prisoners; requiring a court to deduct money owed for restitution from a monetary judgment awarded to or settlement entered into by a person who is or was imprisoned in the state prison or a county jail in a civil action brought against the State of Nevada or a county; requiring a prisoner who has filed an action for small claims to pay the".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning certain lawsuits brought by and settlements entered into by prisoners. (BDR 14-509)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 45.

Bill read second time and ordered to third reading.

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 50.

Amend section 1, page 1, line 6, by deleting "*The*" and inserting:

"*In consultation with the presiding judge of the judicial district from which the order to impanel the commission was issued or, if the district has no presiding judge, a judge designated by mutual consent of the district judges of that district, the*".

Amend the title of the bill to read as follows:

"AN ACT relating to sanity commissions; revising the provisions governing the compensation of the members of a sanity commission; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing compensation of members of sanity commission. (BDR 14-444)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 104.

Bill read second time and ordered to third reading.

Assembly Bill No. 105.

Bill read second time and ordered to third reading.

Assembly Bill No. 108.

Bill read second time and ordered to third reading.

Assembly Bill No. 115.
Bill read second time and ordered to third reading.

Assembly Bill No. 122.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 56.
Amend section 1, page 2, line 4, by deleting "*established in*" and inserting: "*created by the office of the district attorney of*".
Amend the summary of the bill, first line, by deleting "Authorizes" and inserting "Requires".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.
Bill read second time and ordered to third reading.

Assembly Bill No. 159.
Bill read second time and ordered to third reading.

Mr. Speaker announced that if there were no objections the assembly would recess for the purpose of hearing a presentation by the Cimarron Varsity Cheerleaders.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Minguey, Elizabeth Dicandilo, Cathy Carron, Cyril Canga, Mariana Murphy, Melissa Waite, Aimee Schaff, Kelly Pastell, Christine Rodriguez, Jessica Ferrario, Shauna Davis, Leah Partier, Ali Harrington, Shallan Meiers, Lindsey Kemp, Heather Corbett, Megan Wagley, Tara Gray, Cami Davidson, Jen Egurolla, Tara Crowder, Sarah Davis, Kristin Still, Nina Walsh, Ashley Dow, Anna Zobrist, Michelle Olson, Erin Catalfano, Crystal Dandy, Angela Riedel, Heather Irete, Jessica Tarantino, Lydia Jefferson, Jennilee Haining, Erin Sully, Courtney Dandy, Andrew Flood, Joe Hale, Josh Perkins, Adam Haining, Steve Pauligx, Roland Llapitan, Eugene Frilliarte, Jon Owens, Sung Bae, Darren Siegmund, Travis Hoppe, C.J. Wintch, Matt Jacklin, Tim Jacklin, Mike Graham, Ron Ganzon, Melanie Macklin, Dana Moore,

Michelle Graham, Judy Osborn, Chris Romby, Carolyn Bautista, Miranda Schubert, Jennifer Mercadone, Jennifer Brinkley, Frank Farina, James Lockwood, David Wilkens, Mandy Brown, Tya Mathis, Jamie Parker, Ann Fredrickson, Shondra Carpenter and Mr. Devlin.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Hill.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Bedrosian and Faron Springer.

Assemblyman Perkins moved that the Assembly adjourn until Friday, February 26, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:55 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), February 26, 1999

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Tom Rahme.

Our Loving Heavenly Father, we pause this morning to give thanks to You and to ask for Your guiding presence. Lord, we know that difficult tasks lay ahead of this Assembly. We ask, Lord, that we may draw courage and strength from Your words. You have said, "I call you not to timidity but to a spirit of power and love and discipline." Lord, bless this Assembly. Help them to make the right decisions without regard to popularity. Lord, we pray this in Your Son's Holy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 25, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 173.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 10—Urging Congress to oppose the extension of mandatory Social Security coverage to newly hired state and local governmental employees.

Assemblyman Bache moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Nolan, Perkins, Giunchigliani, Berman, Segerblom, Goldwater, Parks, Beers, Buckley, Dini, Humke, Evans, Cegavske, Collins, Manendo, Bache, McClain, Thomas, Carpenter, Marvel, Von Tobel, Ohrenschall, Price, Williams, Neighbors, Lee, Tiffany, Koivisto, Gustavson, Claborn, Mortenson, de Braga and Chowning; Senators James, O'Connell, Neal, O'Donnell and Washington:

Assembly Concurrent Resolution No. 20—Amending the Joint Standing Rules of the Senate and Assembly for the 70th legislative session to authorize the holding of committee meetings and voting by committee members through the use of audio or video equipment.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Standing Rules of the Senate and Assembly as adopted by the 70th session of the Legislature are amended by the following addition:

COMMITTEE MEETINGS BY AUDIO OR VIDEO CONFERENCE

Rule No. 23. Requirements for Meeting by Audio or Video Conference.

1. A committee of the Senate or Assembly may conduct a meeting of the committee by electronic audio or video equipment between the legislative building and one or more remote sites. The public must be allowed to participate in the meeting at the site in the legislative building.

2. Members of a committee of the Senate or Assembly may vote or otherwise participate in any action taken by the committee during such a meeting of the committee.

Assemblyman Nolan moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assembly Bill No. 21.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Price.
Potential conflict of interest declared by Assemblyman Price.
Roll call on Assembly Bill No. 21:
YEAS—42.
NAYS—None.
Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 22.
Bill read third time.
Remarks by Assemblyman Brower.
Roll call on Assembly Bill No. 22:
YEAS—42.
NAYS—None.
Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 45.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 45:
YEAS—42.
NAYS—None.
Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 82.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Assembly Bill No. 82:
YEAS—42.
NAYS—None.
Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 104.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 104:
YEAS—42.
NAYS—None.

Assembly Bill No. 104 having received a constitutional two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 105:

YEAS—42.

NAYS—None.

Assembly Bill No. 105 having received a constitutional two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 108:

YEAS—42.

NAYS—None.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 115.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Assembly Bill No. 115:

YEAS—42.

NAYS—None.

Assembly Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 122:

YEAS—42.

NAYS—None.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 135:

YEAS—42.
NAYS—None.

Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 159.

Bill read third time.

Remarks by Assemblymen Gibbons, Goldwater and Buckley.

Roll call on Assembly Bill No. 159:

YEAS—42.
NAYS—None.

Assembly Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Evans, Anderson, Freeman, Leslie, Humke, Gibbons, Brower and Gustavson; Senators Mathews, Townsend and Raggio:

Assembly Bill No. 330—AN ACT making an appropriation to the Interim Finance Committee to provide a portion of the funding necessary for the construction of a new juvenile detention facility and juvenile addiction center in Washoe County; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Freeman, Ohrenschall, Gibbons, Leslie, Humke, Chowning, de Braga, Parks, Von Tobel, Price, Berman, Buckley, Perkins, Evans, Tiffany, Carpenter, Segerblom, Claborn and Thomas:

Assembly Bill No. 331—AN ACT relating to tobacco; authorizing state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than the restrictions imposed pursuant to state law; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Bache, Freeman, Parnell, Koivisto, Claborn, Mortenson, Ohrenschall, McClain, Buckley, Leslie, Collins and Manendo:

Assembly Bill No. 332—AN ACT relating to educational personnel; requiring the boards of trustees of school districts to adopt policies and to provide training to administrators relating to the evaluation and admonition of licensed employees; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 333—AN ACT relating to crime; including within the crime of involuntary manslaughter the violation of certain laws resulting in the death of another person; providing penalties; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hettrick, Humke, Collins, Perkins, Dini, Cegavske, Beers, Nolan, Leslie, Evans, Goldwater, Thomas, Carpenter, Segerblom, Gustavson, Chowning, de Braga, Mortenson, Claborn, McClain and Koivisto; Senators Townsend, O'Connell and Rhoads:

Assembly Bill No. 334—AN ACT relating to industrial insurance; providing for industrial insurance coverage for persons who are employed in casual employment; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Tiffany, Bache, Gibbons, Humke, Parnell, Von Tobel, Williams, Lee, Neighbors, Freeman, Segerblom, Berman and Mortenson:

Assembly Bill No. 335—AN ACT relating to legal services; requiring the board of county commissioners in certain counties to establish a procedure for the distribution of certain filing fees to programs that provide free legal services to indigent and elderly persons; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Tiffany moved that the vote whereby Assembly Bill No. 335 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Tiffany moved that Assembly Bill No. 335 be referred to the Concurrent Committees on Government Affairs and Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Neighbors and Senator McGinness :

Assembly Bill No. 336—AN ACT relating to controlled substances; requiring a person convicted of distributing or selling an imitation controlled substance, a controlled substance or drug paraphernalia to a person who is under 18 years of age to pay restitution for the costs of the victim for participating in a program of treatment for the abuse of controlled substances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Buckley, Perkins, Goldwater, Lee, Neighbors, Berman, Gibbons, Price, Ohrenschall, Manendo, Collins, de Braga, Segerblom, Bache, Parks, Dini, Anderson, Evans, Carpenter, Leslie, Koivisto, McClain, Claborn and Nolan:

Assembly Bill No. 337—AN ACT relating to public welfare; creating the public assistance fund to assist certain persons in emergency situations; providing that the welfare division of the department of human resources shall administer the fund; requiring a certain amount of the balance in the abandoned property trust fund to be deposited in the public assistance fund; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

Senate Bill No. 16.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 173.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 64.

Amend section 1, page 1, line 1, by deleting "14" and inserting "178".

Amend the bill as a whole by adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 178.584 is hereby amended to read as follows:

178.584 1. Whenever under this Title or by an order of the court service is required or permitted to be made upon a party represented by an attorney, the service ~~[shall]~~ *must* be made upon the attorney unless service upon the party himself is ordered by the court.

2. ~~[Service]~~ *Except as otherwise provided in section 1 of this act, service* upon the attorney or upon a party ~~[shall]~~ *must* be made in the manner provided in civil actions.

Sec. 3. NRS 178.588 is hereby amended to read as follows:

178.588 Papers required to be served ~~[shall]~~ *must* be filed with the court. ~~[Papers shall]~~ *Except as otherwise provided in section 1 of this act, papers must* be filed in the manner provided in civil actions.".

Amend the title of the bill, first line, before "by" by inserting:

"related to criminal cases".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for service of certain legal documents related to criminal cases by means of facsimile machine. (BDR 14-615)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 254.

Bill read second time and ordered to third reading.

Assembly Bill No. 255.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 8; Senate Concurrent Resolution No. 12.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Shayne Del Cohen, SIERRA NEVADA COMMUNITY ACCESS TELEVISION, be accepted as an accredited press representative, that she be assigned space at the press table and that she be allowed the use of appropriate broadcasting facilities.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Swails and Randy Spencer.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Sanada.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 1, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:00 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 1, 1999

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, when we long for life without trials and work without difficulties, remind us that oaks grow strong in contrary winds and diamonds are made under pressure. With stout hearts may we see in every calamity an opportunity, and not give way to the pessimism that sees in every opportunity a calamity.

Bless these women and men of this house to show themselves to be good workmen, who need not be ashamed, rightly dividing the word of truth. This we ask in Your Name. AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 134, 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 19, 1999

THE HONORABLE JOSEPH DINI, JR., *Speaker*, State of Nevada Assembly, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER DINI:

I respectfully request the opportunity to address a joint session of the Nevada State Legislature on Monday, March 15, 1999 at 5:00 p.m. Please direct any inquiries or concerns to Jan Churchill in my office at 702/220-9823.

Thank you for your assistance. I look forward to seeing you.

Sincerely,
SHELLEY BERKLEY
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Collins, Beers, Anderson, Cegavske, Hettrick, Nolan, Brower, Leslie, Evans, Goldwater, Thomas, Carpenter, Segerblom, Gibbons, Berman, Neighbors, Lee, Buckley, Bache, Humke, Manendo, Parnell, de Braga, Freeman, Parks, Giunchigliani, Tiffany, Koivisto, McClain, Gustavson, Perkins, Price, Mortenson, Claborn, Arberry, Chowning, Ohrenschall, Marvel and Angle; Senators Porter, McGinness, Neal, James, Coffin, Amodei, Care, Carlton, Jacobsen, Mathews, O'Donnell, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 21—Declaring the last week of June as Nevada Amateur Radio Week in Nevada.

Assemblyman Collins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 5—Providing for the appointment of additional attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Penny Brock, Lori Fitzgerald, Kelly McVey and Nanita K. Moore are elected as additional attachés of the Assembly for the 70th session of the Legislature of the State of Nevada.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Claborn, Parks, Leslie, Williams, McClain, Giunchigliani, Arberry, Bache, Koivisto, Anderson, Freeman, Tiffany, Manendo, Von Tobel, Ohrenschall, Price, Marvel, Gibbons, Neighbors, Lee, Perkins and Berman:

Assembly Bill No. 338—AN ACT relating to insurance; prohibiting an insurer from canceling, refusing to renew or increasing the premiums for renewal of a policy of casualty or property insurance; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Evans, Chowning, de Braga, Claborn, Koivisto, McClain, Parnell, Anderson, Cegavske, Humke, Mortenson, Gustavson, Angle, Buckley, Leslie and Brower; Senators Amodei, Mathews, Shaffer and Wiener:

Assembly Bill No. 339—AN ACT relating to domestic violence; allowing a person who is applying for a temporary order for protection against domestic violence to apply, at the same time, for an extended order for protection against domestic violence; requiring that a hearing concerning the issuance of an extended order for protection against domestic violence be held within 45 days after the application for the extended order is filed; authorizing the court to appoint a master to take testimony and recommend orders in cases concerning orders for protection against domestic violence; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Cegavske, Von Tobel, Berman, Angle, Giunchigliani, de Braga, Buckley, Evans, Ohrenschall, Gibbons, Segerblom, Leslie, McClain, Koivisto, Chowning, Tiffany, Parnell and Freeman; Senators Wiener, Titus, Carlton, O'Connell and Mathews:

Assembly Bill No. 340—AN ACT relating to married women; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 341—AN ACT making an appropriation to the Department of Motor Vehicles and Public Safety to purchase customer management systems for certain offices; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 342—AN ACT making an appropriation to the Registration Division of the Department of Motor Vehicles and Public Safety for the expenses related to the production of license plates; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 343—AN ACT making an appropriation to the Division of Parole and Probation of the Department of Motor Vehicles and Public

Safety for the completion of the Agency Automation Project; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 344—AN ACT making a supplemental appropriation to the Division of Agriculture of the Department of Business and Industry for Veterinary Medical Services for a shortfall in revenue for personnel services; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 345—AN ACT making a supplemental appropriation to the state distributive school account for additional anticipated expenses; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 346—AN ACT making an appropriation to the Motor Pool Division of the Department of Administration for the purchase of additional vehicles; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 347—AN ACT relating to the Southern Nevada Water Authority; authorizing the Southern Nevada Water Authority, under specified circumstances, to increase certain fees; authorizing the Southern Nevada Water Authority to assist certain property owners to connect their property to a public water system; authorizing the Southern Nevada Water Authority to operate a project for the recharge and recovery or underground storage and recovery of water; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McClain, Buckley, Carpenter, de Braga, Segerblom, Berman, Dini, Manendo, Williams, Lee, Thomas, Price, Ohrenschall, Gibbons, Von Tobel, Collins, Parks, Koivisto, Arberry, Giunchigliani, Freeman, Chowning, Anderson, Gustavson, Leslie, Claborn, Beers, Nolan,

Brower, Hettrick, Humke, Perkins, Evans, Parnell, Mortenson, Bache, Cegavske, Neighbors, Goldwater, Marvel, Tiffany and Angle; Senators Porter, Titus, O'Connell, Washington, Wiener, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer and Townsend:

Assembly Bill No. 348—AN ACT relating to education; authorizing certain charter schools to use public school buildings during regular school hours upon approval of the board of trustees of the school district; making an appropriation to the department of education to provide the start-up costs for a charter school that will provide educational services and programs to pupils who have hearing impairments; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Thomas, Parnell, Segerblom, Buckley, Neighbors, Lee, Perkins, Hettrick, Humke, Chowning, de Braga, Cegavske, Mortenson, Claborn, Gustavson, McClain, Koivisto, Williams, Beers, Leslie, Freeman, Angle, Arberry, Giunchigliani, Parks, Collins, Manendo, Ohrenschall, Price, Marvel, Gibbons, Goldwater, Evans, Anderson, Brower, Berman, Carpenter and Bache; Senators Porter, Titus and Wiener:

Assembly Bill No. 349—AN ACT relating to land use; making various changes to the provisions governing the publication of notice of certain amendments to a master plan or to a zoning regulation; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 350—AN ACT relating to the state seal; designating official colors for reproductions and facsimiles of the state seal; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 351—AN ACT relating to taxation; revising the standards for determining whether an organization is created for religious, charitable or educational purposes for the purposes of the exemptions from the sales and use taxes; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Freeman, Anderson, Lee, de Braga, Leslie, Arberry, Bache, Tiffany, McClain, Koivisto, Claborn, Price, Ohrenschall, Collins, Parks, Gibbons, Neighbors, Segerblom, Goldwater, Evans, Carpenter and Williams:

Assembly Bill No. 352—AN ACT making an appropriation to the University and Community College System of Nevada for programs designed to improve the writing skills of teachers and pupils; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time.

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

Amendment No. 44.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

An agency that takes an emergency action as described in paragraph (l) of subsection 2 of NRS 233B.038 shall file with the legislative counsel within 5 working days after taking the action a statement that describes the action taken and the reason for the action. If the agency is prohibited by federal law, regulation, interpretation or instruction from describing the action taken or the reason for the action, the statement must cite the federal law, regulation, interpretation or instruction that prohibits such disclosure. The legislative counsel shall include a statement filed pursuant to this section in the register of administrative regulations published pursuant to NRS 233B.0653.".

Amend section 1, page 1, by deleting line 2 and inserting:

"233B.038 *1.* "Regulation" means ~~[an]~~ *:*

(a) An agency rule, standard, directive or".

Amend section 1, page 1, by deleting lines 5 through 14 and inserting:

"any agency ~~[. The term includes a]~~ *;*

(b) A proposed regulation ~~[and the]~~ *;*

(c) The amendment or repeal of a prior regulation ~~[, but]~~ *; and*

(d) The general application by an agency of a policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.

2. The term does not include:".

Amend section 1, page 2, by deleting lines 1 and 2 and inserting:

"~~[4.]~~ *(d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to*".

Amend section 1, page 2, by deleting lines 9 and 10 and inserting:

"*(g) A published opinion of the attorney general;*

(h) An interpretation of an agency that has statutory authority to issue interpretations;".

Amend section 1, page 2, line 11, by deleting "*(h)*" and inserting "*(i)*".

Amend section 1, page 2, line 12, by deleting "*; or*" and inserting "*;*".

Amend section 1, page 2, line 13, by deleting "*(i)*" and inserting:

"*(j) A contract or agreement into which an agency has entered;*

(k) The provisions of a federal law, regulation or guideline;

(l) An emergency action taken by an agency that is necessary to protect public health and safety;

(m) The general application by an agency of a policy, interpretation, process or procedure to a person who has sufficient prior actual notice of the policy, interpretation, process or procedure to determine whether the person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest; or

(n)".

Amend the bill as a whole by deleting sections 2 and 3, renumbering sec. 4 as sec. 6 and adding new sections designated sections 3 through 5, following section 1, to read as follows:

"Sec. 3. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University and Community College System of Nevada.

(d) The office of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The welfare division of the department of human resources.

(h) The state board of examiners acting pursuant to chapter 217 of NRS.

(i) Except as otherwise provided in NRS 533.365, the office of the state engineer.

(j) The division of environmental protection of the state department of conservation and natural resources acting to enforce the provisions of NRS 618.375.

(k) The board to review claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in NRS 391.323, the department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public utilities commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases,

prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.

6. The state board of parole commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 4. NRS 590.830 is hereby amended to read as follows:

590.830 1. The fund for cleaning up discharges of petroleum is hereby created as a special revenue fund in the state treasury. The division shall administer the fund for the purposes prescribed in NRS 590.700 to 590.920, inclusive, and the board shall adopt appropriate regulations for the investigation and payment of claims against the fund. The board shall review each claim presented and authorize payment to the extent warranted by the facts of the case.

2. The expenses incurred by the division in performing its duties pursuant to NRS 590.700 to 590.920, inclusive, are a charge against the fund. The interest earned on money in the fund must be credited to the fund.

3. The board shall transmit a copy of any resolution that the board has adopted in carrying out its duties pursuant to this section to the legislative counsel within 5 working days after the adoption of the resolution for inclusion in the register of administrative regulations published pursuant to NRS 233B.0653.

Sec. 5. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

The division shall submit a written report quarterly to the advisory council of the division which lists each citation issued by the division for a violation of NRS 618.375 during that quarter and the circumstances for which the citation was issued. Within 5 working days after submission of such a report to the advisory council, the division shall transmit the report to the legislative counsel for inclusion in the register of administrative regulations published pursuant to NRS 233B.0653.".

Amend sec. 4, page 2, line 35, by deleting "1" and inserting "2".

Amend the title of the bill to read as follows:

"AN ACT relating to administrative procedure; revising the definition of "regulation" for purposes of the Nevada Administrative Procedure Act; exempting certain agencies from the provisions of the Act in certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 12 be re-referred to the Committee on Government Affairs..

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Assembly Bill No. 53.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 71.

Amend section 1, page 1, by deleting line 13 and inserting:

"*a felony that is committed on the property of a public or private school when pupils or employees of the school are present or may be present or on a school bus while the bus is engaged in its official duties results in death or substantial bodily harm to the victim, and the person who committed the felony intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person, the*".

Amend sec. 5, page 6, by deleting lines 41 and 42 and inserting:

"*victim which is committed on the property of a public or private school when pupils or employees of the school are present or may be present or on a school bus*".

Amend sec. 5, page 7, line 1, by deleting "*duties.*" and inserting:

"*duties if the person who committed the felony intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.*".

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; providing for an increased penalty for certain felonies resulting in death or substantial bodily injury that are committed on the property of a public or private school or on a school bus; providing that murder committed on the property of a public or private school or on a school bus is first degree murder; providing that a person convicted of such a murder shall be punished by life imprisonment or death; providing that a juvenile court does not have jurisdiction over persons charged with certain felonies resulting in death or substantial bodily injury that are committed on the property of a public or private school or on a school bus; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning unlawful death or substantial bodily harm committed on school property or school bus. (BDR 15-127)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time and ordered to third reading.

Assembly Bill No. 166.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 120:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 254:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 255.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 255:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Louise Ruff.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Fitzgerald.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, March 2, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 2, 1999

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Lord, they say that time flies when you're having fun. And I guess we are, for I even see the *Cat in the Hat* here today. Here we are with one quarter of our legislative time already past! Where has the time gone? I pray today the words of Your great prophet Moses, "So teach us to number our days that we may present to Thee a heart of wisdom." And Lord as a father helps his children, we ask You to be with our Mr. Marvel. In our Lord's Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 97, 105, 117, 129, 166; Senate Joint Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 14, 50, 51, 81, 139.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 8.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 100 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

By Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 22—Recognizing March 2, 1999, as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday.

WHEREAS, Theodor Seuss Geisel was born on March 2, 1904, in Springfield, Massachusetts; and

WHEREAS, Theodor Seuss Geisel graduated from Dartmouth College in 1925 and began writing humorous articles and creating cartoons for various magazines; and

WHEREAS, His first children's book, *And to Think That I Saw It on Mulberry Street,* was rejected by 43 publishers until, in 1937, a friend published the book for him; and

WHEREAS, In May of 1954, *Life* magazine published a report concerning illiteracy among school children, stating that, among other things, children were having trouble learning to read because the books were boring; and

WHEREAS, This comment inspired Theodor Seuss Geisel's publisher, Bennett Cerf, to compile a list of 400 words that he felt were important, asking Mr. Geisel to cut the list to 250 words, the amount of words a first grader could absorb, and using only those words to write a book that would excite children; and

WHEREAS, Nine months later, Mr. Geisel, using 220 of the words given to him, published *The Cat in the Hat,* which became an instant success; and

WHEREAS, Later in 1960, Bennett Cerf bet Mr. Geisel $50 that he couldn't write an entire book using only 50 words and from that challenge came the famous children's book, *Green Eggs and Ham,* which also became an instant success; and

WHEREAS, From that point on, Theodor Seuss Geisel became known as "Dr. Seuss," and children became enthused about reading every Dr. Seuss book available; and

WHEREAS, Dr. Seuss died on September 24, 1991, but his legacy of children's books will live forever as an inspiration to children everywhere to learn to read and to share in the laughter, enjoyment and knowledge that a book can provide; and

WHEREAS, In honor of Dr. Seuss and the joy of reading, the National Education Association has designated March 2, 1999, as "Read Across America" day and has called upon every child to read with a caring adult on this day in honor of what would have been Dr. Seuss's 95th birthday; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 2, 1999, is hereby recognized as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday; and be it further

RESOLVED, That children and adults are encouraged to read a favorite book together on this date to share the joy of reading; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Elaine Lancaster, President of the Nevada State Education Association, and Ken Lange, Executive Director of the Nevada State Education Association.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Giunchigliani.

Resolution adopted unanimously.

Senate Joint Resolution No. 11.

Assemblyman Perkins moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Senate Concurrent Resolution No. 8.

Assemblyman Perkins moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 353—AN ACT relating to crimes; revising provisions governing compensation provided to certain victims of crime so that residents of another state are treated the same as residents of this state; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Leslie, Freeman, Giunchigliani, Gibbons, Chowning, Thomas, Evans, Parnell, de Braga, Manendo, Anderson, Koivisto, McClain, Von Tobel, Tiffany, Buckley and Ohrenschall:

Assembly Bill No. 354—AN ACT relating to the care of children; creating and providing for the use of an account to improve the quality of services for child care; funding the account from the proceeds of certain rights to support assigned to the state; requiring a study to determine the results of the use of the account; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 355—AN ACT relating to local governments; requiring a legislative measure to include on its face a disclosure concerning unfunded mandates under certain circumstances; placing a monetary limitation on the programs and services for which a specified source for additional revenue must be authorized; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Chowning, de Braga, Claborn, Koivisto, Freeman, McClain, Bache, Anderson, Arberry, Giunchigliani, Williams, Parks, Collins, Manendo, Ohrenschall, Brower, Cegavske, Perkins, Price, Humke, Gibbons, Mortenson, Parnell, Thomas, Evans, Beers, Leslie, Segerblom, Dini, Hettrick and Goldwater:

Assembly Bill No. 356—AN ACT making an appropriation to the Clark County School District for the continuation of the pilot program for the instruction of pupils whose primary language is not English; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Chowning, de Braga, Claborn, Koivisto, Freeman, McClain, Bache, Anderson, Arberry, Giunchigliani, Williams, Collins, Manendo, Ohrenschall, Cegavske, Perkins, Price, Humke, Mortenson, Parnell, Thomas, Gibbons, Evans, Leslie, Beers, Dini, Hettrick, Segerblom and Goldwater:

Assembly Bill No. 357—AN ACT making an appropriation to the Department of Education for programs, personnel and educational services for American Indian children and culturally diverse children; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 358—AN ACT relating to public lands; revising the provisions governing the procedures and standards to be followed if the Federal Government submits an application to this state for consent to a use of public land; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 359—AN ACT relating to the state fire marshal; dedicating a portion of the general tax on insurance premiums for the support of the state fire marshal division of the department of motor vehicles and public safety; specifying the permissible uses of the tax so dedicated; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 360—AN ACT making an appropriation to the State Public Works Board for a feasibility study regarding the construction of a Hi-Tech Learning Center in Lyon County, Nevada; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Bache, Buckley, Manendo, Ohrenschall, Nolan, Leslie, Koivisto, McClain, Anderson, Claborn, Williams, Giunchigliani and Humke; Senators Titus, Carlton, Care and Amodei:

Assembly Bill No. 361—AN ACT relating to mobile home parks; prohibiting an increase in rent based on the size of a mobile home; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Leslie, Claborn, Thomas, Parnell, Parks, Collins, de Braga, Beers, Chowning, Mortenson, Koivisto, Evans, Giunchigliani, Freeman, Anderson, Price, Manendo, Gibbons, Lee, Bache, McClain, Goldwater, Williams, Buckley and Von Tobel; Senator Rawson:

Assembly Bill No. 362—AN ACT making an appropriation to the State Arts Council of the Department of Museums, Library and Arts for the support of certain arts programs; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Leslie, Anderson, Brower, Parnell, Gibbons, Giunchigliani, Perkins, Dini, Bache, Koivisto, McClain, Claborn, de Braga, Hettrick, Lee, Nolan, Arberry, Thomas, Parks, Neighbors, Goldwater, Beers, Chowning, Price, Freeman, Ohrenschall, Evans, Collins, Manendo, Mortenson, Humke, Carpenter, Cegavske, Williams, Gustavson, Segerblom, Berman, Buckley, Von Tobel, Tiffany and Marvel; Senators Townsend, Titus, Mathews and James:

Assembly Bill No. 363—AN ACT relating to crimes; increasing the penalties for the crime of aggravated stalking; requiring certain training for peace officers concerning the crimes of stalking and aggravated stalking; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Tiffany:

Assembly Bill No. 364—AN ACT relating to information services; providing in skeleton form for the creation of the office of the chief information officer and the information technology commission; defining the qualifications, powers and duties of the chief information officer and information technology commission; eliminating the information technology advisory board; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Williams, Giunchigliani, Parks, Manendo, Collins, Von Tobel, Ohrenschall, Price, Perkins, Buckley, Lee, Neighbors, Berman, Gibbons, Marvel, Carpenter, Segerblom, Anderson, Freeman, Thomas, Tiffany, Chowning, Evans, Arberry, Goldwater, Mortenson and Parnell:

Assembly Bill No. 365—AN ACT relating to the adoption of children; providing for the continuation of financial support for certain children after their adoption by relatives; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 366—AN ACT relating to educational personnel; requiring the assignment of teachers who serve as mentors for probationary teachers; requiring the board of trustees of a school district to create a committee for the professional development of teachers; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 367—AN ACT making an appropriation to the Department of Transportation for the construction of an extension to the sound barrier along the east side of U.S. Highway No. 95/Interstate Highway No. 115 near Elaina Avenue in Las Vegas; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 368—AN ACT relating to education; requiring that the annual audit of certain school districts include an audit of expenditures relating to the design, construction, acquisition and renovation of school facilities and grounds; requiring the legislative auditor to conduct a performance audit of the University and Community College System of Nevada; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that the vote whereby Assembly Bill No. 368 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 368 be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 14.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 50.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 51.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 81.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 97.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 105.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 117.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 129.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the vote whereby Senate Bill No. 129 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 129 be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 139.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 166.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time and ordered to third reading.

Assembly Bill No. 134.

Bill read second time.

The following amendment was proposed by Assemblyman de Braga:

Amendment No. 66.

Amend sec. 23, page 8, line 8, by deleting "approval." and inserting: "approval and expires by limitation on July 1, 2001.".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblymen de Braga and Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 197.

Bill read second time.

The following amendment was proposed by Assemblyman de Braga:

Amendment No. 65.

Amend sec. 2, page 2, by deleting lines 21 through 23 and inserting:

"of the sum of ~~[$25 per diem for any meeting of the board, and necessary traveling expenses actually expended while engaged in the performance of his duties.]~~ *$80 per day and actual traveling expenses for each day spent attending meetings of the*".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

Amend sec. 4, page 2, line 23, by deleting:

"October 1, 1999." and inserting:

"the effective date of this act.".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective upon passage and approval.".

Amend the bill as a whole by adding the following assemblyman as a primary joint sponsor:

Assemblyman Perkins.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblymen Carpenter and Price.

Roll call on Assembly Bill No. 53:

YEAS—40.

NAYS—None.

EXCUSED—Marvel, Mortenson—2.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblymen Tiffany and Beers.

Potential conflict of interest declared by Assemblyman Beers.

Roll call on Assembly Bill No. 152:

YEAS—40.

NAYS—None.

EXCUSED—Marvel, Mortenson—2.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 166.

Bill read third time.

Remarks by Assemblymen Hettrick, Perkins and Price.

Roll call on Assembly Bill No. 166:

YEAS—40.

NAYS—None.

EXCUSED—Marvel, Mortenson—2.

Assembly Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblymen Thomas and Goldwater.

Conflict of interest declared by Assemblyman Goldwater.

Roll call on Assembly Bill No. 100:

YEAS—39.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Marvel, Mortenson—2.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 152 was this day passed.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Donald M. Korson, Sr.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Phil Stout.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Gierhart and Jana Atwood.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly McVey.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Randy King.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to William B. "Bill" Winks.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Moulian and Kelly Gregory.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Edwards and Cheri Warrell.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Rita McGary, Jim Jennings and Jerry Miller.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Solea Ray Schmitt, Megan Schmitt and Charles Musser.

On request of Assemblyman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Lavigne, Shawn Soucie, Ed Vance, Eric Anderson, Kevin Jeffers, Michael Crowe, Lora Peluso and David Bringas.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 3, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 3, 1999

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

O Lord, our God, even at this moment as we come blundering into Your presence in prayer, we are haunted by memories of duties unperformed, promptings disobeyed, and beckonings ignored. Opportunities to be kind knocked on the door of our hearts and went weeping away. We are ashamed, O Lord, and tired of failure. As we come close to You at this moment, draw close to us, come nearer still, till selfishness is burned out within us and our wills lose all their weakness in union with Your own. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT E. PRICE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 231, 262, and Senate Bill No. 18 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Mortenson, Claborn, Gustavson, Beers, Nolan, Brower, Humke, Chowning, Hettrick, Cegavske, Tiffany, Parnell, Segerblom, Carpenter, Goldwater, Giunchigliani, Arberry, Williams, Parks, Manendo, Von Tobel, Ohrenschall, Price, Gibbons, Berman, Neighbors, Lee, Buckley and Anderson:

Assembly Bill No. 369—AN ACT relating to public meetings; requiring a public body to allot an equal amount of time for certain testimony at a public meeting; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parnell, Gibbons, de Braga, Bache, Segerblom, Neighbors, Leslie, Anderson, Lee, Freeman, Koivisto, McClain and Chowning:

Assembly Bill No. 370—AN ACT relating to programs for public employees; establishing for the next biennium the amount to be paid by the state for group insurance for participating officers and employees; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Parnell, Gibbons, de Braga, Bache, Segerblom, Neighbors, Leslie, Anderson, Lee, Freeman, Koivisto, McClain and Chowning:

Assembly Bill No. 371—AN ACT relating to state employees; authorizing the use of arbitration in the adjustment of certain grievances; providing a process for the selection of an arbitration panel; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Giunchigliani, Arberry, Williams, Parks, Neighbors, Collins, Manendo, Ohrenschall, Price, Gibbons, Chowning, Freeman, de Braga, Evans, Leslie, Nolan, Claborn, Mortenson, Lee, Buckley, Bache, Anderson, Perkins, Koivisto, McClain and Parnell:

Assembly Bill No. 372—AN ACT relating to crimes; providing in skeleton form to make certain provisions concerning the protection of older persons from abuse, neglect, exploitation and isolation applicable to certain persons with mental disabilities; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Giunchigliani, Arberry, Parks, Williams, Collins, Manendo, Ohrenschall, Price, Gibbons, Berman, Chowning, Freeman, de Braga, Evans, Leslie, Nolan, Claborn, Mortenson, Lee, Neighbors, Buckley, Bache, Anderson, Perkins, Koivisto, McClain and Parnell:

Assembly Bill No. 373—AN ACT relating to health care; making various changes concerning certain health care facilities; repealing the provisions providing for the registration of homes for individual residential care; requiring such homes to become licensed as residential facilities for groups; requiring all facilities for the treatment of abuse of alcohol or drugs to be certified by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation and to be licensed by the health division of the department of human resources; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 374—AN ACT relating to the commission for cultural affairs; authorizing the commission to grant as financial assistance for certain projects a certain amount of the interest earned on the fund for the preservation and promotion of cultural resources; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 375—AN ACT relating to counties; requiring that uninsured deposits by a county treasurer be secured by certain collateral; providing a procedure for the sale of such collateral if the depository fails to pay a deposit upon demand; authorizing the deposit of county money in insured credit unions; clarifying that property taxes are not paid quarterly; providing for the listing on one trustee certificate issued by a county tax receiver of all properties on which taxes are delinquent; providing for the recording of the certificate against each property described in the certificate; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 376—AN ACT relating to law enforcement; requiring the boards of trustees of certain school districts to contract with metropolitan police departments or other local law enforcement agencies for police services; requiring the creation of a school police unit within each metropolitan police department; directing the transfer of certain employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Angle, Gustavson, Humke, Cegavske, Tiffany, Beers, Von Tobel, Segerblom, Gibbons, Berman, Claborn, Mortenson, Nolan, Lee, Neighbors, Marvel, Hettrick, Carpenter and Brower:

Assembly Bill No. 377—AN ACT relating to motor vehicles; requiring, in skeleton form, the director of the department of motor vehicles and public safety to enter into a contract with a person to carry out the duties of the department concerning the issuance of license plates, drivers' licenses, instruction permits and identification cards under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Gustavson, Angle, Mortenson, Claborn, Carpenter, Tiffany, Freeman, Arberry, de Braga, Cegavske, Von Tobel, Gibbons and Beers:

Assembly Bill No. 378—AN ACT relating to motor vehicles; requiring, in skeleton form, the director of the department of motor vehicles and public safety to enter into a contract with a person to carry out, under certain circumstances, the duties of the department concerning the issuance of drivers' licenses, the registration of motor vehicles and the examination of applicants for drivers' licenses, commercial drivers' licenses and motorcycle drivers' licenses; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Gustavson, Arberry, Angle, de Braga, Bache, Manendo, Koivisto, Cegavske, Brower, Ohrenschall, Chowning, Collins, McClain, Tiffany, Von Tobel, Price, Gibbons, Berman, Neighbors, Lee, Perkins, Hettrick, Humke, Claborn, Beers, Nolan and Leslie:

Assembly Bill No. 379—AN ACT relating to controlled substances; providing for increased penalties for distributing or selling a controlled substance to a minor; providing that murder of a minor caused by the distribution or sale of a controlled substance to the minor is murder in the first degree and constitutes an aggravating circumstance; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 86.
Bill read second time and ordered to third reading.

Assembly Bill No. 136.
Bill read second time and ordered to third reading.

Assembly Bill No. 299.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 2.
Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 52.

Amend the resolution, page 2, by deleting lines 33 through 36 and inserting: "Secretary of the Interior and the Secretary of Agriculture to establish the necessary regulations and procedures whereby horses and burros in excess of the appropriate management levels are gathered in a timely fashion, and unadoptable horses and burros are made available for sale at open market; and be it further

RESOLVED, That the Nevada Legislature urges Congress to include provisions in the Wild Free-Roaming Horses and Burros Act directing that the proceeds of sales of unadoptable horses and burros be granted to the state director of the federal land management agency responsible for the horses and burros which were gathered off public lands, prior to sale, and that these proceeds be used to augment wild horse and burro management programs in the state; and be it further

RESOLVED, That the establishment of the appropriate management levels should be based on sound scientific and locally-collected resource information that incorporates and fully acknowledges other existing multiple uses of the land, such as the needs of other wildlife and livestock living on the land; and be it further

RESOLVED, That the establishment of the appropriate management levels should be concluded by the end of the federal fiscal year 2002, and maintained thereafter, irrespective of the outlet capacity of the federal horse adoption programs; and be it further".

Amend the preamble of the resolution, page 2, line 23, by deleting "for grazing".

Amend the preamble of the resolution, page 2, lines 28 and 29 by deleting: "and starvation during the winter;" and inserting:

", starvation and drought;".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134.

Bill read third time.

Remarks by Assemblymen de Braga and Carpenter.

Roll call on Assembly Bill No. 134:

YEAS—27.

NAYS—Angle, Beers, Carpenter, Cegavske, Claborn, Collins, Gibbons, Gustavson, Hettrick, Neighbors, Nolan, Price, Tiffany, Von Tobel—14.

EXCUSED—Marvel.

Assembly Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 197:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 11.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 11:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Senate Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 3, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17.

Assemblyman Gustavson moved the adoption of the resolution.

Remarks by Assemblyman Gustavson.

Resolution adopted.

Bill ordered transmitted to the Senate.

In compliance with a notice given on a previous day, Assemblyman Perkins moved that the vote whereby Assembly Bill No. 152 was passed be reconsidered.

Motion carried.

Assemblyman Perkins moved Assembly Bill No. 152 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 380—AN ACT relating to water; revising the provisions establishing the priority of certain water rights; providing that certain evidence may be considered to show whether water has been beneficially used; clarifying the circumstances under which water becomes appurtenant to land; providing that certain surface water rights are not subject to forfeiture for failure to use water pursuant to that right within a certain period; requiring a district court to decide protests of applications to appropriate water; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 152 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblywoman Tiffany.

Potential conflict of interest declared by Assemblyman Beers.

Roll call on Assembly Bill No. 152:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to David Fair and Shirley Sheldrake Fair.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Marie Aguirre, Bob Allgeier, Donna Allgeier, Theresa Annas, Maggie Benz, Jack Brightwell, Marilyn Brightwell, Fran Calahan, Lois Carty, Rick Carty, Mary Christ, Vic Christ, Jeanie Christianson, Judy Conrad, Mary Lou Corp, Mike Coleman, Kay Dupuis, Del Durboraw, Connie Elvik, Rosemary Gatewood, Grady Goodwin, Norma Goodwin, Milly Griffin, Bernadine Hamzik, Rich Hamzik, Lorene Hanford, Pete Hanford, Chuck Harris, Lillian Heckers, Dick Heckl, Lou Heckl, Ann Hersey, Fred Hersey, Ernie Hohndorf, Liz Hohndorf, Su Kemper, Louise Lajti, Paul Lajti, Hobard Lohmann, Fran Lohmann, Sally Miller, Kay Oetting, Mike Oetting, Cheri Owen, Lorrene Palmer, Brenda Robertson, Cindi Seligman, Barbara Smallwood, Shaaron Snead, Jean Tomlinson, Doris Turkington, Elsa Turkington, Mark Tarvainen, Toni Markle, Dorothy Webster, Jack Webster and Nancy Rosasco.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Hollis.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 4, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 4, 1999

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Today we are reminded of the frailty of our lives. Our friend and coworker John Marvel, needs Your continued touch of healing. Many in this chamber are suffering other illnesses. We ask Your touch of healing and added strength as these men and women struggle with the pressures of deadlines this session. Then Father, You who has promised to lead us into all truth, prepare our hearts and minds for the business of this day, that we may behave with true courtesy and honor. Compel us to be just and honest in our dealings. Let our motives be above suspicion. Let our word be our bond. Save us from the fallacy of depending upon our personality, or ingenuity, or position to solve our problems.

Since You have answers, make us willing to listen to You, that we may vote on God's side, and that God's will may be done in us. AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Commerce and Labor, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Concurrent Resolutions Nos. 6, 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

COMMUNICATIONS

TAIPEI ECONOMIC AND CULTURAL OFFICE
IN SAN FRANCISCO
555 MONTGOMERY STREET, SUITE 501
SAN FRANCISCO, CALIFORNIA 94111 U.S.A.
TEL: (415) 362-7680 FAX: (415) 362-5382

February 26, 1999

THE HON. JOSEPH E. DINI, JR., *Speaker of the Assembly,* 104 N. Mountain View, Yerington, NV 89447

DEAR SIR:

I wish to thank you for your kind invitation for Director General Victor Tseng to visit and address a joint session of the 1999 Nevada State Legislature. I would like to suggest the address date on Thursday, March 25 at 5:00 p.m., if this date could fit into your schedule.

With your acknowledgment, I will further discuss details of Mr. Tseng's visit with Mr. Steve Watson of Legislative Counsel Bureau. Your friendship with this office is always appreciated.

With my best regards,

Sincerely yours,
CHARLES LIU

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 3, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 22.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 106, 146, 153.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 62.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 77 to Senate Bill No. 11.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Chowning, Mortenson, Claborn, McClain, Koivisto, Parnell, Tiffany, Freeman, Bache, Anderson, Arberry, Williams, Parks, Collins, Manendo, Ohrenschall, Price, Gibbons, Berman, Neighbors, Lee, Buckley, Perkins and Humke:

Assembly Bill No. 381—AN ACT making an appropriation to Churchill County for the expenses related to the operation of a veterans' field service office in Churchill County; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Leslie, Anderson, Parnell, Thomas, Koivisto, Evans, Giunchigliani, Freeman, Manendo, Gibbons, Lee, Bache, McClain, Goldwater, Williams, Buckley and Segerblom; Senator Wiener:

Assembly Bill No. 382—AN ACT making an appropriation to the Department of Education for the award of grants to schools that have established programs for peer mediation and conflict resolution; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Neighbors; Senator McGinness:

Assembly Bill No. 383—AN ACT relating to managed care organizations; requiring managed care organizations to pay for medical services provided to insureds by certain providers in areas with low population densities; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Neighbors; Senator McGinness:

Assembly Bill No. 384—AN ACT making an appropriation to the town of Pahrump for two traffic-control devices; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Neighbors; Senator McGinness:

Assembly Bill No. 385—AN ACT making an appropriation to Nye County for improvements to the Tonopah Mining Park; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 386—AN ACT relating to public welfare; prospectively revising the state's share of expenditures for payments made for the institutional care of medically indigent persons pursuant to the state plan for Medicaid; providing monetary assistance to counties for their share of such payments; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen de Braga, Chowning, Mortenson, Tiffany, Bache, McClain and Koivisto:

Assembly Bill No. 387—AN ACT relating to contractors; providing an exemption for general building contractors in certain counties from the requirement of obtaining a specialty license to perform plumbing and electrical work under certain circumstances; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 388—AN ACT relating to land use planning; providing in skeleton form for a town advisory board of an unincorporated town to serve as the planning commission of the unincorporated town in certain counties; expanding the subjects that must be included within a master plan in certain counties; making various changes to the provisions governing the notice required in certain counties for the adoption or amendment of a master plan, a change in the boundary of a zoning district or the granting of a variance, special use permit, conditional use permit or special exception; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Cegavske:

Assembly Bill No. 389—AN ACT relating to taxation; making the allowance against the selling price given by a retailer for used construction machinery or equipment not subject to the local sales and use taxes; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 390—AN ACT relating to parole; requiring the department of prisons to determine the eligibility of a prisoner for parole, notify the state board of parole commissioners and provide data regarding the prisoner to the state board of parole commissioners; removing the requirement that a prisoner complete an application to be considered for parole; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 391—AN ACT relating to prisoners; making technical corrections to the statutes concerning credits against the sentences of certain prisoners; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 392—AN ACT relating to courts; authorizing the parties to certain actions to use a settlement conference, short trial and other alternative methods of resolving disputes under certain circumstances; providing for the adoption of rules and procedures governing the use of alternative methods of resolving disputes; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman McClain; Senators Titus and Care:

Assembly Bill No. 393—AN ACT making an appropriation to the Department of Transportation for the construction of a sound barrier along the ramps on both sides of Interstate Highway No. 515 near the Boulder Highway; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 394—AN ACT making an appropriation to the Clark County School District for the restoration of the historic Logandale School; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Thomas, Goldwater, Perkins, Giunchigliani, Lee, Leslie, Chowning, Arberry, Segerblom, Evans, Collins, Parks, Dini, Gibbons, Hettrick, McClain, de Braga, Price, Ohrenschall, Von Tobel, Neighbors, Carpenter, Brower, Beers, Anderson, Nolan, Manendo, Koivisto, Williams, Claborn, Gustavson, Buckley, Bache, Parnell, Mortenson, Humke, Freeman, Angle, Marvel and Berman; Senators Jacobsen, Titus, Porter and Care:

Assembly Bill No. 395—AN ACT making an appropriation to the University and Community College System of Nevada for the design and development of the Nevada Center for Sustainable Living; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 396—AN ACT relating to taxation; transferring the responsibility for the collection of taxes and fees imposed on certain fuels from the department of taxation to the department of motor vehicles and public safety; providing the department of motor vehicles and public safety with administrative powers and duties for the collection of the tax; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Goldwater, Buckley, Thomas, Segerblom, Gibbons, Neighbors, Perkins, Giunchigliani, Williams, Parks, Collins, Manendo, Ohrenschall, Price, Evans, Leslie, Koivisto, Parnell, McClain, Claborn and Bache:

Assembly Bill No. 397—AN ACT relating to tenancies; revising provisions for terminating a tenancy; prohibiting a landlord from terminating a tenancy except for certain reasons; revising the provisions relating to deposits for cleaning and security; allowing a tenant to withhold rent that becomes due under certain circumstances; requiring the installation of individual water meters in certain buildings; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Arberry, Williams, Dini, Perkins, Buckley, Anderson and Giunchigliani:

Assembly Bill No. 398—AN ACT relating to state employees; increasing the amount of longevity payments to state employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Arberry, Giunchigliani, Bache, Lee, Parks, Buckley, Williams, Goldwater and Anderson:

Assembly Bill No. 399—AN ACT making an appropriation to the Clark County Public Education Foundation for the support and enhancement of public education in Clark County; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Lee, Anderson, Bache and Goldwater:

Assembly Bill No. 400—AN ACT relating to the devolution of property and rights; providing for the administration of trusts and the estates of decedents; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Arberry and Williams; Senator Neal:

Assembly Bill No. 401—AN ACT making an appropriation to Nevada Partners for the support of programs that prepare unemployed and underemployed persons to enter the workforce and make significant contributions in southern Nevada; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Arberry (by request):

Assembly Bill No. 402—AN ACT relating to metropolitan police departments; expanding the authority and jurisdiction of a unit of marshals which is established and administered by a political subdivision that is participating in a metropolitan police department; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parks and Chowning:

Assembly Bill No. 403—AN ACT relating to motor vehicles; revising the manner in which the fees collected by short-term lessors of passenger cars are required to be distributed; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 62.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 106.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 146.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 153.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 75.

Amend sec. 3, page 1, line 9, after "Medicaid;" by deleting "and".

Amend sec. 3, page 1, line 12, by deleting the period and inserting:

"*; and*

3. Establish an effective marketing program for the children's health insurance program.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time and ordered to third reading.

Assembly Bill No. 262.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

Senate Bill No. 18.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 86.

Bill read third time.

Assemblyman Collins moved that Assembly Bill No. 86 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 136.

Bill read third time.

Assemblyman Carpenter moved that Assembly Bill No.136 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 299:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Collins, Angle and Carpenter.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Joint Resolution No. 2:

YEAS—37.

NAYS—Freeman, Leslie, Parnell—3.

NOT VOTING—Angle.

EXCUSED—Marvel.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 4, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 18.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Collins, Evans, Anderson, Carpenter, Chowning, Ohrenschall, Perkins, Humke, Cegavske and Mr. Speaker.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It is with great honor—but with great sadness—that I speak to the Assembly today in favor of Senate Concurrent Resolution 18. Jack was a good friend of mine. As we read about all that Jack was a part of, it is amazing to find that anyone could have done so much: he was involved in the community; worked on the behalf of friends and citizens; and he helped many organizations.

Those of us who lived near him in southern Nevada were amazed at the number of people he knew. It was just incredible. He was the one guy who could potentially pass Senator Richard Bryan in knowing everyone in the whole state and all over the country.

Those of us who were able to attend the ceremonies on his behalf after his death were able to feel the love coming from everyone, directed at him. One part of the ceremony involved people getting up and relating different events which had occurred in their life, which involved Jack. It went on for a long while. You could see how much interaction he had with people and how much he was loved.

One interesting thing at the ceremony was that Rosemary had all of Jack's ties at the funeral. His friends were invited to take whichever one they wished. The tie that binds you to Jack. I am wearing one of Jack's ties today.

You could see his involvement with the Thunderbirds and I have a Thunderbird pin on today. The Thunderbirds are in Assembly District 17.

Jack was loved by everyone in this building. You can talk to any of the staff or the people who have been with us here at the Legislative Counsel Bureau over the years, and they will tell you how loved Jack was. He had such sensitivity to citizens and to those he worked with and those who worked for him.

The thing I always remember—not to make light—was the wonderful jukebox at Jack's home. It had a lot of country music in it.

I have great, adoring, but sad memories because he is not with us. But we know he is happy up there. We certainly want to be in favor of and to help with anything we can to carry on his legacy and show our love and respect.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I rise in support of this resolution memorializing Jack Regan. He was in the Assembly my first term here; he helped me in a morning committee and helped me in an afternoon committee, in so many ways. Even when we disagreed, he was informed and had a very logical answer, backed up with evidence.

Frequently, concerning North Las Vegas, when issues came up he and I would discuss them, and he would say, "I am with you 100 percent." When we would go to a council meeting, whether it be with the friends of Kyle Ranch, the city council, an issue with zoning, or a neighborhood situation, he was always supportive of the folks he represented, as well as the folks in the entire community. So, I strongly support this. I am very grateful we are able to take this time to recognize such a good, fine man.

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Speaker. I too rise in support of SCR 18. It is always difficult to say goodbye to our friends and colleagues. I will always remember Jack for his quick wit and his snappy one-liners. On the Interim Finance Committee, Jack could be quite a relentless interrogator. If he asked a question and did not get the answer he wanted, that person needed to look out; they were going to get a lot of heat from Jack. As we say goodbye to Jack, Rosemary, please know that you are very special to us and we will keep you in our thoughts and prayers.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of SCR 18. It is pretty hard to capsulate, in words, the kind of person Jack Regan was to all of us. I knew, having served with him on a couple of committees, about his caring attitude and his true love of beauty. I think it is appropriate that we do this on a day the arts are here, because he did appreciate those things of beauty.

He sought out every member to find out what their particular concerns were and what were their interests and hobbies. In a short while, he would demonstrate in some way his

understanding for their concerns. Being that this is Reading Week, I am particularly mindful of his concern regarding illiteracy in the prison population.

Jack pursued programs for people who sometimes seemed to be ignored by society. He looked for the downtrodden, to give them a spark of life every day, to give them hope for the future. That for me means who Jack Regan was. There is a hollow place in my heart; one I have hollowed out so that when I look about and see things are not looking good, I can ask myself, "I wonder what Jack Regan would do here?" This gives me strength. And I am sure it gives Rosemary strength, also. Thank you, Mr. Speaker.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I also rise in support of SCR 18. Jack Regan became one of my best friends during our service here in the Legislature. Jack had a great understanding of our state, from the north to the south. I always admired him for standing up for what he believed in. I found him to be a hard but compassionate man. When the *Suzy Q* first came here, Jack attained my captain's hat for me. I want to extend my love and condolences to his wife, and my friend, Rosemary.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of SCR 18. Jack Regan used to say 'The President is Reagan, I am Regan." For those of you who knew him, you know how he paid close attention to detail.

We had the privilege of being elected at the same time, defeated at the same time, and came back again at the same time. We were the "comeback kids." Our districts were adjacent to each other and I never knew Jack very well before I had the privilege of serving with him. Believe you me, since I served with him, I came to know him very, very well. There wasn't anyone who worked harder than he did with constituents, trying to solve problems. It didn't matter if they were rich or poor, or large or small, Jack was always there. I will miss him greatly. He was a dignified gentleman. Totally.

He fought for affordable housing and helped bring "Habitat for Humanity" to Nevada, one of the very first ones. He fought for those issues before they were popular. Thank you. I would like to honor his memory.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I wish to join the others in extending my condolences to Rosemary. What can I say about Jack? He had boundless energy and ability. He always had time for people, including less senior legislators. This was very important. He did much for many, but he did his good deeds in a quiet way. He did not ask for publicity to surround what he did. His word was always his bond. He was always there for many of us younger people in the Legislature. Rosemary was there with him; to help with our professional and our personal needs. Thank you very much.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I, too, rise in support of SCR 18. All the things we have heard today, I think, are as much a tribute to Rosemary as they are to Jack. You could never see Jack without seeing Rosemary in close proximity. It was very wonderful to see that.

In 1993, when I was first elected, I sat in the back row, second seat from the end. On one side was Dean Heller, and on the other, Jack Regan. If you don't think that was culture shock.

The one thing which started our legislative session was Jack turning to me and saying, "How old are you?" When I told him, he said, "I've got boots older than you are." From that point forward, I knew where Jack stood and he pretty much told me where I stood. That was just the kind of guy he was. You never misunderstood where he was coming from. He was always able to articulate that in fine fashion. I too want to share in our body's support with the resolution.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of SCR 18, as well, and second the remarks of the majority leader as to Jack's wife, Rosemary. Our thoughts and prayers are with you today, also. I would just like to say that there is no end to the things that can be said about a man like this. You simply look for something different to say.

As an aside, I have a couple of personal anecdotes. I was once on an airplane bound for Las Vegas, where I was going to be for three or four days on business. To say that Jack's word was good was an understatement. He always went the extra mile. He learned what the nature of my business was and said, "You will use my car. You will not rent a car." He would take no answer other than "yes." That was the type of man he was. Saying that he was the type of man that would give you the shirt off his back would be an understatement.

The one other tribute I would pay to him, was one that came up just this morning. I said to a seatmate, "Was Jack a Democrat or Republican?" I meant this as a tribute. He was truly an individual. Truly as nonpartisan as anyone ever has been in this body. I can think of no higher tribute to anyone with whom I have served.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I rise in support of SCR 18. Being the new kid on the block last session, I had the pleasure of serving on the Interim Finance Committee with Jack Regan. It was a pleasure to get to know him. I also was able to travel with him to some of the national committees we were on, and Jack always made sure that the freshmen legislators were taken care of, that we didn't get into any trouble, but also that nothing happened to us. I always appreciated that about him.

The one thing I did tell Jack was that he needed to get new "blond jokes." He had more "blond jokes" than anybody I had ever met. He said he was safe to tell them because his wife wasn't a blond. He also shared something else with me. My heritage is Norwegian and Jack loved the festivities of the Norwegians. As a matter of fact, Rosemary, that flag is in my office and we need to talk about that. I wanted to thank him for allowing me to have that flag in my office.

I echo everything that has been said. I won't repeat it all. I want to thank you, Rosemary, for sharing Jack with us.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Rosemary, we extend our condolences to you and all the family. Jack will be sadly missed. Jack was a real conservative. If you wanted to define conservatism, you looked at Jack Regan and his record, and the things that he did in these chambers. What I did, in working with him over the years, was develop a real strong relationship with Jack. He would take an interest in the rural areas, or Clark County, or Washoe County. It did not make any difference where it was. He put his philosophy to work, statewide. That is one of the real tributes that we have.

Jack, of course, had a little controversy when he went down to the Senate. If he had stayed here in the Assembly, he probably would have been all right. That's what happens to you over there. We do appreciate all the years of service he gave us here and extend our deepest regards to Rosemary and the family. Thank you.

Resolution adopted unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Hettrick, Parks, Arberry, Anderson, Gibbons, Perkins, Bache, Manendo, Chowning, Ohrenschall, Von Tobel, Collins, Lee, Brower, Leslie, Cegavske, Freeman, Tiffany, Neighbors, de Braga, Carpenter, McClain, Mortenson, Claborn, Segerblom, Berman,

Marvel, Williams, Thomas, Goldwater, Buckley, Parnell, Gustavson, Beers, Nolan, Humke, Evans, Giunchigliani, Koivisto and Angle; Senators Raggio, Jacobsen, Rawson, Neal, O'Connell, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, O'Donnell, Porter, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 23—Granting administrative leave to legislative employees in recognition of their service to the 70th session of the Nevada Legislature.

Assemblyman Price moved that the resolution be adopted.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Allen Brady.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Aguilar.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Louise Giberson and Andria Daley-Taylor.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Lillian England.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Constance Devereaux.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Antrocolli and Stephanie Hogan.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Loretta Cooper.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gilday Shaffer.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ameila Greiner.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Susanne Forestieri.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to May Mushkin.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Alcorn.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Allen.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Cardinelli.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Wallin.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Allen H. Brady and Lynn Bremer.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Farmer and Bill Kolton.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Lubra.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Lacy J. Dalton and Chris Olsen.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Marion.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Woods.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carol F. Anderson, Lynn Crossman, Barbara Hydrick, Daniel Clary, Megan Crandall, Chris Hoover, Nibardo Montes, Cody Pierce, Gaby Ramirez and Will Zamarripa.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Terrie Q. Sayre.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Schroeder.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda LaRiviere.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Winzler.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Steven High.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to James Dye, Virginia Dye, Max Bearden, Mary Jo Meyer, Reid Meyer, Don McBride and Rosemary Regan.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mimi Melankey.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Quillin.

On request of Assemblyman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Anabelle Shelly.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Putman.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to John Shelton.

Assemblyman Perkins moved that the Assembly adjourn until Friday, March 5, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-THIRD DAY

CARSON CITY (Friday), March 5, 1999

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Collins and Marvel, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Hear, O God, the earnest supplications of the members of this body, gathered for this sacred moment of prayer and deepened feelings of unity and fellowship as we pray with them and for them. Give us wisdom to see that no good life comes without right discipline. Give us the grace to impose it upon ourselves, lest others do it for us. Help us to discipline our speech, that we may seek clarity rather than cleverness and sincerity instead of sarcasm. Help us to discipline our thinking and our actions, that in this place people may see democracy at its best and us at our best for democracy and for You to see us. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 8, 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 17 of the 69th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Bache:

Assembly Joint Resolution No. 11—Proposing to amend the Constitution of the State of Nevada to require each regular session of the Legislature to commence on the first Monday in March.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 2 of article 4 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be biennial, and shall commence on the 1st Monday of ~~[February]~~ *March* following the election of members of the Assembly, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

3. The Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session.

Assemblyman Bache moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By Assemblyman Carpenter:

Assembly Concurrent Resolution No. 24—Urging the Division of Wildlife of the State Department of Conservation and Natural Resources to consider certain factors when making wildlife management decisions.

Assemblyman Carpenter moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Carpenter:

Assembly Concurrent Resolution No. 25—Directing the Legislative Committee on Education to study the feasibility of adopting certain reforms for the system of public education.

Assemblyman Carpenter moved that the resolution be referred to the Committee on Education.

Motion carried.

Assembly Concurrent Resolution No. 6.

Resolution read.

Assemblywoman Freeman moved that the resolution be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Concurrent Resolution No. 10.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted.

Assemblywoman Buckley moved that Assembly Joint Resolution No. 4 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

By Assemblymen Beers, Buckley, Perkins, Manendo, Hettrick, Berman, Parks, de Braga, Thomas, Segerblom, McClain, Tiffany, Nolan, Brower, Angle, Gustavson, Chowning, Mortenson, Carpenter, Gibbons, Neighbors, Lee, Arberry, Giunchigliani, Collins, Von Tobel, Ohrenschall and Price; Senator Amodei:

Assembly Joint Resolution No. 12—Urging the Federal Government to invest all surplus money in the Federal Insurance Contributions Act for the benefit of the Social Security system.

Assemblyman Beers moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblyman Hettrick moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Freeman moved that the vote whereby Assembly Concurrent Resolution No. 6 was re-referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Freeman moved that Assembly Concurrent Resolution No. 6 be placed on the Resolution File.

Motion carried.

Assemblywoman Freeman moved that Assembly Bill No. 6 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 231:

YEAS—40.

NAYS—None.

EXCUSED—Collins, Marvel—2.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Assemblyman Anderson moved that Assembly Bill No. 262 be taken from the General File and be placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 18.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 18:

YEAS—40.

NAYS—None.

EXCUSED—Collins, Marvel—2.

Senate Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter; Senator Rhoads:

Assembly Bill No. 404—AN ACT relating to the Department of Transportation; requiring the Legislative Auditor to conduct a performance audit of the Department; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblyman Price:

Assembly Bill No. 405—AN ACT relating to utilities; requiring a provider of certain utility services to include a statement of consent on any form used by the provider to obtain the signature of a customer to change his provider of such a service; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hettrick, Cegavske, Anderson, Bache, Tiffany, Koivisto, McClain, Angle, Gustavson, Claborn, Mortenson, Beers, Nolan, Brower, Leslie, Evans, Perkins, Humke, Berman, Collins, Thomas, Lee, de Braga, Neighbors, Parks, Von Tobel, Segerblom, Goldwater, Dini, Buckley, Giunchigliani, Arberry, Gibbons, Carpenter and Marvel; Senator Jacobsen:

Assembly Bill No. 406—AN ACT relating to criminal sentences; authorizing a justice of the peace and municipal judge to extend the suspension of a sentence if an offender violates or fails to fulfill a condition of suspension and the offender is ordered to serve only a part of the sentence; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 407—AN ACT relating to traffic laws; requiring a court to order a person who is convicted of a first violation within 7 years of driving under the influence of alcohol or a controlled substance to undergo an evaluation and attend a program of treatment for the abuse of alcohol or drugs; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 408—AN ACT relating to water; requiring the state engineer to have just cause to revoke certain permits for the appropriation of water or to deny certain applications for the appropriation of water; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gustavson, Nolan, Beers, Brower, Leslie, Evans, Cegavske, Hettrick, Lee, Berman, Von Tobel, Carpenter, Gibbons, Angle, Tiffany, Freeman, Bache, Anderson, Arberry, Parks, Ohrenschall, Price, Buckley, Giunchigliani, Thomas and Chowning:

Assembly Bill No. 409—AN ACT relating to emergency care; extending limited immunity from liability regarding the use of automated defibrillators and related training; extending limited immunity from liability to licensed practical nurses for providing or supervising certain emergency care; extending limited immunity from liability to certain providers of health care licensed in another state who render emergency care to persons in this state; conforming certain related provision regarding the occupational safety program; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 410—AN ACT relating to drivers' licenses; repealing certain requirements relating to the submission of a statement regarding compliance with a court order for child support as a condition to the issuance or renewal of a license; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that the vote whereby Assembly Bill No. 410 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 410 be referred to the Committee on Judiciary.

Motion carried.

Assembly Concurrent Resolution No. 6.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted.

Assemblyman Goldwater moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 12:00 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 113.

Bill read second time and ordered to third reading.

Assembly Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 84.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 2.

Resolution read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Price:

Assembly Bill No. 411—AN ACT relating to the board of regents of the University of Nevada; providing prospectively for legal counsel for the board of regents from the office of the attorney general; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 13—Proposing to amend the Constitution of the State of Nevada to revise the term of office of a justice of the supreme court or judge of a district court who is appointed to fill a vacancy.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 20 of article 6 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the supreme court or among the district judges, the governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the commission on judicial selection.

~~[2. The]~~ *Except as otherwise provided in subsection 2, the* term of office of any justice or judge so appointed expires on the first Monday of January following the ~~[next]~~ *first* general election ~~[.]~~ *that is held at least 12 calendar months after the date on which the appointment was made. At that general election, a justice or judge must be elected to fill the remainder of the term.*

2. If the date on which the appointment was made is within the 12 calendar months immediately preceding the expiration of the term of the vacated office, the term of office of the justice or judge appointed pursuant to subsection 1 is the remainder of the unexpired term of office.

3. Each nomination for the supreme court shall be made by the permanent commission, composed of:

(a) The chief justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

4. Each nomination for the district court shall be made by a temporary commission composed of:

(a) The permanent commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission shall be appointed when a vacancy occurs, and their terms shall expire when the nominations for such vacancy have been transmitted to the governor.

7. An appointing authority shall not appoint to the permanent commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

8. After the expiration of 30 days from the date on which the commission on judicial selection has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, such commission shall serve as the permanent commission established by subsection 3 of this section.

Assemblyman Price moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried

Assemblyman Price moved that Assembly Joint Resolution No. 17 of the 69th Session be re-referred to the Committee on Constitutional Amendments.

Remarks by Assemblyman Price.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 22, Senate Concurrent Resolution No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Russell Fromherz and Kevin Fromherz.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Angell, Tarah Badger, Shannon Balderson, Jeremiah Boucher, Jordan Bradley, Brandi Bradshaw, Jacquelyan Brock, Julia Bronnenberg, Tonya Brown, Arlene Casillas, Kimberly Coe, Billy Covington, Michele Daidone, Nicole Davey, Melissa Depoorter, Erin Diebold, Dan Diggins, Robert Erekson, Matthew Herren, Lillie Huffington, John Kennedy, Genevieve Ludwig, Tiffany Miller, Danyelle Mortensen, Rebecca Morton, Rob Oslund, Tiffany Reardon, Jennifer Redding, Candice Rizzi, Michael Rose, James Smalley, Brant Stewart, Bonnie Stringer, Aaron Swapp, Noma Thayer, John Wallace, Linda Badger, Debbie Berger, Scott Hammond and Jayceine Gilmour.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 8, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 8, 1999

Assembly called to order at 11:20 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Neighbors, who was excused.

Prayer by the Chaplain, Reverend Dick Campbell.

Eternal and ever blessed God: You are known by many names throughout the world. Your goodness, might and power are felt by all Your children. We come before You this day with gratitude in our hearts for Your many blessings to us. We praise You for Your presence here and ask Your blessing upon this Assembly. Their tasks are enormous, give them strength; important, give them wisdom; humane, give them compassion. Grant them Your blessing and also bless our state and our nation now and in the future. We pray in Your Holy Name,

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bill No. 268; Assembly Concurrent Resolution No. 5 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairwoman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 260, 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 39, 241, 243.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 49, 56, 149, 158.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 9, 16; Assembly Concurrent Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 11.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Joint Resolution No. 2 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Collins moved that Assembly Bill No. 86 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

By the Committee on Health and Human Services:

Assembly Joint Resolution No. 14—Commending Dr. Daniel L. Peterson for his work on behalf of persons with chronic fatigue syndrome and urging the Congress of the United States to provide financial support for additional scientific research to combat this disease.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Joint Resolution No. 15—Urging Congress to rectify inequities that occur between federal and state regulatory agencies regarding the Employee Retirement Income Security Act of 1974 as it relates to appeals processes.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Angle (by request):

Assembly Concurrent Resolution No. 26—Urging the Supreme Court of the State of Nevada to adopt rules requiring certain judges to allow a party to a civil action to address the court under certain circumstances.

Assemblywoman Angle moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Joint Resolution No. 13.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution declared

an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

Assemblywoman Buckley moved that Senate Joint Resolution No. 13 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Joint Resolution No. 13:

YEAS—41.

NAYS—None.

EXCUSED—Neighbors.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 113:

YEAS—41.

NAYS—None.

EXCUSED—Neighbors.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 150:

YEAS—41.

NAYS—None.

EXCUSED—Neighbors.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

The following amendment was proposed by Assemblyman Collins:

Amendment No. 109.

Amend section 1, page 1, line 10, by deleting "*is 100,000* " and inserting:

", as certified by the governor in even-numbered years pursuant to NRS 360.285, is 150,000".

Amend section 1, page 1, line 14, after "*population*" by inserting:

", as certified by the governor in even-numbered years pursuant to NRS 360.285,".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblymen Collins, Buckley, Price and Anderson.

Amendment lost.

Remarks by Assemblymen Buckley, Collins, Segerblom, Price, Anderson, Perkins, Gustavson, Nolan, Angle and Brower.

Mr. Speaker requested the privilege of the chair for the purpose of making remarks.

Roll call on Assembly Bill No. 86:

YEAS—29.

NAYS—Anderson, Angle, Collins, de Braga, Dini, Gibbons, Gustavson, Manendo, Marvel, Parks, Price, Von Tobel—12.

EXCUSED—Neighbors.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time and ordered to third reading.

Assembly Bill No. 58.

Bill read second time.

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

Amendment No. 54.

Amend the bill as a whole by deleting sections 1 through 62 and adding new sections designated as sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 645 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. A person licensed as a real estate salesman may use the term "real estate salesman," "real estate saleswoman" or "real estate salesperson" in the course of doing business.*

2. A person licensed as a real estate broker-salesman may use the term "real estate broker-salesman," "real estate broker-saleswoman" or "real estate broker-salesperson" in the course of doing business.

Sec. 3. *1. In any advertisement through which a licensee offers to perform services for which a license is required pursuant to this chapter, the licensee shall:*

(a) If he is a real estate broker, disclose the name of the licensed brokerage under which he does business; or

(b) If he is a real estate broker-salesman or real estate salesman, disclose the name of the broker with whom he is associated.

2. A real estate broker-salesman or real estate salesman shall not advertise solely under his own name when acting in the capacity as a broker-salesman or salesman. All such advertising must be under the direct supervision of and in the name of the broker with whom the broker-salesman or salesman is associated.".

Amend the title of the bill to read as follows:

"AN ACT relating to the sale of real estate; authorizing licensed real estate broker-salesmen and real estate salesmen to use additional terms to refer to their licensed status; requiring certain information to be included in advertisements by licensees; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning sale of real estate. (BDR 54-1210)".

Assemblyman Beers moved the adoption of the amendment.

Remarks by Assemblyman Beers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 283.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Brower:

Assembly Bill No. 412—AN ACT relating to water rights; revising provisions relating to the acquisition and use of certain water rights; exempting such water rights from certain statutory and common law provisions concerning forfeiture and abandonment; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Brower and Gibbons:

Assembly Bill No. 413—AN ACT relating to education; providing a pilot program for the formation of community school boards for public schools within the jurisdiction of the Nevada Tahoe regional planning agency; prescribing the manner of election and term of office for members of a community school board; transferring certain duties from the board of trustees of a school district to a community school board; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 414—AN ACT relating to county recorders; increasing the fee charged by a county recorder for certifying a document; prohibiting the recording of certain documents that do not contain certain information; eliminating the requirement that a county recorder send a copy of an affidavit of death to the welfare division of the department of human resources; increasing that portion of the fee for a marriage license that is paid over to the county recorder; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 415—AN ACT making an appropriation to the City of Las Vegas for the revitalization of the Herbert Gerson Park into a mixed-use, mixed-income development; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 416—AN ACT relating to state financial administration; making appropriations to the benefit services fund from the state general fund and the state highway fund; requiring an assessment of certain state agencies for deposit in the benefit services fund; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 417—AN ACT making an appropriation to Lander County for expenses related to the trial of Kyle Ray and Colby Becker; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Ohrenschall, Koivisto, Claborn, McClain, Leslie, Buckley, Price and Manendo; Senators Care, Carlton, Titus and Wiener:

Assembly Bill No. 418—AN ACT relating to mobile homes; providing additional requirements for the protection of their owners, purchasers and renters; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Carpenter, Anderson, Manendo, Claborn, McClain, Brower, Leslie and Price:

Assembly Bill No. 419—AN ACT relating to taxation; providing a credit against the tax upon conducting a business for the recycling of materials used in the business; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Ohrenschall, Price and Manendo:

Assembly Bill No. 420—AN ACT relating to trade practices; prohibiting a seller from requiring secondary identification as a condition of accepting a credit card; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Humke, Collins, Manendo, McClain, Buckley, Koivisto and Ohrenschall:

Assembly Bill No. 421—AN ACT relating to domestic relations; providing a formula for determining the amount and duration of alimony under certain circumstances; making various other changes to provisions governing alimony; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Claborn and Collins:

Assembly Bill No. 422—AN ACT relating to law enforcement agencies; authorizing a sheriff to collect fees for providing law enforcement services to certain cities; requiring a city council to create a police department in certain circumstances; revising the duties of the chief of police; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Freeman, Gibbons, Humke, Leslie and Evans:

Assembly Bill No. 423—AN ACT relating to taxation of real property; exempting property acquired by the Nevada Nature Conservancy from

taxation; increasing the provisions for relief from property tax for certain elderly persons; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Freeman, Gibbons, Humke, Leslie, Evans and Anderson:

Assembly Bill No. 424—AN ACT relating to regional planning; providing in skeleton form for various changes to the process of regional planning in certain counties; requiring a local government that is within an area covered by a comprehensive regional plan to conform its actions, ordinances and regulations to the plan; providing for the resolution of disputes regarding conformance with a comprehensive regional plan; creating an advisory committee on plans for capital improvements; revising provisions regarding plans for capital improvements; changing the composition of the regional planning commission; expanding contents of a comprehensive regional plan; authorizing the governing body of a local government to use certain land use controls and principles of zoning; expanding the scope of activities for which impact fees may be charged; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Von Tobel:

Assembly Bill No. 425—AN ACT relating to the Moapa Valley Water District; expanding the jurisdiction and service area of the district; reducing the size of the governing board of the district; clarifying the length of the terms of the members of the governing board; revising the provisions governing the filling of a vacancy on the governing board; eliminating certain obsolete provisions; and providing other matters properly relating thereto.

Assemblywoman Von Tobel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 39.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 49.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 56.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 149.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 158.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 241.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 243.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ohrenschall, Carpenter, Leslie, Brower, Koivisto, McClain, Claborn, Collins, Manendo and Price; Senator Titus:

Assembly Concurrent Resolution No. 27—Directing the Legislative Commission to conduct an interim study of residential facilities for elderly persons.

Assemblywoman Ohrenschall moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 9.

Assemblyman Perkins moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Concurrent Resolution No. 16.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Buckley moved that Assembly Joint Resolution No. 4 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 426—AN ACT relating to irrigation districts; providing that irrigation districts that generate, produce, transmit and sell electric power or energy are not public utilities subject to the jurisdiction of the public utilities commission of Nevada; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Gibbons (by request):

Assembly Bill No. 427—AN ACT relating to air pollution; revising the authority of certain state agencies to enact regulations regarding the licensure of certain persons who inspect vehicles; requiring each hearing officer of the section for the control of emissions from vehicles of the registration division of the department of motor vehicles and public safety to be a graduate of an accredited law school if he conducts a hearing concerning certain licenses and administrative fines relating to the control of emissions from vehicles; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblymen Goldwater, Buckley, Anderson and Collins.

Roll call on Assembly Joint Resolution No. 4:

YEAS—40.

NAYS—None.

EXCUSED—Giunchigliani, Neighbors—2.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:38 p.m.

ASSEMBLY IN SESSION

At 12:47 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Rodgers, Charlie Voos, James Deaver, Boden Bradley, Blaine Pickett, James Grange, Gavin Hertz, David Marshall, Kepa Zugazaga, Adam Kemmerer, Jon Salisbury, Brett Hughes, Brian Coulston, Troy Savary, James Pond, Pete Bradley, Stan Kemmerer, Dan Marshall, Al Pickett, Erika Pickett, Brett Pickett, Marcella Pond, Terri Rodgers, Richard Rodgers, Jackie Jonas, Mitch Grange, Anita Salisbury, Daniel Farris, Bill Farris, Jed Bradley and Sue Bradley.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Enrico Sacchini, Roberta Gardner and Jennifer Block.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 10, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:48 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 10, 1999

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Dick Campbell.

Almighty and most gracious God: it is to You that we look for every good and perfect gift. It is to You that we direct our thanksgiving this day. We give thanks for a night of rest and the beauty of a new day. Be present with us and guide us. Make us aware of the needs of the people and grant us wisdom, compassion and love to serve them in our actions. Bless this Assembly, give them strength and courage to do Your will. We pray in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 314, 336; Senate Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 111, 203, 255; Assembly Bills Nos. 99, 101, 124; Assembly Joint Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 99, 181; Senate Joint Resolution No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 28—Commending the Nevada Board of Medical Examiners for 100 years of dedicated service ensuring that the residents of the State of Nevada receive quality medical care.

WHEREAS, The Nevada Legislature created the Board of Medical Examiners by statute enacted on March 15, 1899; and

WHEREAS, The Board of Medical Examiners has served the residents of the State of Nevada for 100 years, fulfilling its legislative mandate to ensure, as far as possible, that only competent persons practice medicine in the State of Nevada; and

WHEREAS, The Board of Medical Examiners recommended, and the Nevada Legislature enacted, a major revision to chapter 630 of the Nevada Revised Statutes in 1985, creating a modern medical practice act which is a model for the nation; and

WHEREAS, The Board of Medical Examiners has performed its duties in protecting the public health, safety and welfare of its residents as a self-funded regulatory agency of the State of Nevada, at no expense to the taxpayers for 100 years; and

WHEREAS, The present Board of Medical Examiners, composed of nine members, including six physicians and three members of the public, who are all appointed by the Governor, celebrates the 100th anniversary of the Board of Medical Examiners on March 15, 1999; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature do hereby congratulate and commend the Board of Medical Examiners for providing 100 years of dedicated service ensuring that the residents of the State of Nevada receive quality medical care; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Kenny C. Guinn and Arne D. Rosencrantz, President of the Board of Medical Examiners.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Motion carried unanimously.

Senate Joint Resolution No. 10.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblyman Anderson moved that Senate Joint Resolution No. 2 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 136 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.
Motion carried.

Assembly Concurrent Resolution No. 5.
Resolution read.
The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:
Amendment No. 110.
Amend the resolution, page 1, line 9, by deleting "*A*" and inserting:
"*On or after the 60th calendar day of the legislative session, a*".
Amend the resolution, page 1, by deleting line 14, and inserting:
"*waived upon an affirmative vote of two-thirds of all members elected to the Senate and an affirmative vote of two-thirds of all members elected to the*".
Amend the resolution, page 1, line 16, by deleting:
"*a two-thirds vote*" and inserting:
"*an affirmative vote of two-thirds*".
Amend the resolution, pages 1, 2 and 3, by deleting line 19 on page 1, lines 1 through 42 on page 2 and lines 1 through 17 on page 3.
Amend the title of the bill, second line, by deleting "introduction and".
Amend the summary of the bill, first line, by deleting "introduction and".
Assemblywoman Giunchigliani moved the adoption of the amendment.
Remarks by Assemblywoman Giunchigliani.
Amendment adopted.
Resolution ordered reprinted, engrossed and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Lee, Gibbons, Parnell, Von Tobel, Humke, Freeman, Tiffany, Williams, Segerblom, Gustavson, Beers, Claborn, Goldwater, Collins, Manendo, Perkins, Hettrick, Cegavske, Chowning, de Braga, Mortenson, McClain, Koivisto and Parks:
Assembly Bill No. 428—AN ACT relating to taxation; excluding the first five employees from the computation of the tax on conducting a business; and providing other matters properly relating thereto.
Assemblyman Lee moved that the bill be referred to the Committee on Taxation.
Motion carried.

By the Committee on Health and Human Services:
Assembly Bill No. 429—AN ACT relating to public welfare; clarifying the duties of and making various changes concerning the division of health care financing and policy of the department of human resources; making various changes concerning the children's health insurance program; repealing the prospective expiration of the provisions governing the division of health care financing and policy; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 430—AN ACT making an appropriation to Clark County for the establishment of a pilot program to provide guardians ad litem for children who are abused or neglected; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 431—AN ACT relating to the protection of certain persons in commercial transactions; providing additional deceptive trade practices; revising the provisions regulating persons who accept deferred deposits; extending the exemption of workers' compensation benefits from creditors; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 432—AN ACT relating to optometry; revising the authority of an optometrist to prescribe certain therapeutic pharmaceutical agents; authorizing an optometrist to treat persons diagnosed with glaucoma if he holds a certificate issued by the Nevada state board of optometry; requiring the board to adopt regulations that prescribe the requirements for the issuance of such a certificate; authorizing an optometrist to practice under an assumed or fictitious name if the name has been registered with the board; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 433—AN ACT relating to contractors; clarifying that work done by employees and independent contractors for the United States Government, the State of Nevada or certain other governmental entities in this state are exempt from certain provisions governing contractors; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 434—AN ACT relating to the practice of interior design; revising the provisions governing the qualifications of an applicant for a certificate of registration; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Berman, Segerblom, Carpenter, Leslie, Nolan, Beers, Gibbons, Marvel, Price, Ohrenschall, Von Tobel, Manendo, Collins, Parks, Williams, Giunchigliani, Arberry, Bache, Buckley, Tiffany, Hettrick, Brower and Humke:

Assembly Bill No. 435—AN ACT relating to estates in property; imposing certain requirements for the execution of a power of attorney by certain persons; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Berman, Carpenter, Leslie, Nolan, Segerblom, Beers, Gibbons, Marvel, Price, Ohrenschall, Von Tobel, Manendo, Collins, Parks, Arberry, Bache, Buckley, Tiffany, Hettrick, Brower and Humke:

Assembly Bill No. 436—AN ACT relating to children; expanding the rights of grandparents with regard to visitation with a minor child; expanding the factors for consideration by a court in determining whether to grant visitation to grandparents and certain other relatives of a minor child; and providing other matters properly relating thereto.

Assemblywoman Berman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 437—AN ACT relating to vessels; authorizing the administrator of the division of wildlife of the state department of conservation and natural resources to require reimbursement of certain expenses of the division associated with events involving vessels; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 438—AN ACT relating to watercraft; making various changes to the provisions governing abandoned vessels; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 439—AN ACT relating to recreational areas; revising the age and residency requirements for free use of state parks and other recreational areas by certain elderly persons; requiring the collection of an administrative fee for the issuance of a permit for such use; clarifying the authority for the collection of reasonable fees for entering, camping and boating in state parks and recreational areas; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 440—AN ACT relating to recreational areas; authorizing the imposition of a fee upon certain persons who reside in state housing within state parks and other recreational areas; providing that the money raised from such fees may be used only for the repair, maintenance and renovation of such housing; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 441—AN ACT relating to state parks; revising the provisions governing the expenditure of money from the account for the repair and maintenance of state parks, monuments and recreational areas; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 442—AN ACT relating to civil actions; revising the provisions governing certain actions involving constructional defects; revising the statutes of limitations and statutes of repose for certain actions involving constructional deficiencies; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 443—AN ACT relating to the juvenile court; authorizing the juvenile court to require the parent or guardian of a child who is on probation or parole to pay costs associated with the supervision of the child while the child is on probation or parole; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 444—AN ACT relating to city elections; clarifying the application of certain provisions of Title 24 of NRS to city elections; requiring city clerks to publish a notice of the primary city election and general city election; authorizing the governing body of a city to establish the filing fee for candidates for city offices by resolution; eliminating the requirement that the special polling place must be maintained in the office of the city clerk; changing the date by which the city clerk must provide a voting booth for voting absent ballots in the office of the city clerk; prohibiting electioneering around or inside the office of the city clerk during the period for voting absent ballots in the office of the city clerk; changing the requirements for the appointment of members to the ballot board for early voting for a city election; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 445—AN ACT relating to purchasing by local governments; exempting contracts for the purchase of computer hardware and associated peripheral equipment and devices from the requirements for competitive bidding set forth in the Local Government Purchasing Act; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 446—AN ACT relating to the state personnel system; repealing the limitation on the amount of unused sick leave an employee in the public service is entitled to carry forward from year to year; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 447—AN ACT relating to real estate; exempting property managers of certain real estate from certain licensing and permit requirements; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Segerblom (by request):

Assembly Bill No. 448—AN ACT relating to animals; prohibiting an animal shelter from releasing animals for research or experimentation under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Leslie, Gibbons, Brower, Nolan, Anderson, Freeman, Koivisto, McClain, Von Tobel, Manendo and Parks:

Assembly Bill No. 449—AN ACT relating to the public utilities commission of Nevada; providing that an application for an order authorizing the issuance of securities or the assumption of any obligation in respect to any security of another shall be deemed to be granted if not acted upon by the commission within a certain period; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 450—AN ACT relating to the division of minerals of the department of business and industry; requiring the commission on mineral resources to adopt regulations establishing the amount of certain fees imposed for the support of the division; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 451—AN ACT relating to explosives; requiring inspections of certain facilities and places of employment where explosives are produced, used, stored or handled to be conducted jointly by various state and local agencies that are responsible for minimizing the risks posed by those facilities or places of employment; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that the action whereby Assembly Bill No. 451 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman de Braga moved that Assembly Bill No. 451 be referred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 452—AN ACT relating to vehicles; revising the provisions governing the sale of a vehicle as salvage; renaming a certificate of dismantling as a salvage title; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 453—AN ACT relating to motor vehicles; providing that an operator's policy of liability insurance does not satisfy the requirement for liability insurance for a motor vehicle present or registered in this state; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 454—AN ACT relating to controlled substances; revising the penalties for manufacturing or compounding certain controlled substances; authorizing peace officers to destroy materials or substances that they reasonably believe are hazardous waste at the time of seizure of certain substances; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 455—AN ACT relating to the vehicle privilege tax; providing an exemption from the tax for certain vehicles registered by elderly persons; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 456—AN ACT relating to domestic relations; prohibiting a court from awarding custody to or rights to visitation to a parent who is convicted of murder of the first degree for the murder of the other parent of a child; establishing a presumption that custody of a child by a person who has engaged in certain acts of domestic violence is not in the best interest of the child; establishing a presumption that a parent who is convicted of murder of the first degree of the other parent of a child is an unfit parent for the purpose of terminating parental rights; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Parks, Leslie, Koivisto, Bache, Freeman, Tiffany, Cegavske, Hettrick, Manendo, Berman, Gustavson, Gibbons, Williams, Anderson, Goldwater, Segerblom, Giunchigliani, Ohrenschall, Von Tobel, de Braga, Nolan, Angle and Neighbors; Senator Amodei:

Assembly Bill No. 457—AN ACT relating to traffic laws; prohibiting a person from committing certain acts that constitute aggressive driving; providing in certain circumstances for the suspension or revocation of the driver's license of a person who commits certain acts that constitute aggressive driving; providing penalties; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Parks, Chowning, Collins, Manendo, Gibbons, Lee, Arberry, Freeman, Anderson, Williams, Angle, Tiffany, Von Tobel, Neighbors and Leslie:

Assembly Bill No. 458—AN ACT relating to vehicles; authorizing law enforcement agencies to conduct certain inspections for the purpose of

locating stolen vehicles; increasing the penalties for altering or removing the identification number or mark of a motor vehicle or part of a motor vehicle; prohibiting the ownership or operation of premises used for certain acts concerning stolen motor vehicles and parts of motor vehicles; providing penalties; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 459—AN ACT relating to the optional tax on revenues from the rental of transient lodging; revising the provisions governing the expenditure of the proceeds of the tax to benefit public transportation within certain county transportation districts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 460—AN ACT relating to the department of museums, library and arts; requiring the administrator of the division of museums and history of the department to appoint the director of the Nevada state museum; removing certain obsolete provisions; changing the titles of certain employees of the department; authorizing the board of museums and history of the department to establish reasonable fees for certain services; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 461—AN ACT relating to land use planning; authorizing a governing body or planning commission to consider certain criteria in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map with respect to certain tracts of land; removing the limitation on the amount that a governing body may set for the fee for filing a tentative map of division into large parcels; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Buckley, Anderson, Carpenter, Manendo, McClain, Leslie, Koivisto, Claborn, Collins, de Braga and Williams:

Assembly Bill No. 462—AN ACT relating to property; prohibiting a landlord from refusing to accept rent from a tenant in certain circumstances; revising the definition of rent set forth in the Residential Landlord and Tenant Act; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Marvel and de Braga (by request):

Assembly Bill No. 463—AN ACT relating to county government; requiring the board of county commissioners to include in the budget of the county items to cover the expense of maintaining a county museum or historical society; requiring the board of county commissioners to levy a tax on the assessed valuation of the taxable property in the county to support a county museum or historical society; excluding such a levy from the limitation on the total ad valorem tax levy and the maximum amount of money the county may receive from taxes ad valorem; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:49 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Freeman, Parks, Parnell, Mortenson, Von Tobel, Gibbons, Manendo, Ohrenschall, Nolan, Leslie, Price, Koivisto, Humke, Hettrick, Cegavske, Berman, McClain, Collins, Carpenter and Gustavson:

Assembly Bill No. 464—AN ACT relating to controlled substances; providing an additional penalty for committing certain offenses relating to controlled or counterfeit substances on the grounds of a public park; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Tiffany:

Assembly Bill No. 465—AN ACT relating to county commissioners; authorizing more frequent redistricting of county commissioner election

districts in certain counties; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Tiffany:

Assembly Bill No. 466—AN ACT relating to education; providing in skeleton form for the legislative commission to create a subcommittee under certain circumstances to prepare a plan to reconfigure or otherwise address the growth of a large school district; requiring the creation of an advisory committee and technical advisory group to assist the subcommittee; requiring submission of the plan to the legislature for consideration; requiring consideration of such a plan by the legislature; and providing other matters properly relating thereto.

Assemblywoman Tiffany moved that the bill be referred to the Concurrent Committees on Education and Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Goldwater, Buckley, Koivisto and Perkins; Senators Carlton, Coffin, James, Porter, Schneider, Shaffer and Titus:

Assembly Bill No. 467—AN ACT relating to unarmed combat; requiring the Nevada athletic commission to maintain certain records; declaring confidential certain information submitted to the commission; authorizing the commission to grant limited, restricted or conditional licenses; revising the provisions relating to applications for licenses; authorizing the commission to take disciplinary actions against certain persons; revising the powers of the commission relating to hearings; prohibiting perjury; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Arberry, Giunchigliani, Williams and Goldwater; Senator Neal:

Assembly Bill No. 468—AN ACT relating to state employees; allowing state employees to convert a limited amount of accrued sick leave to annual leave under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Goldwater:

Assembly Bill No. 469—AN ACT relating to trusts; enlarging the class of permitted beneficiaries of a spendthrift trust; enlarging the category of

spendthrift trusts to which the law of this state applies; providing a limitation of actions; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goldwater and Buckley:

Assembly Bill No. 470—AN ACT relating to workers' compensation; requiring organizations for managed care that provide medical and health care services to injured employees to create certain written policies and programs to ensure the effectiveness of the managed care provided by the organization; requiring such organizations for managed care to file a report with the commissioner of insurance concerning its provision of medical and health care services; requiring such organizations for managed care to follow certain procedures before denying medical or health care services to an injured employee; requiring such organizations for managed care to provide coverage for medically necessary emergency services without requiring an injured employee to obtain prior authorization for such services; requiring such organizations for managed care to establish a system for resolving complaints of injured employees; prohibiting such organizations for managed care from engaging in certain practices that restrict the actions of a provider of health care; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Humke, Freeman, Gibbons, Brower, Anderson, Angle, Gustavson, Evans and Manendo:

Assembly Bill No. 471—AN ACT relating to taxation; requiring the board of county commissioners of Washoe County to reduce the rate of a certain special motor vehicle privilege tax imposed during a certain period; prospectively prohibiting the board of county commissioners of Washoe County from imposing, levying or continuing the tax after a certain date; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Arberry, Buckley, Goldwater, Mortenson, Parks, Anderson, Dini, Claborn, de Braga, Chowning, Parnell, Koivisto, McClain, Williams, Neighbors, Lee, Thomas, Segerblom and Perkins:

Assembly Bill No. 472—AN ACT relating to the judicial system; increasing the additional salary for longevity paid to a district judge; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 99.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 111.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 181.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 203.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 255.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 101.

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 5.

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to Concurrent Committee on Ways and Means.

Assembly Bill No. 260.

Bill read second time and ordered to third reading.

Assembly Bill No. 268.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 111.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

Amend sec. 4, page 4, line 10, by deleting "legislature; and" and inserting "legislature; ~~[and]~~".

Amend sec. 4, page 4, by deleting lines 11 through 15 and inserting:

"(e) ~~[On or before May 1]~~ *After February 20th but on or before February 25th* of the year following the year in which the economic forum was empaneled, prepare a written report confirming or revising the projections of economic indicators and estimate of future state revenue contained in the report prepared pursuant to paragraph (d) and present the report to the governor and the legislature ~~[.]~~ *; and*

(f) After April 20th but on or before April 25th of the year following the year in which the economic forum was empaneled, prepare a written report confirming or revising the projections of economic indicators and estimate of future state revenue contained in the reports prepared pursuant to paragraphs (d) and (e) and present the report to the governor and the legislature.".

Amend the title of the bill to read as follows:

"AN ACT relating to the economic forum; revising certain reporting dates to the governor and the legislature concerning the projections and estimates of the economic forum; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises certain reporting dates concerning projections and estimates of economic forum. (BDR 31-1373)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 350.

Bill read second time and ordered to third reading.

Senate Bill No.19.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 262 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblymen Perkins and Goldwater.

Roll call on Assembly Bill No. 8:

YEAS—42.

NAYS—None.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblymen Beers, Chowning, Parks, Price, Carpenter and Anderson.

Potential conflict of interest declared by Assemblymen Chowning, Parks, Price and Carpenter.

Roll call on Assembly Bill No. 58:

YEAS—42.

NAYS—None.

Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 283:

YEAS—42.

NAYS—None.

Assembly Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblymen Bache, Anderson, Koivisto, McClain, Von Tobel, Segerblom, Beers, Parnell, Giunchigliani and Parks.

Potential conflict of interest declared by Assemblymen Bache, Anderson, Koivisto, McClain, Von Tobel, Segerblom, Beers, Parnell, Giunchigliani, Arberry, Perkins, Williams, Neighbors and Parks.

Roll call on Assembly Joint Resolution No. 10:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Joint Resolution No. 2:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Assembly Bill No. 136:

YEAS—42.

NAYS—None.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblymen Carpenter and Collins.

Assemblyman Perkins moved that Assembly Bill No. 262 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 174 be placed on the Second Reading File.

Remarks by Assemblyman Goldwater.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 118.

Amend sec. 3, page 2, line 31, by deleting "372" and inserting "374".

Amend sec. 20, page 5, by deleting lines 16 and 17 and inserting: "proceeds collected pursuant to this act only.".

Amend the bill as a whole by renumbering sec. 28 as sec. 29 and adding a new section designated sec. 28, following sec. 27, to read as follows:

"Sec. 28. Section 8A.010 of the charter of Carson City, being chapter 118, Statutes of Nevada 1985, as amended by chapter 16, Statutes of Nevada 1997, at page 42, is hereby amended to read as follows:

Sec. 8A.010 Definitions. Except as otherwise provided in this article or where the context otherwise requires, terms used or referred to in this article have the meanings ascribed to them in chapter ~~[372]~~ *374* of NRS, as from time to time amended; but the definitions in sections 8A.020 to 8A.060,

inclusive, except where the context otherwise requires, govern the construction of this article.".

Amend sec. 28, page 7, line 22, by deleting:

"on July 1, 1999." and inserting:

"upon passage and approval.".

Amend the title of the bill to read as follows:

"AN ACT relating to local governmental finances; authorizing the board of county commissioners of Douglas County to impose a local sales and use tax for libraries, airports, facilities and services for senior citizens and parks and recreational programs and facilities; conforming a similar definition provision in the Carson City Charter; authorizing the board of county commissioners of Douglas County to issue bonds and other securities to fund libraries, airports and facilities and services for senior citizens; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "tax." and inserting:

"tax and conforms similar definition provision in Carson City Charter.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 11, Senate Concurrent Resolution No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Lusk.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to David Costello, Doug Dashiell, Valerie Pooley, Caroline Hilton, Paul Johnson, Mark Shellinger, Carol Merritt Shellinger, Mike Walden, Mike Jennings, Alan Gubler, Bill Smart, Bob Dolezal, Debbie Lani, Brooke Lani and Tyra Olvera.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Floyd Muinor.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Sacco and Katie Ross.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Sheerin.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Perkins, Jennifer Ruth, Karen Cheney, Ellen McMillan, Jose Perez, Charmayne Bitsoie, Amber Leavitt, Lisa Smith, Molly Bundy, Skye Nielson, Leigh Adams, James Briscoe and Dave Leavitt.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 11, 1999, at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:48 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 11, 1999

Assembly called to order at 10:49 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi David Beamis.

Good morning. As we assemble today, may we all call in prayer to our higher universal power. Let us pray that we receive wisdom and guidance in our decisions and votes today.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 340, 353; Senate Bills Nos. 77, 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 10, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 152, 204; Assembly Bills Nos. 25, 80.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 182.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 5.
Resolution read.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted, as amended.
Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 17.
Resolution read.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.
Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen McClain, Manendo, Collins, Claborn, Leslie, Koivisto, Anderson, Evans, Nolan, Beers, Parnell, Tiffany, Freeman, Bache, Giunchigliani, Williams, Parks, Von Tobel, Chowning, Humke, Ohrenschall, de Braga, Perkins, Lee, Neighbors, Mortenson, Segerblom, Gibbons, Buckley, Arberry and Carpenter:

Assembly Bill No. 473—AN ACT relating to juveniles; providing that a juvenile who is taken into custody for committing a battery that constitutes domestic violence must remain in custody for at least 12 hours; revising provisions concerning when a peace officer or probation officer who has taken a juvenile into custody for committing an offense must provide notice to a parent, guardian or custodian and probation officer of the juvenile; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Evans, Perkins, Dini, Arberry, Marvel, Giunchigliani, Hettrick, Beers, Goldwater, Cegavske, Chowning, Parks, de Braga, Price, Leslie, Segerblom, Thomas, Gibbons, Ohrenschall, Von Tobel, Manendo, Buckley, Bache, Parnell, Williams, Anderson, Freeman, Koivisto, McClain, Angle, Gustavson, Claborn, Mortenson, Humke, Lee, Carpenter, Collins, Berman, Tiffany and Neighbors:

Assembly Bill No. 474—AN ACT relating to public health; creating the trust fund for public health; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Assembly Bill No. 363 with Assemblyman Anderson as Chairman of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

Assemblyman Anderson presiding.

Assembly Bill No. 363 considered.

The Committee of the Whole was addressed by Assemblymen Chowning, Perkins, de Braga, Freeman and Mr. Jerry Lewis.

On the motion of Assemblyman Perkins, the committee did rise, and report back to the Assembly.

ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee of the Whole has met and considered Assembly Bill No. 363.

BERNARD ANDERSON, *Chairman*

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks made during the Committee of the Whole be entered in the Journal.

MR. LEWIS:

Thank you, Mr. Anderson. Good morning, ladies and gentleman. I sincerely appreciate the fact that the good Speaker and Sheila Leslie arranged for me to be here today. I think that before I get to AB 363, I would tell you that a comedian always knows when it's just the time to attempt to lighten things up. I have never in my life seen a better time.

So God calls Jesus Christ and says, "We need a martyr. It's imperative that we have a martyr." And Jesus Christ said, "I'll do whatever you say." God said, "You are going to have to make a choice. You are going to be a martyr either on a crucifix or with killer bees." And Jesus Christ said, "In other words, I have a choice." And God said, "That's right." Jesus Christ said, "

I think I would like to go with the crucifix." Because of that decision, for hundreds and hundreds of years, Catholics have been in church on Sunday, crossing themselves, rather than swatting and yelling.

Coming up on Reno Air, the captain tells us that we are at a certain altitude, and then we hear him say, "Take this. I'm going back in the cabin to get a cup of coffee and jump on that new stewardess." We all reacted with shock. We knew he didn't know the microphone was on. Well, the stewardess started to run to the flight deck to tell him that the microphone was on and she slipped in the aisle, falling on her back. A woman leaned over to her and said, "What's your hurry, sweetheart? He's going to have coffee first."

Comedy and tragedy have been synonymous through the ages, as far back as ancient Greece. Comedy and tragedy play a game together when it's productive and when it is meaningful. Tragedy is something we hope never happens to those we care for or to ourselves, for that matter. Assembly Bill 363 is probably the most important bill, I think, ever passed by this body. And I say that because of the following.

Stalking is not unlike Alzheimer's, ALS, and cancer. In fact, stalking is little different. It doesn't let you know when—and you never know how long you've got. Stalking, for the last nine months, has turned my life and that of my seven-year-old, upside down, inside out; into tourniquet like blood-flushing pain and emotions. There is a wacko out there who went before the judge the first time and the judge sent him to a "country club" for six months. He escaped, then came to my house with a gun and threatened my housekeeper. He took the same gun to my office and threatened my staff. He told me on the phone he was going to kill me and my daughter. He was put away for a six-year sentence, but given five months of probation. The judge, no matter who it is, can't read everything that is there. He can't read everything on the docket. The justice system is such that he can't read the details of every case.

Any judge with any sense of what was happening would hardly put this man on probation. While on probation, he held up a bank in San Diego. I guess he figured it was a nice day to break out, lay back, and then hold up a bank. Then they sent him to another "country club," where they gave him medicine and his schizophrenia was dealt with, by drugs. He came up before the same judge for the third time. The judge told him he was going to have to serve the six years, but "we are going to give you the credit for the 1200 days you have already served." So they put him in for three years. He gets out in 140 days.

Is the justice system smart? No. But it is the only system we've got. I have heard that already. I heard that as far back as Franklin Delano Roosevelt; "It's the only thing we've got." How come we have amendments? You need to tell me that everything Thomas Jefferson wrote was perfect? If so, we wouldn't have a First Amendment. Amendment means, I think, "fix."

There is only one way we can beat stalking and it is the way Steven Speilberg beat it in California. They put the guy away for 25 years. Now, when you talk about deterrents, we are talking about something that is a little scary. The maximum in my state, where I live, is six years. Why? Because it got lost in the cracks somewhere. Because some big shot with a billion dollars wants to build a hotel and we have to be sure the water coming from the men's room doesn't get in the way of the other hotels. What kind of legislation is that? We've got stuff that is life threatening.

I brought a psychiatrist from Louisville, Kentucky; one of the most preeminent in the field of wackos and crazy people. He came to my home and he said, "Jerry, after reading three hours of this brief on this stalker, I'm telling you now: the day they let him out, he is coming to kill you and your daughter. And that's irrevocable. He's coming to kill you and your daughter."

Now let me tell you, ladies and gentleman of the Assembly, I have spent $180,000 in a six-week period, keeping my daughter safe. Sending her to school—she's in the first grade—with security. My home looked like Beirut. We had SWAT teams when he escaped. We had helicopters. We had the FBI and Metro. I was praying for him to come to my house. It would have been over.

I am a man who cares so desperately about the human condition that for the last 50 years I have been helping humanity because I think it is something which should be done. Where's my payback? I don't do it to get anything back; I do it out of the love of my heart, for children in trouble. But now, I am in this trouble, and they threaten my seven-year-old daughter, and someone is going to come and kill her? I don't think so.

And what is this? Why is John F. Kennedy killed, this good man? Why is Bobby killed, this good man? Why is Martin Luther King killed, this good man? Well, Jerry Lewis raises a $1,600,000,000 to help children and adults with neuro-muscular disease; let's kill him, too.

So I say to you, ladies and gentlemen, this State of Nevada that I am as proud of as any one of you are, has a maximum sentence of six years for stalking. It must be 25 years. Do we wait until my daughter is dead? Do I come to this Assembly and say, 'Well, he hit her first and I got away." I plead with you as passionately and as unashamedly as I can. Please make Assembly Bill 363 happen, at a 25-year maximum.

I promise if you do this I will find out where you live and I'll come over and do 20 minutes. You can invite some friends to the house; we'll sit around. We will have obsequious drills; we'll do anything you want.

Now, if you think playing these two roles is easy, you're crazy. It is not easy. But when you are conferring with an audience about something as important as this, you can't allow their mind to drift to such a degree that the person they are listening to is another picture in back of their mind. I have grown up with all of you. You have grown up with me. It is you who have given me the joy that I have in my theatrical life. I could have done it without you, but? The passion that I bring here is not something you can call on, it's either there or it isn't. I respect this body, infinitely. I asked, please, to come here and get this done; I am not talking about the end of September sometime. I'm talking about now. Now. Do it. I'll send you Nikes. Do it. You can't imagine the good you will be doing for the people down the street, you, or your children.

The fear, the horror, the terror. My seven year old heard the alarm go off in the house because one of the security officers checked the door. And it's loud. And it's frightening. And she ran and I held her in my arms and I said, "It's alright sweetheart, we have this just in case there is an intruder." And now for five or six weeks, she's had sleepless nights. She's frightened. A child of six or seven is frightened anyhow. They were in that womb for nine months, with warm water, doing nothing but laying around. And then bang, they pull them out of there into a cold room and smack them on the ass. What do you expect? They have fear in their hearts.

I want to bring home to my wife and daughter a sense that there is a chance. I don't think that if you give us AB 363, its going to help my position at all. I would be everything other than what I've always proclaimed if I did not stand here passionately for someone else, coming along and having to face this heinous crime. If I may, I would like to quote John Walsh, who wrote the following: "If another man's child is threatened, and you move not to protect it, then all the children of the world are in jeopardy and you stand as guilty as those who threaten."

CHAIRMAN ANDERSON:

Are there any questions from the members of the body, since we are in a Committee of the Whole? I would ask if there are any questions from the members of the body.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Chairman. Not Mr. Speaker, but Mr. Chairman. First of all, I would like to say that I am totally in support of Assembly Bill 363. I too have had a child that has been the victim of a stalker, both before the stalker going into prison and afterwards. I totally identify with and support you entirely. My question regards the changes to the bill on page 2, line 23, and previously in line 16, "the maximum term to be not more that six" is changed to 15 years.

MR. LEWIS:

That is correct. That is what Assembly Bill 363 reads currently. I think it is wrong. I ask the good Ms. Leslie if I could make the number I think it should be, which is 25.

ASSEMBLYWOMAN CHOWNING:

Mr. Chairman, my question to you is, the bill we have before us makes it a maximum of 15 years rather than 25 years.

CHAIRMAN ANDERSON:

Ms. Chowning let me respond for Mr. Lewis. What Mr. Lewis would be requesting of the committee is to move it from a "B" category felony to an "A" category felony, thus increasing

the statutory limit, which would further amend the bill at line 15, in the third part. This would be his recommendation to the full committee. And we would take that under consideration.

ASSEMBLYWOMAN CHOWNING:
This isn't a question, but a comment. In section 2, on line 3, I do think this is a significant addition to this bill. It requires the initial training that a peace officer takes must include the ramifications and problems of stalking. I think this is an additional improvement and I would like to urge everyone to vote positively for Assembly Bill 363. Thank you Mr. Chairman.

ASSEMBLYMAN PERKINS:
Mr. Lewis, in my paying life, I am a law enforcement officer in an adjacent community to where you live. My question would be, and I tread somewhat lightly, because you aren't supposed to ask questions you don't already have at least an idea of what the answer is. But the bill does change the initial training for peace officers. My question would be, in your experience, primarily with the Las Vegas Metropolitan Police Department, did you see any inadequacies there. Were there things that needed to be corrected?

MR. LEWIS:
Mr. Perkins, I can tell you that my experience with Metro, SWAT, the Sheriff's Office, and all of the people who work law enforcement in Las Vegas, is impeccable. They are, and have been, as far as I am concerned, impeccable in their work; their work ethic; the way they handle things; and their pride in what they do. I am sure there is a bad apple here and there, but we could be talking about the corporate structure at ITT or Xerox. You are always going to have the apple that's choking the growth. We have a tremendous force of men, including the local FBI men, who were all there for me. It wasn't because it was me, it was because it was a man and his daughter in trouble. I don't think that they need any pumping up. They are pretty damn good.

ASSEMBLYMAN DE BRAGA:
Thank you, Mr. Chairman. I too rise in support of this bill. There is absolutely no crime more hideous, even murder, than one that leaves a person in constant fear. My question is, were you notified sufficiently each time this person was released from prison?

MR. LEWIS:
Yes, ma'am. The parole board was very, very strong in their feelings that I should be made aware of everything, which was happening. So, from the time he was put in the first "country club", I was told where he was. When he was moved from that facility to another, we were made aware of that. When he escaped, we were made aware of that. Metro and all the law enforcement officers in Las Vegas were there at my home to be sure we were protected. They always tell us where he is. And I know where he is now. And I know where he is going to be in 151 days. I have two guys in Chicago who would fix this in about 15 minutes—wonderful dreaming.

ASSEMBLYWOMAN FREEMAN:
Thank you, Mr. Chair. I really appreciate this hearing on this particular bill, today. I wanted to ask Mr. Lewis, in his research on this particular issue, if he is satisfied with the way the justice system has handled these kinds of cases, particularly in California.

MR. LEWIS:
I can only tell you that my experience with this kind of problem was my personal relationship with Steven Speilberg. I had known about this and how devastating it had been for him, for only 11 months. The maximum in California is what they gave him, which was 25 years. I know nothing more, other than that.

CHAIRMAN ANDERSON:
Mr. Lewis, I want to thank you again for coming to testify in front of the committee. Again, the committee will continue deliberation on this and other issues in front of us. It is only through concerned citizens, such as yourself, that we do this. Although a Committee of the Whole is an unusual process, I want you to understand, and others, that the reason we took this

bill in such a serious fashion, is because we felt it was necessary for the full membership, rather than just one morning committee, to hear your testimony. We have tried to work with this particular issue in the past. I know you might find it hard to believe we had a very difficult time even getting a stalking law into position. I was here when we first did that. I appreciate you coming forward. It always takes a great deal of courage, I think, to change society from where it is, to where it needs to be and to move it forward. So, we take your warning and advice to heart. I hope we will be able to process the bill. I would indicate to other members of the body that we will take up the bill, with the full committee, tomorrow. Thank you very much, Mr. Lewis.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 475—AN ACT relating to insurance; providing that the materiality of certain acts and omissions of an insured concerning a claim must be determined by the court as a matter of law; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 476—AN ACT relating to insurers; providing in skeleton form for a privilege of confidentiality for certain information obtained during an audit of an insurer to determine its compliance with state and federal law; providing a procedure for the waiver of the privilege of confidentiality; providing in skeleton form for a judicial procedure to determine whether information obtained during an audit by an insurer is subject to the privilege of confidentiality; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 477—AN ACT relating to mobile home parks; requiring a landlord of a mobile home park to remove snow from certain areas of the park; requiring a landlord to trim the trees within the park and dispose of the trimmings from those trees; increasing the fee for a late monthly rental payment; authorizing a landlord to give a discount on the monthly rental payment to a tenant who pays his rent in a timely manner or pays his rent by check, money order or electronic means; prohibiting a tenant from harassing a landlord, manager or assistant manager of a mobile home park, or an employee or agent of a landlord; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Cegavske, Hettrick, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, McClain, Koivisto, Tiffany, Parks, Manendo, Von Tobel, Ohrenschall, Leslie, Goldwater, Brower, Nolan, Beers, Bache, Anderson, Gibbons, Berman, Neighbors, Lee, Buckley, Marvel and Carpenter:

Assembly Bill No. 478—AN ACT relating to alcoholic beverages; increasing the penalty for providing an alcoholic beverage to underage persons; imposing duties on licensed retailers, purchasers and lessees of kegs and other containers of beer; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 479—AN ACT relating to elections; changing the date of the primary election to the first Tuesday in August; changing the date for filing of certain petitions, certificates of nomination and declarations of candidacy; revising the requirements for recounting ballots by hand; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen de Braga, Mortenson, Chowning, Manendo and Ohrenschall:

Assembly Bill No. 480—AN ACT relating to education; providing for an additional distribution of money from the distributive school account for school districts in severe financial emergencies; making an appropriation to White Pine County School District for statewide extension of the NOVA project for adult education; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 481—AN ACT relating to agriculture; eliminating the requirement for the registration of apiaries; eliminating the annual fee for colonies of bees; eliminating the requirement for a permit issued by the division of agriculture of the department of business and industry to transport apiaries, bees, hives, combs or other used apiary supplies in this state; eliminating the requirement for a permit issued by the division to import into this state certain bees, used beehives, honeycombs or appliances; eliminating the requirement for the inspection of certain apiaries of queen bees; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Anderson, Manendo, Leslie, Parks, Freeman, Collins, Claborn, McClain, Koivisto, Ohrenschall and Carpenter:

Assembly Bill No. 482—AN ACT relating to actions concerning property; requiring a contractor to cure a defect in certain homes within a certain period after receiving notice of the defect; eliminating the limitation on the liability of a contractor for constructional defects under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Manendo, Leslie, Parks, Freeman, Buckley, Carpenter, Ohrenschall, Brower, Gustavson, Koivisto, Angle, McClain, Nolan, de Braga, Hettrick and Goldwater:

Assembly Bill No. 483—AN ACT relating to public health; requiring certain persons charged with a criminal offense who may have transferred blood or other bodily fluids to a law enforcement officer, correctional officer or fireman to be tested for the human immunodeficiency virus; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Segerblom (by request):

Assembly Bill No. 484—AN ACT relating to housing authorities; extending their scope of activity beyond housing of persons of very low income; providing exemptions from and payments in lieu of taxes; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Koivisto, Anderson, Manendo, Mortenson, Parnell, Segerblom, McClain, Claborn, Freeman, Bache, de Braga, Parks, Chowning, Williams and Buckley:

Assembly Bill No. 485—AN ACT relating to bail; requiring a bail enforcement agent to notify a local law enforcement agency before taking certain actions against a defendant who is admitted to bail; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goldwater, Lee, Perkins, Buckley, Neighbors, Berman, Gibbons, Marvel, Price, Ohrenschall, Anderson, Freeman, Parnell, Koivisto, McClain, Angle, Mortenson, Humke, Claborn, de Braga, Chowning, Bache, Evans, Leslie, Nolan, Giunchigliani, Arberry, Williams, Collins, Manendo, Parks, Beers, Carpenter, Segerblom, Thomas and Dini; Senators Rawson, O'Connell and Titus:

Assembly Bill No. 486—AN ACT relating to administrative procedure affecting small businesses; providing in skeleton form for a requirement that certain governmental entities consider the impact on small businesses of rules and regulations promulgated by the governmental entity; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Gibbons, Segerblom, Marvel, Cegavske, Beers, Von Tobel and Manendo:

Assembly Bill No. 487—AN ACT relating to motor vehicles; providing in skeleton form that persons convicted of driving under the influence of intoxicating liquor or a controlled substance must display distinctive license plates on certain motor vehicles registered to them; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Gibbons (by request):

Assembly Bill No. 488—AN ACT relating to hunting; prohibiting a person who has received a refund for a hunting license from being denied bonus points for additional chances to obtain a hunting tag; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Gibbons, Segerblom, Goldwater, Marvel, Berman, Hettrick, Cegavske, Humke, Chowning, Beers, de Braga, Von Tobel, Collins, Carpenter, Mortenson and Leslie:

Assembly Bill No. 489—AN ACT relating to occupational safety and health; requiring the administrator of the division of industrial relations of the department of business and industry to establish a section for enforcement and a section for safety and health consultation, education, information and training within the division; requiring those sections to perform certain duties; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hettrick, de Braga, Carpenter, Dini and Parnell:

Assembly Bill No. 490—AN ACT relating to navigable rivers; authorizing under certain circumstances a governmental entity or person to conduct channel clearance of rivers without a permit issued by the division of state lands of the state department of conservation and natural resources; expanding the related provision regarding immunity; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Freeman, Mortenson, Segerblom, Gibbons, Parnell, Thomas, Neighbors, Bache, Lee, Tiffany, Williams, Ohrenschall, Manendo, Koivisto, Arberry, Buckley, Goldwater, Nolan, Evans, Claborn, McClain, de Braga and Angle:

Assembly Bill No. 491—AN ACT relating to insurance; providing in skeleton form for the creation of an external review panel in the division of insurance of the department of business and industry to review denials of benefits or treatment under health care plans; providing in skeleton form a procedure for the appeal of such denials to the review panel; authorizing the division of insurance to establish a schedule of fees to pay for the cost of such appeals; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Humke (by request):

Assembly Bill No. 492—AN ACT relating to drivers' training; providing in skeleton form for the creation of the board of drivers' training and traffic safety; repealing related authority of the department of motor vehicles and safety; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that the vote whereby Assembly Bill No. 492 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblyman Humke moved that Assembly Bill No. 492 be referred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 152.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 182.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 204.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 11, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 20.

Assemblyman Neighbors moved the adoption of the resolution.

Remarks by Assemblymen Neighbors, Collins and Marvel.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 226.

Bill read second time.

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

Amendment No. 132.

Amend section 1, page 2, line 28, by deleting "approval." and inserting: "approval and expires by limitation on July 1, 2009.".

Amend the title of the bill, first line, after "exempting" by inserting "temporarily".

Amend the summary of the bill, first line, after "Exempts" by inserting "temporarily".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 314.

Bill read second time and ordered to third reading.

Assembly Bill No. 336.

Bill read second time and ordered to third reading.

Senate Bill No. 63.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 174:

YEAS—42.

NAYS—None.

Assembly Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Bill No. 260:

YEAS—41.

NAYS—Gibbons.

Assembly Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 268.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 146.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 350:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 19.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 19:

YEAS—42.

NAYS—None.

Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Arberry, Williams, Parks, Collins, Manendo, Ohrenschall, Bache, Segerblom, Neighbors, Buckley, Perkins, Thomas, Gibbons and Anderson:

Assembly Bill No. 493—AN ACT relating to regional planning; providing in skeleton form for various changes to the process of regional planning in certain counties; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 262 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 262.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 115.

Amend sec. 2, page 3, by deleting lines 12 through 16 and inserting:

"when a child is taken into custody, the officer shall ~~[immediately]~~ , *without undue delay, attempt to* notify the parent, guardian or custodian of the child, if known . ~~[, and]~~ *The facility in which the child is detained shall:*

(a) If notification by the officer was not accomplished, notify the parent,".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 2, Senate Bill No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Herman, Alex King and Barbara Waite.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Decker.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Lewis, Marlys Morton, Paula Ford, Sandy Soltz, Candace Young Richey, Thom Reilley, Mark Roberts, Janice Wright and Don Williams.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Slagle.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Mildred Raffeto, Norm Powell, Tod Jennings, Phil Hutchinson, Bob Crowder, Bill Balch, Tim Tatz and Darrel Dunkle.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Viola R. Garrison-Cota and David Q. Beamis.

Assemblyman Perkins moved that the Assembly adjourn until Friday, March 12, 1999 at 10:30 a.m., and that it do so in memory of Joe DiMaggio.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 12, 1999

Assembly called to order at 10:40 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Dick Campbell.

Most gracious God; we humbly pray to You for the people of this nation in general and the citizens of Nevada in particular. Be gracious to us all this day. Especially bless this Assembly as it deliberates on our behalf. May their actions be to Your glory and to the safety, honor and welfare of the people. May their work this day be upon the best and surest of foundations; that peace, happiness, truth and justice may be established among us. Accept now our thanksgiving for Your presence in our lives. We pray in Your Glorious Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 213, 261, 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 11, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 54, 92, 175; Assembly Bills Nos. 108, 115.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 15; Assembly Concurrent Resolution No. 28.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 268 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 374 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

CONSENT CALENDAR

Assemblyman Anderson stated objection to inclusion of Assembly Bill No. 340 on the Consent Calendar.

Assembly Bill No. 340 placed on the Second Reading File.

Assemblyman Anderson stated objection to inclusion of Assembly Bill No. 353 on the Consent Calendar.

Assembly Bill No. 353 placed on the Second Reading File.

Senate Bills Nos. 77, 87.

Bills read by number.

Roll call on Senate Bills Nos. 77, 87:

YEAS—42.

NAYS—None.

Senate Bills Nos. 77, 87 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 227.

Bill read second time.

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

Amendment No. 139.

Amend section 1, page 1, by deleting lines 11 and 12 and inserting:

"2. To secure group health *or life* insurance ~~[or related medical services]~~ for its officers and employees and".

Amend section 1, page 2, by deleting lines 2 through 6 and inserting:

"*been* established in this state ~~[solely to purchase]~~ *to secure* such insurance ~~[or medical services]~~ for its members from an insurer licensed pursuant to the provisions of Title 57 of NRS.

3. In addition to the provisions of subsection 2, participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this state to:

(a) Facilitate contractual arrangements for the provision of medical services to its members' officers and employees and their dependents and for related administrative services.

(b) Procure health-related information and disseminate that information to its members' officers and employees and their dependents.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 85.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 179A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. The revolving account to investigate the background of volunteers who work with children is hereby created in the state general fund.*

2. The director of the department shall administer the account to investigate the background of volunteers who work with children. The money in the account must be expended only to pay the costs of the central repository to process requests from nonprofit agencies to determine whether a volunteer of a nonprofit agency who works directly with children or a prospective volunteer of the nonprofit agency who will work directly with children has committed a sexual offense. The existence of the account to investigate the background of volunteers who work with children does not create a right in any person to receive money from the account.

3. Any money appropriated by the legislature for the cost of investigating the background of volunteers who work with children, any money remaining in the budget account of the director of the department from fees charged by the central repository for criminal investigations at the end of each fiscal year, and gifts, donations, bequests or other sources of money received by the director of the department pursuant to subsection 4, must be deposited in the account.

4. The director of the department may apply for and accept any gift, donation, bequest, grant or other source of money and any money so received is hereby authorized for expenditure in the same manner as other money in the account to investigate the background of volunteers who work with children.

5. The interest and income earned on the money in the account to investigate the background of volunteers who work with children, after

deducting any applicable charges, must be credited to the account. Money in the account remaining at the end of the fiscal year does not revert to the state general fund, and the balance in the account must be carried forward to the next fiscal year.

6. The director of the department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) The procedure by which a person may apply for a grant of money from the account to investigate the background of volunteers who work with children;

(b) The criteria that the department will consider in determining whether to award such a grant of money from the account; and

(c) Procedures to distribute the money in the account in a fair and equitable manner.

Sec. 3. *A state or local governmental agency:*

1. May establish forms and procedures for a person to donate money to the account to investigate the background of volunteers who work with children while the person is transacting business with the state or local governmental agency; and

2. Shall deposit any money received for the account to investigate the background of volunteers who work with children with the state treasurer for credit to the account.

Sec. 4. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"AN ACT relating to the central repository for Nevada records of criminal history; creating a revolving account to pay the costs of the central repository to process requests from nonprofit agencies to determine whether a volunteer of a nonprofit agency who works directly with children or a prospective volunteer of the nonprofit agency who will work directly with children has committed a sexual offense; authorizing state and local governmental agencies to establish forms and procedures for persons to make donations to the account while they are transacting business with the governmental agency; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning background checks of certain persons who work or have applied to work directly with children. (BDR 14-61)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 340.

Bill read second time and ordered to third reading.

Assembly Bill No. 353.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 226:

YEAS—42.

NAYS—None.

Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblymen Parks and Carpenter.

Roll call on Assembly Bill No. 262:

YEAS—42.

NAYS—None.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:02 a.m.

ASSEMBLY IN SESSION

At 11:13 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Von Tobel, Collins, Lee, Thomas, Mortenson, Tiffany, Williams, Arberry, Berman, Neighbors, Segerblom, Cegavske, Marvel, Gibbons, Gustavson, Angle, McClain, Koivisto, Freeman, Anderson, Claborn, Nolan, de Braga, Chowning, Humke and Giunchigliani; Senator Porter:

Assembly Concurrent Resolution No. 29—Directing the Legislative Commission to conduct an interim study on funding for the maintenance of state parks.

Assemblywoman Von Tobel moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 15.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 21.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblymen Humke and Anderson.

Resolution adopted unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 314.

Bill read third time.

Remarks by Assemblymen Leslie, Nolan, Dini, Beers, de Braga, Gustavson, Hettrick and Goldwater.

Assemblymen Perkins, Buckley and Goldwater moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 314.

Roll call on Assembly Bill No. 314:

YEAS—37.

NAYS—Angle, Gustavson, Nolan, Tiffany, Von Tobel—5.

Assembly Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 336.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Assembly Bill No. 336:
YEAS—42.
NAYS—None.
Assembly Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 63 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Parnell, Segerblom, Bache, Neighbors, Williams, Lee, Thomas, Gibbons, Koivisto, McClain, Ohrenschall, Claborn and Manendo:

Assembly Bill No. 494—AN ACT relating to state employees; requiring the personnel commission of the department of personnel to enact regulations that establish a method for establishing work schedules for employees who work in shifts; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By Assemblymen Beers, Goldwater, Nolan, Brower, Leslie, Evans, Cegavske, Hettrick, Perkins, Buckley, Lee, Neighbors, Berman, Gibbons, Price, Ohrenschall, Von Tobel, Manendo, Collins, Parks, Anderson, Humke, McClain, Koivisto, Tiffany, Bache, Giunchigliani and Thomas:

Assembly Bill No. 495—AN ACT relating to taxation; establishing a minimum amount of personal property taxes due for the applicability of provisions requiring the seizure and sale of property to satisfy unpaid taxes and costs; increasing the amount payable to the county assessor for the seizure and sale of such property; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Taxation.
Motion carried.

By Assemblymen Giunchigliani, Beers, Arberry, Parks, Williams, Collins, Manendo, Ohrenschall, Price, Bache, Segerblom, Hettrick, Neighbors, Lee, Buckley, Cegavske, Chowning, Thomas, Goldwater, Dini, Carpenter, Gibbons, Berman, de Braga and Mortenson:

Assembly Bill No. 496—AN ACT relating to crimes; revising the provisions concerning the interception and disclosure of wire, radio or oral communications; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Price (by request):

Assembly Bill No. 497—AN ACT relating to taxation; repealing the business tax prospectively; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Price (by request):

Assembly Bill No. 498—AN ACT relating to crimes; prohibiting certain acts concerning advertising of an entertainment by referral service that is operated by a person who is not licensed or otherwise authorized by the appropriate authority to operate the entertainment by referral service; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Brower:

Assembly Bill No. 499—AN ACT relating to prisons; prohibiting the assignment of certain prisoners who were convicted of driving under the influence of intoxicating liquor or a controlled substance to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Cegavske, Gibbons, Hettrick, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, McClain, Koivisto, Tiffany, Anderson, Parks, Manendo, Von Tobel, Ohrenschall, Price, Leslie, Brower, Nolan, Beers, Buckley, Perkins and Carpenter:

Assembly Bill No. 500—AN ACT relating to traffic laws; requiring a court to order a person who is convicted of a second offense of driving under the influence of intoxicating liquor or a controlled substance within 7 years to attend a program of treatment for the abuse of alcohol or drugs; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Mortenson, Thomas, Tiffany, Freeman, Lee, Segerblom, Gibbons, Manendo, Anderson, Koivisto, Williams, Von Tobel, Humke, Price, Claborn, de Braga, Chowning, Cegavske, Ohrenschall, Parks, Giunchigliani, Arberry, McClain, Beers, Nolan, Evans, Goldwater, Carpenter and Berman:

Assembly Bill No. 501—AN ACT relating to electric utilities; providing in skeleton form authorization for the formation of a consumer group by the governing body of a county or municipality to obtain electric services at competitive prices for residents and small businesses; providing in skeleton form a procedure for the exclusion of residents and small businesses from participation in such a consumer group; providing in skeleton form for cooperative agreements between governing bodies to form such a consumer group; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Angle, Gustavson, Freeman, Parks, Von Tobel, Leslie, Buckley, Nolan, Price, Gibbons, Berman, Humke, de Braga and Mortenson:

Assembly Bill No. 502—AN ACT relating to crimes; prohibiting smoking in all public areas of a store principally devoted to the sale of food for human consumption off the premises of the store; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick; Senator Jacobsen:

Assembly Bill No. 503—AN ACT relating to the department of motor vehicles and public safety; expanding the information that the director of the department of motor vehicles and public safety may release to a licensed private investigator; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hettrick; Senator Jacobsen:

Assembly Bill No. 504—AN ACT relating to taxation; authorizing the board of county commissioners of additional counties to adopt an open-space plan and to impose certain related taxes; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hettrick and Collins; Senators Rhoads and Wiener:

Assembly Bill No. 505—AN ACT relating to elections; creating in skeleton form a presidential preference primary election to occur on the same date as the presidential preference primary elections or caucuses of other western states as part of a coordinated western presidential preference primary election; establishing procedures for the selection of candidates for nomination for President of the United States; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Marvel, Carpenter, Brower, de Braga, Hettrick, Cegavske, Dini and Neighbors; Senators Rhoads, McGinness and Amodei:

Assembly Bill No. 506—AN ACT relating to taxation; providing for a transition from a distribution to local governments of the estimated tax on net proceeds to a distribution based on the actual net proceeds of mines; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Gustavson, Angle, Tiffany, Von Tobel, Marvel, Gibbons, Cegavske, Beers, Hettrick, Humke and Nolan; Senators Washington, O'Donnell, O'Connell, McGinness and Raggio:

Assembly Bill No. 507—AN ACT relating to education; providing in skeleton form for a program of voucher schools; authorizing certain private schools to apply for certification as voucher schools; authorizing pupils to participate in the program of voucher schools; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gustavson, Gibbons, Carpenter, Tiffany, Mortenson, Williams, Berman, Marvel, Von Tobel, Beers, Nolan, Brower, Humke and Angle:

Assembly Bill No. 508—AN ACT relating to local government; requiring a two-thirds vote of the governing body or a majority vote of the registered voters within the jurisdiction of the local government to pass certain ordinances, resolutions or other instruments; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 509—AN ACT relating to animals of the equine species; authorizing a county to gather and sell feral horses; providing for the disposition of the money received from such a sale; authorizing a county to enter into certain cooperative agreements relating to feral horses; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Freeman, Gibbons, Williams and Giunchigliani:

Assembly Bill No. 510—AN ACT relating to local government finance; providing in skeleton form for the revision of provisions governing local government finance; expanding the residential construction tax for parks to include libraries; revising provisions governing impact fees to include construction and renovation of school buildings; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ohrenschall, Carpenter, Buckley, Anderson, Manendo, Nolan, Claborn, McClain, Koivisto, Williams, Price, Gibbons, Neighbors, Parks, Giunchigliani, Beers, Lee, Berman, Arberry and Bache; Senators Shaffer and Care:

Assembly Bill No. 511—AN ACT relating to juvenile courts; revising the provisions governing the supervision of certain juvenile sex offenders who are subject to certain notification requirements; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Manendo, Gibbons, Beers, Price, Collins, Parks, Williams, Giunchigliani, Anderson and Bache:

Assembly Bill No. 512—AN ACT making a contingent appropriation to the City of Las Vegas for a library and community center; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Ohrenschall, Chowning, Carpenter, Nolan, Claborn, McClain, Koivisto, Williams, Price, Gibbons, Neighbors, de Braga, Humke, Lee, Mortenson, Beers, Berman, Giunchigliani, Manendo, Collins, Parks and Bache; Senators Shaffer and Care:

Assembly Bill No. 513—AN ACT relating to civil actions; requiring an uninsured motorist to provide security as a condition precedent to maintaining an action to recover from another person damages resulting from an accident involving his own operation of a vehicle; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Manendo, de Braga and Lee; Senator Shaffer:

Assembly Bill No. 514—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for hearing aids; contingently creating the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen de Braga, Segerblom, Neighbors, Collins, McClain, Chowning, Buckley, Lee, Berman, Gibbons, Price, Ohrenschall, Mortenson, Claborn, Freeman, Evans, Parnell and Koivisto:

Assembly Bill No. 515—AN ACT relating to health insurance; requiring health insurers to provide certain information concerning payment for health care services to an insured or provider of health care upon request; requiring health insurers to reimburse certain specialists with whom they do not have a contract for health care services provided to certain insureds; providing that health insurance provided by the committee on benefits through a plan of self-insurance must comply with certain provisions concerning health insurance applicable to other insurers; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Freeman, Koivisto, Parnell, Bache, McClain, Anderson, Arberry, Ohrenschall, Williams, Parks, Manendo, Gibbons and Price:

Assembly Bill No. 516—AN ACT relating to insurance; requiring a managed care organization to authorize a woman to select an obstetrician or gynecologist as her primary care physician; providing that a managed care organization is liable for damages for harm to an insured under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Freeman, Gibbons, Arberry, Giunchigliani, Williams and Parks:

Assembly Bill No. 517—AN ACT relating to adult persons; revising provisions for their guardianship; providing civil penalties for exploitation of older persons; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Segerblom, Mortenson, Koivisto, Gibbons, Collins, McClain, Parnell, Williams, Lee, Manendo, Carpenter, Goldwater, Brower, Beers, Perkins, Arberry, Giunchigliani, Parks, Ohrenschall, Price, Chowning, de Braga, Anderson, Tiffany, Freeman, Neighbors, Thomas, Humke and Berman:

Assembly Bill No. 518—AN ACT relating to lobbyists; revising the provisions regarding the reporting of expenditures by lobbyists; and providing other matters properly relating thereto.

Assemblywoman Segerblom moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Humke, Buckley, Arberry, Berman, Perkins, Nolan, Beers, Parks, Goldwater, Segerblom, Giunchigliani, Carpenter, Thomas, Anderson, Bache, Freeman, Tiffany, Koivisto, McClain, Claborn, Mortenson, de Braga, Chowning, Gustavson and Angle:

Assembly Bill No. 519—AN ACT relating to children; providing in skeleton form for various changes concerning the division of child and family services of the department of human resources; making various changes concerning juvenile correctional institutions; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 54.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 92.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 175.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Ohrenschall, Manendo, Collins, Parks, Claborn, Mortenson, de Braga, Chowning, Neighbors, Carpenter, Segerblom, Leslie, Tiffany, Nolan, Gibbons and Berman:

Assembly Joint Resolution No. 16—Proposing to amend the Constitution of the State of Nevada to authorize the Legislature to establish a fee to be collected from each person who is convicted of a crime in this state and to authorize the Legislature to establish a formula for the distribution of the money collected from the fee among the community colleges in this state.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 11 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 3. *1.* All lands granted by Congress to this state for educational purposes, all estates that escheat to the state, all property given or bequeathed to the state for educational purposes, and the proceeds derived from these sources, together with that percentage of the proceeds from the sale of federal lands which has been granted by Congress to this state without restriction or for educational purposes and all fines collected under the penal laws of the state are hereby pledged for educational purposes and the money therefrom must not be transferred to other funds for other uses. ~~[The]~~

2. Except as otherwise provided in subsection 3, the interest only earned on the money derived from these sources must be apportioned by the legislature among the several counties for educational purposes, and, if necessary, a portion of that interest may be appropriated for the support of the state university, but any of that interest which is unexpended at the end of any year must be added to the principal sum pledged for educational purposes.

3. The legislature may impose a fee upon each person who is convicted of a crime in this state for the benefit of the community colleges of this state. If the legislature imposes such a fee, it must establish a formula for the distribution of the money collected from the fee among the community colleges of this state in the proportion that the amount of money collected from the

fee imposed in the area served by a community college bears to the total amount of money collected from the fee in this state.

Assemblyman Price moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 520—AN ACT relating to elections; revising the procedure by which independent candidates and candidates of minor parties qualify to appear on the ballot for the general election; revising certain provisions governing challenges to the registration of a voter; reducing the length of the period for early voting; changing the label for unaffiliated voters from "nonpartisan" to "independent"; enacting certain provisions governing the reporting of election results; requiring the county clerks to provide access to the secretary of state to certain voter information; revising the procedure for consolidating precincts and for designating a precinct to be a mailing precinct; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Dini, Perkins, Buckley, Arberry, Evans, Giunchigliani, Parks, Price, Williams, Manendo, Chowning, Koivisto, de Braga, Bache, Ohrenschall, Lee, Neighbors, Thomas, Mortenson, Leslie, Goldwater, Anderson, McClain, Segerblom, Collins, Freeman, Parnell, Claborn, Hettrick, Gibbons, Beers, Marvel, Carpenter, Nolan, Von Tobel, Tiffany and Humke:

Assembly Bill No. 521—AN ACT relating to education; making various changes relating to the discipline of pupils; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 25, 80, 99, 101, 124, Assembly Joint Resolution No. 5; Senate Joint Resolutions Nos. 2, 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Dawn Ponder and Jackie Ponder.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Karl Fendelander and Amanda Urquhart.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Rhea.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Donald J. Stenson.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Stowell.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Dustin Ingold.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jodie Scribner.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay Nelson.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Tommy Inglis.

On request of Speaker Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Clark.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Kyna Conlin.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Slobodanka Postic.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Ross Kohlmoos.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Gunnar Garms and Jobeth Machal.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Tess Wipfli.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Starks.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Monroe.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Swank.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Shull.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Lt. Col. Michael Sweet and Helen Mortenson.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Traci Spencer.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Adriel Wilson.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Martin.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Johnny Deurmeier.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Larissa Works.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Wilson.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Willomott.

On request of Assemblyman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Wilson.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Olivo.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 15, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:26 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 15, 1999

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Price and Lee, who were excused.

Prayer by the Chaplain, Al Fry.

Eternal and Creator God, we pause at this time to acknowledge Your presence with us. You have created us uniquely and specially. Help us to stay more in touch with and live from our strengths than our weaknesses. As these men and women ponder the issues confronting the people of this state may they know that You are the source for their wisdom; that You give them the courage to stand on their convictions; that You give them the love to accept each others differences. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 125, 126, 177; Senate Bills Nos. 215, 217, 238, 250, 278.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Assembly Concurrent Resolution No. 12 be taken from the Resolution File and re-referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Gustavson, Gibbons, Beers, Nolan, Brower, Berman, Von Tobel, Claborn, Mortenson, Humke, Angle and Price; Senator Washington:

Assembly Joint Resolution No. 17—Proposing to amend the Constitution of the State of Nevada to limit the total amount of tax ad valorem on real property and to permit the retention of taxable value on real property until the ownership of the property is transferred.

RESOLVED BY THE ASSEMBLY AND THE SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 10 of the Constitution of the State of Nevada be amended, and that article 10 be amended by adding thereto a new section, designated section 6, to read respectively as follows:

Section 1. 1. ~~[The]~~ *Except as otherwise provided in section 6 of this article, the* legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

Sec. 6. 1. The maximum amount of tax ad valorem that may be levied on real property is 1 percent of the taxable value of the property. This limit does not apply to taxes ad valorem levied to pay the interest and principal of any indebtedness incurred before this section became effective or approved thereafter by two-thirds of the votes cast by voters voting on the question in the taxing district to which it applies.

2. Except as otherwise provided in subsections 3 and 4, the taxable value of real property is 90 percent of the taxable value from which the assessed value for the fiscal year 1995-1996 was calculated but, if the property was not appraised or reappraised for that fiscal year, the taxable value determined by appraisal or reappraisal for a subsequent fiscal year may be appropriately adjusted to determine the taxable value as of the fiscal year 1995-1996.

3. If the ownership of real property is transferred to the extent of one-half or more of the total interest in the property, except a transfer to or between spouses, to or from a separate legal entity of which the transferor is the beneficial owner, or to a child or grandchild of the transferor, the taxable value of the property must be redetermined as of the date of transfer of the property. If new improvements to real property are constructed, except to replace existing improvements destroyed by natural disaster or other casualty, or existing improvements are materially enhanced, the taxable value of the property must be increased by the full cash value of the new improvement or enhancement. If real property is converted to another use, the taxable value of the property must be redetermined after the conversion by appraisal at its full cash value in accordance with the new use of the property.

4. The taxable value of real property must be increased from year to year by the lesser of:

(a) The percent of increase in the Consumer Price Index for All Urban Consumers compiled by the federal Bureau of Labor Statistics for the preceding calendar year, if that index increases; or

(b) Two percent.

The taxable value must be decreased from year to year by the percent of decrease in the Consumer Price Index for All Urban Consumers compiled by the federal Bureau of Labor Statistics for the preceding calendar year, if that index decreases. The legislature shall provide by law for another appropriate method of determining a percentage of increase or decrease in the average annual cost of living if the index specified in this section ceases to be compiled.

5. The legislature may provide by law the circumstances under which:

(a) An owner domiciled in this state who has attained the age of 62 years may replace his principal residence with another of comparable value and transfer to the new residence the taxable value of the old residence for the purpose of limiting the ad valorem tax on the property.

(b) A new improvement may be constructed, or an existing improvement enhanced, without change in the taxable value of real property if the construction or enhancement is appropriate to protect the safety of the occupants or improve accessibility to the disabled.

(c) An owner whose real property is taken by the exercise of eminent domain may replace that property with property of comparable value and transfer to the new property the taxable value of the old property for the purpose of limiting the ad valorem tax on the property.

6. No tax may be imposed on the sale or other transfer of real property which did not exist on the date this section becomes effective.

Assemblyman Gustavson moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Assemblyman Goldwater moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gustavson moved that the vote whereby Assembly Joint Resolution No. 17 was referred to the Committee on Constitutional Amendments be rescinded.

Motion carried.

Assemblyman Gustavson moved that Assembly Joint Resolution No. 17 be referred to the Concurrent Committees on Taxation and Constitutional Amendments.

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 18—Proposing to amend the Constitution of the State of Nevada to authorize the legislature to provide by law for staggered terms for district judges and to provide that a person who is appointed to fill a vacancy in an office for district judge or supreme court justice serves for the remainder of the unexpired term of his predecessor.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 5 of article 6 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 5. *1.* The state is hereby divided into Nine Judicial Districts of which the county of Storey ~~[shall constitute]~~ *is* the First; The county of Ormsby the Second; the county of Lyon the Third; The county of Washoe the Fourth; The counties of Nye and Churchill the Fifth; The county of Humboldt the Sixth; The county of Lander the Seventh; The county of Douglas the Eighth; and the county of Esmeralda the Ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the Districts herein prescribed, and also for increasing or diminishing the number of the Judicial Districts and Judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the Office. At the first general election under this Constitution there shall be elected in each of the respective Districts (except as in this Section hereafter otherwise provided) One District Judge, who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four and until the first Monday of January in the year Eighteen hundred and Sixty seven. After the said first election, there shall be elected at the General election which immediately precedes the expiration of the term of his predecessor, One District Judge in each of the respective Judicial Districts (except in the First District as in this Section hereinafter provided.) The District Judges shall be elected by the qualified electors of their respective districts, and shall , *except as otherwise provided in subsection 2,* hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; Provided, that the First Judicial District shall be entitled to, and shall have Three District Judges, who shall possess co-extensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the Judges in other Judicial Districts, any one of said Judges may preside on the empanneling [empaneling] of Grand Juries and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law.

2. The Legislature shall provide by law for the arrangement of the terms of the District Judges so that an equal number of terms, as nearly as may be, expire every 2 years.

Assemblyman Anderson moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

By Assemblymen Ohrenschall, Gibbons, Price, Williams and Manendo:

Assembly Concurrent Resolution No. 30—Amending the Joint Rules of the Senate and Assembly for the 70th legislative session to require final action and a recorded vote be taken on each legislative measure heard by a standing committee.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Standing Rules of the Senate and Assembly as adopted by the 70th session of the Legislature are amended by the following addition:

CONSIDERATION OF LEGISLATIVE MEASURES HEARD BY COMMITTEES

Rule No. 14.9. Requirement of Recorded Vote on Final Action by Standing Committee.

Each standing committee of the Legislature shall take a final action upon each legislative measure which has been considered during a public hearing by the standing committee. The standing committee shall record the vote of each member of the standing committee on the final action taken on each legislative measure.

Assemblywoman Ohrenschall moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Ohrenschall, Manendo, Gibbons, Beers, Price, Collins, Parks, Williams, Giunchigliani, Arberry, Bache and Freeman; Senator Shaffer:

Assembly Concurrent Resolution No. 31—Directing the Legislative Commission to conduct an interim study of the feasibility and desirability of a statewide health insurance program for residents who are not otherwise able to secure health insurance.

Assemblywoman Ohrenschall moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By Assemblymen Thomas, Goldwater, Carpenter, Segerblom, Gibbons, Berman, Neighbors, Lee, Buckley, Arberry, Giunchigliani, Williams, Parks, Collins, Manendo, de Braga, Ohrenschall, Price, Evans, Humke, Chowning, Mortenson, Claborn, Freeman, Anderson, Beers, Nolan, Leslie, Dini and Von Tobel:

Assembly Concurrent Resolution No. 32—Directing the Legislative Commission to conduct an interim study to develop a comprehensive state energy policy.

Assemblyman Thomas moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 522—AN ACT relating to gaming; revising the provisions governing the location of gaming establishments in residential neighborhoods; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 523—AN ACT relating to domestic violence; providing that a person who commits a battery upon a person to whom he is related by marriage or with whom he has had or is having a dating relationship may not be admitted to bail sooner than 12 hours after his arrest; establishing the amount at which bail must be set if such a person is subsequently admitted to bail in certain circumstances; revising the provisions governing orders for protection against domestic violence; providing that a juvenile who is taken into custody for committing a battery that constitutes domestic violence not be released for at least 12 hours; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of sponsors of Assembly Bills and histories on Senate Bills upon Introduction and First Reading be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 524—AN ACT relating to trusts; expressly validating a trust for the care of an animal; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Evans, Arberry, Goldwater, Giunchigliani, Humke, Dini, Buckley, Segerblom, Nolan, Berman, Perkins, Lee, Claborn, Gibbons, Neighbors, Marvel, Bache, Chowning, Anderson, Freeman, Leslie, de Braga, Parnell, Collins, McClain, Manendo, Koivisto, Thomas, Parks and Ohrenschall:

Assembly Bill No. 525—AN ACT relating to state financial administration; creating the office of financial analysis and planning within

the fiscal analysis division of the legislative counsel bureau; creating a task force for financial analysis and planning; and providing other matters properly relating thereto.

Assemblywoman Evans moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

By Assemblymen Parks, Gibbons, Segerblom, Mortenson, Koivisto, Giunchigliani, Bache, Thomas, Evans, Ohrenschall, Chowning, Collins, Manendo, Williams, Freeman, Claborn, Neighbors, Price and Berman:

Assembly Bill No. 526—AN ACT relating to taxation; increasing the mandatory tax on the rental of transient lodging; providing for the use of the additional revenue for artistic and cultural programs; creating the account for artistic and cultural programs; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Parks, Segerblom, Mortenson, Bache, Giunchigliani, Thomas, Buckley, Ohrenschall, Chowning, Collins, Manendo, Williams, McClain, Claborn, de Braga, Humke, Hettrick, Cegavske, Perkins, Lee, Neighbors, Berman, Gibbons, Marvel and Price:

Assembly Bill No. 527—AN ACT relating to the University and Community College System of Nevada; authorizing the financing of campus facilities required or desired by the master plans at the University of Nevada, Las Vegas, with revenue bonds issued pursuant to chapter 501, Statutes of Nevada 1991; increasing the maximum amount authorized for those bonds; increasing the time within which those bonds may be issued; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Neighbors and Dini; Senator McGinness:

Assembly Bill No. 528—AN ACT relating to local economic benefit; authorizing the creation of nonprofit regional development corporations by local governments in the area adjacent to the Nevada Test Site; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Neighbors, Bache, Giunchigliani, Williams, Lee, Chowning, Collins and Parks:

Assembly Bill No. 529—AN ACT relating to programs for public employees; providing in skeleton form for the revision of provisions relating to group insurance for employees of certain local governmental entities; creating a committee on local government insurance; establishing the duties of the committee; authorizing the committee on benefits to hire certain employees; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Neighbors, Carpenter and Dini; Senators McGinness and Jacobsen:

Assembly Bill No. 530—AN ACT relating to veteran affairs; broadening permissible locations to hold meetings of the Nevada veterans' services commission; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 531—AN ACT relating to foster homes; clarifying and limiting the liability of certain persons who provide foster care for children in their care; limiting the criminal liability of such persons for the truancy of children in their care; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Parnell:

Assembly Bill No. 532—AN ACT relating to occupational diseases; revising the definition of a police officer to include certain personnel of the capitol police division of the department of motor vehicles and public safety for the purpose of qualifying for certain benefits for an occupational disease; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Brower:

Assembly Bill No. 533—AN ACT relating to hospital districts; allowing hospital districts to contract for services provided by a hospital not operated by the district; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 534—AN ACT relating to wildlife; prohibiting the division of wildlife of the state department of conservation and natural resources from charging or collecting a fee for issuing a commercial license for the possession of live wildlife under certain circumstances; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 535—AN ACT relating to public safety; providing in skeleton form for the registration and regulation of facilities that produce and store explosives by the division of environmental protection of the state department of conservation and natural resources; requiring an assessment of risks through analysis of hazards to be conducted at a facility where highly hazardous substances are located when such a substance is newly introduced into the facility; abolishing the requirement that the division establish a schedule for such assessments; providing penalties; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 536—AN ACT relating to public safety; requiring a permit to construct a facility where highly hazardous substances are located; requiring a permit to construct, alter the construction of or modify certain procedures at a place of employment where explosives are located; providing penalties; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 537—AN ACT relating to county commissioners; authorizing additional redistricting of county commissioner election districts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 538—AN ACT relating to land use; requiring a master plan, or any portion of a master plan, adopted by a local governing body to include a safety plan; requiring zoning regulations to comply with certain

federal standards governing the location of facilities where certain hazardous substances are used, manufactured, processed, transferred or stored; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 539—AN ACT relating to the charter of Carson City; providing for a charter committee; increasing the salary of the mayor; revising the restriction on certain city officials engaging in any other business or occupation; making various other changes to the city charter; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywomen Leslie and Buckley:

Assembly Bill No. 540—AN ACT relating to gaming; providing a credit against certain gaming fees for certain gaming licensees who sponsor the construction of affordable housing for persons of low income; requiring the housing division of the department of business and industry and the gaming commission to adopt certain regulations; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 541—AN ACT relating to crimes; prohibiting certain acts relating to the sale, distribution, possession or use of laser pointers; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 542—AN ACT relating to motor vehicles; revising provisions concerning driving under the influence of intoxicating liquor or a controlled substance; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 543—AN ACT relating to firearms; providing that certain lawsuits against a manufacturer or dealer of firearms or ammunition or a trade association related to firearms or ammunition by a governmental entity may be brought only by the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 544—AN ACT relating to domestic relations; requiring a court under certain circumstances to consider the best interest of a child when determining whether to grant permission to a parent to move the child out of this state; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 545—AN ACT relating to district courts; increasing the fees charged by a reporter of a district court; establishing fees for a reporter of a district court who provides an instantaneous translation of testimony into English and a diskette containing the translation; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 546—AN ACT relating to crimes; prohibiting a person from offering or providing remuneration to a common motor carrier for soliciting or recommending patronage for certain businesses; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 547—AN ACT relating to statutory liens; providing that a lien acquired for the storage, maintenance or repair of a motor vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home that is the subject of a secured transaction pursuant to the laws of this state is a first lien in the priority of liens; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 548—AN ACT relating to judgments; providing an exemption from the enforcement of a judgment for certain property of elderly persons; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 549—AN ACT relating to tobacco; prohibiting a person from selling certain products that resemble products made from tobacco; prohibiting a person from selling cigarettes in packages that contain fewer than 20 cigarettes; revising the limitations on the public areas in which cigarette vending machines may be placed; providing that a minor who purchases, possesses or uses tobacco products, or falsely represents his age to purchase tobacco products, is in need of supervision and care or rehabilitation; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 550—AN ACT relating to motor vehicles; revising the provisions relating to the fees for the registration of certain motor vehicles; imposing an additional tax on the special fuel used in the propulsion of certain motor vehicles on the highways of this state; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen de Braga, Anderson, Parks, Manendo and Carpenter:

Assembly Bill No. 551—AN ACT relating to health insurance; revising certain provisions regarding mandatory coverage for certain digestive disorders; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Cegavske; Senator O'Donnell:

Assembly Bill No. 552—AN ACT relating to motor vehicles; establishing provisional drivers' licenses for persons between the ages of 16 and 18 years;

making various changes concerning restricted licenses for pupils in schools, instruction permits and automobile driver education in public schools; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Cegavske moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 553—AN ACT relating to transportation; providing in skeleton form for the distribution of the revenue from certain taxes to the regional transportation commission; requiring the creation of a regional transportation commission in certain counties; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 554—AN ACT relating to local government finance; requiring certain cities and counties to continue to levy and collect certain license taxes which are pledged for the payment of certain bonds and other obligations and to transmit those taxes to the county fair and recreation board; authorizing the pledge of certain license or other excise taxes to the payment of revenue bonds; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Manendo, Koivisto, Bache, Claborn, Mortenson, Goldwater, Neighbors, Leslie, Gibbons, Price, Freeman, Gustavson, Berman, McClain, Buckley, Carpenter, Ohrenschall, Nolan, Perkins, Williams, Chowning, Humke, Evans, Thomas, Segerblom, Collins, Parks, Giunchigliani, Arberry, Anderson, Lee, Brower, de Braga, Dini, Beers, Parnell, Angle, Tiffany, Von Tobel, Marvel, Hettrick and Cegavske; Senators Titus, Wiener, Rawson, Amodei, Care and Washington:

Assembly Bill No. 555—AN ACT relating to charitable annuities; excluding them from the categories of insurance and securities; requiring certain reports; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 556—AN ACT relating to taxation; providing in skeleton form for the establishment of a procedure to amend the certification

of the population of political subdivisions of the state for the apportionment of proceeds from certain taxes; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Beers:

Assembly Bill No. 557—AN ACT relating to common-interest communities; providing a single definition of common elements for all common-interest communities; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Beers moved that the action whereby Assembly Bill No. 557 was referred to the Committee on Taxation be rescinded.

Motion carried.

Assemblyman Beers moved that Assembly Bill No. 557 be referred to the Concurrent Committees on Taxation and Commerce and Labor.

Motion carried.

Assemblyman Perkins moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Segerblom and Price as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Shelley Berkley.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:13 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Shaffer, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Lee, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Coffin and Assemblywoman Evans to wait upon Representative Berkley and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Shelley Berkley, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker welcomed Representative Berkley and invited her to deliver her message.

Shelley Berkley, United States Representative, delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTIETH SESSION, 1999

Thank you, very much, Mr. Speaker. Actually, I had planned to speak about a month ago. I called up to tell the Speaker what day I wished to speak and I got a call back telling me that I could not speak on that day because there was a pecking order. Since I am fourth in Nevada's congressional delegation, I got to come and speak fourth. So, I am very mindful of the fact that everything that needs to be said has been said; just not by everyone that has to say it.

Mr. Speaker, members of the Assembly and Senate, colleagues, guests, and friends, thank you for giving me the opportunity to address you this afternoon. It is a pleasure for me to be with you today to share my vast experience as your representative in Washington—after nine weeks of serving.

When I called a number of you to ask what you would like me to speak about, the issues you suggested were quite diverse, but the one thing you all agreed on was to keep it short. The shorter the speech, the greater the acclaim. I love acclaim, so I promise to keep it short.

I represent an incredible congressional district; there is no other like it in congress. Nevada's Congressional District 1 is the fastest-growing congressional district in the nation. Because of our phenomenal growth, I represent almost twice as many people as anyone else serving in Congress. Congressional District 1 has the fastest-growing school age population, the fastest-growing senior population, the fastest-growing veterans' population in the United States. The demographics of my district determine what issues I concentrate on, what issues are important. The district has a strong economy. It is fueled in large part by one major industry. Our unemployment rate is below the national average of 3.8 percent. We have a service-oriented economy. Our population is booming because of an abundance of jobs. People move to southern Nevada for the same reason my parents moved to southern Nevada: they can obtain employment and support their families. Seniors are pouring into southern Nevada. The easy lifestyle, good climate and relatively low cost of living all converge to make Nevada an attractive place to retire. We have a large percentage of single and divorced working women who have children to raise and care for. We have the highest high school dropout rate in the country and our minority populations are increasing with every passing year.

With the fastest-growing school age population—and the highest dropout rate—education is a major priority. Building more schools and modernizing existing ones is critical. I support federal loan guarantees that would help pay the interest on school bonds issued by local school districts. I am co-sponsoring a bill that would provide $2 billion in federal loan guarantees to build and renovate schools in this country—$78 million has been earmarked for Nevada. With our remarkable school construction program, support for this legislation is critical.

The last Congress allocated resources to hire 30,000 of the 100,000 new teachers needed to lower class size in this country. Southern Nevada received resources to hire over 100 of these new teachers. The Clark County School District will be approximately 700 teachers short for the next school year, so I support allocating the resources needed to hire the additional 70,000 teachers nationwide. Over 200 of those will come to Nevada.

I am co-sponsoring legislation to expand opportunities for school children to participate in after school and summer school programs to give them additional learning time and keep them safe. If we are demanding increased accountability and higher performance standards we had better make sure that we give our schools and our teachers the additional tools to realize these necessary goals. Frequently, it is the very students who need the additional hours of learning after school and during the summer that can least afford to pay for it. If we are serious about ending promotion for the sake of promotion we should be preparing those students who need additional learning so that they can advance legitimately.

Congress just passed an Ed-Flex bill, giving more control of federal dollars to the local schools. I supported this legislation, but what I did before I voted on the bill was call Clark County Superintendent of Schools Brian Cram and brief him on the issues. It is important for me to reach out to those affected by legislation to find out what the impact of federal laws will be on those directly affected by it. I am never more proud of the State of Nevada than when I am discussing education issues with my colleagues in the House. We are the envy of the nation. Nevada is light years ahead of most states because of the vision and commitment of our governors, our legislators, and our citizens. Collectively, the people of Nevada have made education a priority. Congress is first discussing school construction and renovation, improved technology in the classroom, and smaller class size. Nevada addressed these issues a decade ago. We are the shining example my colleagues cite when discussing these essential education needs.

Congressional District 1 has the fastest-growing senior population in the United States, so senior issues are very important to me—issues like social security, medicare and long-term care tax credits. In years to come, we will have a great need for long-term care in this state; therefore, I support a tax credit for families who have long-term care needs.

In December, the President appointed me to the Social Security Commission. There are 50 members on this commission, one-half Republican, one-half Democrat, one-half from the Senate, and one-half from the House. I am one of four freshmen Democrats appointed to help solve our social security crisis.

The social security system is the single most successful social program in history. Its success is what is killing it. When the social security system was created, the average age of mortality in

the country was 67, the retirement age was pegged at 65. There were 15 workers for every 1 retiree. Now, the age of mortality is 77, ten years higher, and there are only three workers for every one retiree. Our population is aging. By the year 2010, the first of the baby boomers, my generation, are going to be reaching retirement age. By the year 2032, the Social Security Trust Fund will be unable to meet its obligations. For the last several years, when this country was running huge budget deficits, our government was borrowing from the Social Security Trust Fund. Now that we are running budget surpluses, I believe we must pay back the money we have borrowed. I am supporting a proposal to dedicate 77 percent of our budget surpluses over the next 15 years estimated at over $4 trillion to protecting social security and medicare. This will have the additional benefit of paying down the national debt from 14 cents of every dollar to 2 cents on the dollar.

Congressional District 1 has the fastest-growing veterans' population in the United States. The needs of our veterans are overwhelming. We have a beautiful new VA clinic, a new hospital, state of the art medical equipment, and a new cemetery. Let me tell you what we do not have—we don't have enough doctors. There are incidences of veterans having to wait up to five months to get a prostate biopsy. We don't have enough nurses, enough medical technicians, and counselors to help those veterans suffering from drug addiction, alcoholism, and homelessness. We don't even have enough equipment and personnel to bury our dead veterans in the cemetery. The White House's flat line budget was an insult to our veterans. I sit on the Veterans' Affairs Committee. Last week I joined with some of my colleagues to call for a $3 billion increase in our veterans' budget but was out voted by those supporting an increase of $1.9 billion. This will hardly make a dent in serving the needs of our southern Nevada vets. What I did was invite the secretary of the Veterans' Administration to come to Nevada and listen to the concerns of our veterans. He will be joining me at a town hall meeting on April 7, 1999.

Congressional District 1 is a district comprised of working families, so issues that affect families are important to me. I am an original co-sponsor of the Patients' Bill of Rights. I support a Patients' Bill of Rights that contains a range of protections, including: access to specialists; access to emergency room services; access to a meaningful, independent and external appeals process; and the right to be compensated when a health plan's decision harms the patient.

Strong, successful families are the backbone of this country and of our great state. In a country as prosperous as ours with the unprecedented economic expansion we enjoy, for us not to share that success with the working families that help make that extraordinary boom possible would be a disgrace, so I support increasing the minimum wage. I also favor strengthening families through tax credits for child care for individual families, for corporations who provide child care for their employees. I also support the elimination of the marriage tax penalty.

Women's issues are very important to me. Again, the demographics of the district determine my priorities in Congress. We have an ever-increasing number of single women, heads of household who work and have children. I am one of 58 women serving in Congress. This session, we will work together to pass a pay equity bill. It is unconscionable to me that nine months before the new millennium we are still discussing the fact that women do not get equal pay for equal work.

Women's health issues are important to me. Early detection and prevention can save thousands of lives each year, ease the pain of hundreds of thousands of older women and save billions of taxpayer dollars. During my campaign I highlighted osteoporosis. It can be prevented with education programs and it can be reversed with early detection. I am co-sponsoring a piece of legislation that I believe will help reverse the ravages of this disease.

As the population of southern Nevada grows, so must its infrastructure. I fought for a seat on the Transportation and Infrastructure Committee. With our phenomenal growth and our chronic need for additional transportation infrastructure in the Las Vegas Valley, the committee assignment was a gem. I sit on the Surface Transportation Subcommittee. All legislation for highways, roads, interstate highways, rail and monorail systems comes before this subcommittee. I also sit on the Oversight Subcommittee which allows me to monitor the funding earmarked for Nevada from last session's TEA 21 legislation. Nevada's nemesis, Congressman Frank Wolf of Virginia, has made noises that he wants to block the funding for the I-15 improvements between California and Las Vegas. Why? Because he claims the only

reason anyone would drive that highway would be to come to Las Vegas to gamble. Well? I am in the ideal position to ensure that his meddling does not become a reality.

The Transportation Committee will be taking up the aviation bill this session. With 30 million visitors coming to southern Nevada every year, the continued enhancement of McCarran Airport is essential to our economic growth and well-being. I will insure southern Nevada gets the necessary legislative language to continue to prosper. My office is in constant contact with McCarran's Aviation Director, Randy Walker, to guarantee that all parties are in the loop when it comes to this important legislation.

There are two issues that are unique to Nevadans—nuclear waste and gaming. I would like to discuss both of them with you now. Nuclear waste—let me talk about the good and the not so good. President Clinton and Vice President Gore have reiterated their position that the administration will veto any legislation that would locate the interim dump at the Nevada Test Site. Two weeks ago, Secretary of Energy, Bill Richardson testified before the Senate Energy Committee that the waste should be stored on site at the nuclear reactor until a permanent solution is developed for its disposal. Congressman Gephardt, the leader of the Democratic Party in the House, wrote a letter to me last week reiterating his opposition to locating the dump in Nevada and offering to support my efforts to derail the nuclear industry's attempts. These are two major victories for Nevada.

The not so good news. HR 45 is scheduled for hearing early next month. The Speaker of the House and the Chairman of the House Commerce Committee are the nuclear industry's primary cheerleaders for shipping the 77,000 tons of waste across 43 states to the Nevada Test Site, hoping I am sure, that Yucca Mountain will be designated the nation's permanent repository for nuclear waste. I have worked very closely with the freshman Democrats and the women in Congress to defeat this bill. But one-on-one conversations and "Dear Colleague" letters cannot compare to the nuclear industry's relentless push for this legislation. I come home every weekend, and I cannot recall a time when a number of my colleagues were not on the plane with me as guests of the nuclear industry. They come to Las Vegas and after a great evening they are helicoptered out to Yucca Mountain. When Nevadans think of Yucca Mountain, we think of groundwater contamination, fault lines, and volcanic activity. I assure you that when this endless parade of pro nuclear congressmen fly over Yucca Mountain, they think of it as nothing more than a desolate donnicker where they can discard their waste. I cannot urge you strongly enough to allocate sufficient state money to immediately begin fighting this public relations battle. Nevada currently does nothing to persuade the men and women of the House and Senate that Nevada should not be the dumping ground for the nations failed nuclear waste policy.

Gaming—the National Gambling Impact Study Commission will complete its two-year-long study in June. Early word is that the commission's report will not be targeting gaming in Nevada. However, we must be ever vigilant to keep the federal government from regulating or taxing the gaming industry. I am constantly educating my colleagues that gaming is an industry like any other. Gaming is to Nevada like cars are to Detroit, oranges are to Florida, and Boeing is to Washington. We are constantly battling with those on the far right who wish to abolish gaming. It is a fight, and it is serious because the economy of Nevada depends on tourist dollars and depends on the success of the gaming industry. The future economic growth of this state will be inhibited if the federal government interferes with the gaming and tourism industry. Gaming in Nevada is well regulated and taxed on the local and state levels; and that is where it should remain.

In my fight to protect casino workers from a tax on their meals at work, I recently held a town hall meeting where Congressman Charles Rangel of New York reiterated that he supports Nevada's position on the meals tax issue. His support will go far in protecting casino employees from this intrusive tax.

I don't have time to talk about Sheriff Keller's need for state-of-the-art technology to help him fight crime or General Moorehead's needs at Nellis Air Force Base for increases in the defense budget. I am working with both of them as well.

I know I have spoken far too long already, but please permit me to touch on two brief issues. One is the higher education budget of this state. There is a disparity in the funding between the southern Nevada campuses and the northern Nevada campuses. As a student at UNLV 30 years ago I knew it; as a member of the UNLV Alumni Association, I lobbied for equity; and as a

regent I fought for it. The time has come—actually the time is long passed—for the regents and the legislature to work together to correct this serious discrepancy in funding. I would urge and welcome anyone to take the lead on this issue. If we succeed in correcting the disparity, there will be plenty of accolades to go around. If we fail to correct this inequity, I promise you there will be ample blame to go around. Quality education is not, and should not be, a partisan issue. Our childrens' future depends on it, and the future of our state depends on our children.

Finally, I would be remiss if I did not say a few words about Richard Bryan and his decision to leave the U.S. Senate. When Dick called to inform me that he would not be running, my response was the same felt by many of you. I told him that as a Nevadan I was heartsick to hear it. He was and is a magnificent public servant, and the state of Nevada will be losing one of its finest. As his friend, I was very happy for him. I told him that I believed he was entitled to a life and that he had made, what I believe is, the right decision for him and his family. He has worked his hardest, done his best, and will retire at the top of his game. He can hold his head high, having earned the respect of his colleagues and his constituents. I applaud Senator Bryan—one of Nevada's finest—and wish him God speed in his decision.

It is a great honor for me to represent southern Nevada in Congress. I am mindful of the responsibility that I have, to work on behalf of all the citizens of Nevada and especially Congressional District 1. I am mindful of the unique opportunity that I have to make a difference in the lives of millions of people across our great nation. I relish the idea of representing my home town in our nation's capital and I endeavor to do my best every day to fulfill my obligation to my constituents. I want to thank you for allowing me the opportunity to speak with you and share this moment with you. I look forward to working with all of you for many years in the future on behalf of the people of Nevada. Thank you all very much.

Senator Carlton moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Berkley for her timely, able and constructive message.

Assemblywoman Koivisto seconded the motion.

Motion carried unanimously.

The Committee on Escort escorted the Representative to the bar of the Assembly.

Senator Porter moved that the Joint Session be dissolved.

Assemblyman Beers seconded the motion.

Motion carried.

Joint Session dissolved at 5:41 p.m.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:41 p.m.

ASSEMBLY IN SESSION

At 5:50 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Beers:

Assembly Bill No. 558—AN ACT relating to mortgage companies; requiring mortgage companies to disclose certain costs to buyers and sellers

of real property; authorizing a seller to rescind contract in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Manendo, Gustavson, Claborn, Angle, McClain, Koivisto, Leslie, Carpenter, Anderson, Segerblom, Chowning, Price, Mortenson, Williams, Gibbons, Parks, Berman, Lee, Freeman, Thomas, Ohrenschall and Evans:

Assembly Bill No. 559—AN ACT relating to driving under the influence of alcohol or a controlled substance; providing penalties for the operation of a vehicle or vessel by a person with 0.08 percent or more by weight of alcohol in his blood if the operation causes damage to the property of another or injury to another; revising the provisions governing when a court is required to order an evaluation to determine if a person is an abuser of alcohol or drugs; increasing the penalty for driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Gustavson, Angle, Marvel, Gibbons, Hettrick, Berman, Neighbors, Cegavske, Humke, Mortenson, Carpenter, de Braga, Dini, Beers and Von Tobel:

Assembly Bill No. 560—AN ACT relating to state financial administration; authorizing the minting of gaming tokens of the State of Nevada; providing for the use of the gaming tokens in gaming establishments; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Gustavson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Angle, Nolan, Manendo, Carpenter, Gustavson, Tiffany, Freeman, Hettrick, Collins, Cegavske, Humke, Mortenson, Claborn and Brower; Senator Washington:

Assembly Bill No. 561—AN ACT relating to prisons; providing in skeleton form for the Director of the Department of Prisons to establish a pilot program for the management of offenders; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Thomas, Giunchigliani, Evans, Goldwater, Buckley, Chowning, de Braga, Mortenson, Claborn, McClain, Koivisto, Parnell, Freeman, Bache, Anderson, Manendo, Ohrenschall, Price, Neighbors, Carpenter, Berman, Segerblom, Beers, Nolan, Leslie and Gibbons:

Assembly Bill No. 562—AN ACT relating to taxation; providing a credit against the tax on personal property to an employer who provides child care for his employees; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Thomas, Giunchigliani, Evans, Goldwater, Buckley, Chowning, Mortenson, Koivisto, Claborn, Bache, Anderson, Manendo, Ohrenschall, Leslie, Parnell and Perkins:

Assembly Bill No. 563—AN ACT relating to land use planning; providing in skeleton form for the establishment of provisions to promote the interspersion of new residential and commercial development in certain established neighborhoods; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thomas, Giunchigliani, Evans, de Braga, Goldwater, Buckley, Chowning, Mortenson, Claborn, McClain, Koivisto, Parnell, Freeman, Bache, Anderson, Collins, Manendo, Ohrenschall, Price, Neighbors, Berman, Lee, Carpenter, Segerblom, Beers, Leslie, Humke and Perkins:

Assembly Bill No. 564—AN ACT relating to programs for recycling; broadening the applicability of provisions regarding the availability of programs for recycling; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Thomas, Goldwater, Carpenter, Segerblom, Berman, Lee, Buckley, Perkins, Chowning, de Braga, Mortenson, Koivisto, Bache, Anderson, Beers, Giunchigliani, Evans, Claborn, Freeman, Collins, Manendo, Ohrenschall, Price, Nolan, Leslie, Neighbors and Parnell:

Assembly Bill No. 565—AN ACT relating to land use planning; providing in skeleton form for the establishment of provisions requiring the dedication of a certain proportion of common open space and common recreational space in certain residential subdivisions in certain counties; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thomas, Giunchigliani, Evans, de Braga, Buckley, Chowning, Mortenson, Goldwater, Claborn, Anderson, Collins, Manendo, Ohrenschall, Price, Leslie, Carpenter and Parnell:

Assembly Bill No. 566—AN ACT relating to land use planning; providing in skeleton form for the establishment of provisions regarding traditional neighborhood developments; establishing incentives for the construction of traditional neighborhood developments; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thomas, Parnell, Goldwater, Carpenter, Segerblom, Marvel, Gibbons, Buckley, Williams, Parks, Ohrenschall, Price, Berman, Collins, Manendo, Lee, Beers, Leslie, Evans, Chowning, de Braga, Mortenson, Neighbors, Claborn, McClain, Koivisto, Perkins, Freeman, Brower and Dini:

Assembly Bill No. 567—AN ACT relating to the business tax; providing an exemption for a business that provides a pass for public transit to its employees; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Thomas, Goldwater, Carpenter, Segerblom, Claborn, Mortenson, de Braga, Chowning, Giunchigliani, Evans, Buckley, Koivisto, Bache, Anderson, Manendo, Ohrenschall, Price, Leslie, Dini and Parnell:

Assembly Bill No. 568—AN ACT relating to the construction of schools; requiring local governments and public utilities to provide necessary services to new sites; providing for the recovery of those costs; and providing other matters properly relating thereto.

Assemblyman Thomas moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Williams and Giunchigliani:

Assembly Bill No. 569—AN ACT relating to zoning; providing in skeleton form for a requirement that a governing body obtain the express written consent of certain owners of land to certain amendments to zoning ordinances, regulations, classifications, restrictions or boundaries; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Chowning (by request):

Assembly Bill No. 570—AN ACT relating to peace officers; revising the provisions regarding the rights of a peace officer during an investigation of his alleged misconduct; repealing the requirement that a peace officer take a polygraphic examination under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 571— AN ACT relating to taxation of receipts from transient lodging; increasing the rate of tax in certain counties; providing for the use of the additional revenue; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 572— AN ACT relating to revenue from taxes on transient lodging; requiring its apportionment in certain counties between attracting visitors and developing recreational facilities for permanent residents; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Humke and Freeman:

Assembly Bill No. 573—AN ACT relating to personal care facilities; revising the provisions relating to the employment of certain persons in certain medical and related facilities; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Humke, de Braga, Ohrenschall, Hettrick, Lee and Segerblom:

Assembly Bill No. 574—AN ACT relating to water controls; requiring that an analysis of water performed as a condition precedent to the transfer of real property be performed by a certified laboratory; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Humke, Tiffany, Bache, Mortenson, Lee, Gibbons, Segerblom and Williams:

Assembly Bill No. 575—AN ACT relating to water; revising the provisions governing the issuance of credits to certain public water systems for the addition of new customers to the systems; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 576—AN ACT relating to school personnel; removing the requirement that a superintendent of schools of a school district be licensed as a school administrator; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 577—AN ACT relating to controlled substances; revising the penalties for possessing marihuana; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Gibbons (by request):

Assembly Bill No. 578—AN ACT relating to traffic laws; increasing the penalty for driving while under the influence of intoxicating liquor or a controlled substance if the person convicted had certain previous convictions at the time of the offense; and providing other matters properly relating thereto.

Assemblywoman Gibbons moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Brower:

Assembly Bill No. 579—AN ACT relating to motor vehicles; making all prior offenses count in determining the penalty for subsequent offenses of driving under the influence of intoxicating liquor or a controlled substance regardless of when the prior offenses occurred; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Angle, Gustavson, Berman, Von Tobel and Gibbons; Senators O'Connell, O'Donnell, Rawson and Washington:

Assembly Bill No. 580—AN ACT relating to public health; requiring certain information to be provided to each woman considering an abortion; requiring the health division of the department of human resources to publish information concerning the significant risk factors linked to breast cancer; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Williams, Manendo, Collins, Von Tobel, Ohrenschall, Parks, Giunchigliani, Arberry, Carpenter, Segerblom, Price, Gibbons and Lee; Senators Amodei and Washington:

Assembly Bill No. 581—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide a week without sales tax on school supplies; contingently creating the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Williams, Chowning, Ohrenschall, Collins, de Braga, Manendo, Parnell, Koivisto, Arberry, Price and Giunchigliani:

Assembly Bill No. 582—AN ACT making an appropriation to the Office of the Attorney General for a statewide training program by the Nevada Network for Domestic Violence; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 583—AN ACT relating to gaming; providing that play is void if gaming device malfunctions; revising the public policy of this state concerning gaming to recognize the value of the proper exercise of business judgment by licensees; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 584—AN ACT relating to taxation; transferring the responsibility for the collection of taxes and fees imposed on certain fuels from the department of taxation to the department of motor vehicles and public safety; providing for the collection of the tax on certain types of motor vehicle fuel at the terminal rack by suppliers of those types of fuel; prohibiting exporters of certain types of motor vehicle fuel from selling or distributing those types of fuel in this state; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 215.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 217.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 238.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 250.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 278.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 213.

Bill read second time and ordered to third reading.

Assembly Bill No. 261.

Bill read second time and ordered to third reading.

Assembly Bill No. 269.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 227, 340, 353; Senate Bill No. 63 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 269 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 6:09 p.m.

ASSEMBLY IN SESSION

At 6:21 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 585—AN ACT relating to insurance; requiring a managed care organization to enter into a contract with a provider of health care to provide a limited service or course of care to an insured under certain circumstances; requiring a managed care organization to allow certain persons to designate a specialist as their primary care physician; providing that a managed care organization is liable for damages for harm to an insured under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 586—AN ACT relating to health care; providing in skeleton form for the establishment of certain requirements relating to medical facilities; requiring the state board of health to enact certain regulations; requiring a medical facility to report certain information to the board; prohibiting a medical facility from taking certain actions against an employee of the facility in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 108, 115, Assembly Concurrent Resolution No. 28; Senate Bill No. 19, Senate Concurrent Resolution No. 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Coyner and Alan Coyner.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Celia Hill and Steve Hill.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Anderson, April Baker, Amber Boyd, Amy Bradbury, Taylor Calderone, Christi Chabot, Katie Clark, Nancy Downey, Tiffanie Echler, Jamie Espinoza, MarJeanne Fields, Jennifer Gibbs, Cassie Gillespie, Chloe Goya, Amber Howard, Jessica E. Johnson, Elizabeth Bree Kasper, Jessica Keenan, Vivian Kvam, Nicole Larson, Miranda Mahe, Crystal Marcin, Kimberly McGuigan, Sheila Menke, Amanda Parman, Neesha Patel, Carol Peterson, Charyl Peterson, Michelle Politano, Barrie Rowe, Mona Shah, Andrea Styer, Katie Sulfrain, Ella Trujillo, Tawyna Webster, Elysia Wells, Amanda Wenzer, Ryann Wilson, Megan Zablah, Nicole Alexander, Alicia Barkus, Kodi Bessert, Valerie Ann Bevans, Meghan Boni, Holly Boyd, Sarah Bratcher, Jamie Bruttomesso, Carina Castillo, Felicia Chabot, Lynn Cowger-Upton, Meghan Dougherty, Katie Elverum, Sarah Gilbert, Mandy Gingrich, Jolena Gonzaliz, Justyne Hardwick, Rachel Hutsell, Tami Johnson, Emily Knox, Jazmin Loveridge, Tiffanie Madden, Catherine Mollart, Elyse Monroy, Bonnie Morgan, Elizabeth Neidert, Amanda Nolte, Emily K. Ortiz, Amanda Perez, Rachel Roach, Kaley Stout, Sarah Sullivan, Cheryl Tullgren, Breanne Valley, Siobhan Weekley, Acacia Welter, Lara Contreras, Crystal Castellanos, Marie Rodriquez, Emily Sealy, Kathryn Rogers and Rachel Coyner.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Judge Peter Breen, Matthew Archer, Kate Black, Charlie Bloomstrom Johnson, Nancy Burrows, Riann Brent, Eric Chamblee, Steven Collier, Maddie Connley, Jake Dunbar, Lindsay Ginter, Mesha Hamlet, Molly Kette, Chris Lugaski, Brad Nash, Ying Quan, Ricco Reghetti Erica Reid, Monica Ruiz, Eliana Shapiro, Alex Shaw, Parker Shonnard, Jason Stamatis, Thomas Swaner, Jarrod Volk, Elizabeth Ward, Baron Beaver, Kyle Breen, Jason Brown, Amanda Casey, Samantha Coonrad, Collin Davis, Gavin Deller, Travis Echevarria, Erin Graney, Jake Hess, Derek Jordan, Jessica King, Conner Klaich, Melissa Kreins, Stephen Lee, Colleen Mullins, Jacques Nolle, Michael Parker, Peter

Phu, Katharine Stanley, Amanda Webster, Cody West and Michael Siebert.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 17, 1999, at 10:30 a.m.

Motion carried.

Assembly adjourned at 6:24 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 17, 1999

Assembly called to order at 10:43 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Al Fry.

Be generous in prosperity, be thankful in adversity. Be fair in judgment and guarded in your speech. Be a lamp unto those who walk in darkness and a home to a stranger. Be eyes to the blind and a guiding light unto the feet of the erring. Be a breath of life to the body of humankind, a dew to the soil of the human heart, and a fruit upon the tree of humility. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 203, 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 390; Senate Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 359 be re-referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 19—Urging the Secretary of the Interior to comply with certain regulations regarding surface mining regulations.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 20—Urging the United States Environmental Protection Agency to reconsider its recent regulatory expansion of the Toxics Release Inventory.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 21—Urging the United States Environmental Protection Agency to reconsider certain proposed regulations for animal feeding operations.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:51 a.m.

ASSEMBLY IN SESSION

At 11:09 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 587—AN ACT relating to state financial administration; authorizing a temporary advance from the state general fund to the Western Interstate Commission for Higher Education's fund for student loans; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 588—AN ACT relating to state purchasing; requiring the chief of the purchasing division of the department of administration to adopt regulations that establishes procedures for the awarding of contracts and the evaluation of proposals; requiring contracts for services that are provided by independent contractors to certain agencies and elected officers to be awarded in the same manner as contracts for services for state agencies are awarded; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 589—AN ACT relating to county officers; increasing the annual salaries of certain elected county officers; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 590—AN ACT relating to the City of North Las Vegas; revising the provisions of the North Las Vegas City Charter regarding the election of city councilmen; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 591—AN ACT relating to state purchasing; requiring the chief of the purchasing division of the department of administration to assess fees for the use of the procurement and inventory services of the purchasing division; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 592—AN ACT relating to the judiciary; revising the formula for the calculation of the pensions of the justices of the supreme court and district court judges; and providing other matters properly relating thereto. Committee

Assemblyman Anderson moved that the bill be referred to the on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 593—AN ACT relating to gaming; providing that a gaming employee who works for his employer in more than one location is not required to obtain more than one work permit; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 594—AN ACT relating to the state fire marshal; clarifying the class of counties in which the state fire marshal may enforce certain laws and regulations and conduct certain investigations; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 595—AN ACT relating to state financial administration; authorizing the supreme court of Nevada to enter into a long-term lease for office space for the court in Clark County which extends beyond the 1999-2001 biennium; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 596—AN ACT making an appropriation to the City of Sparks for the remodeling and renovation of the Sparks Heritage Museum; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 597—AN ACT relating to governmental administration; providing in skeleton form for the revision of provisions governing the construction and financing of school facilities; creating a fund to assist school districts in financing capital improvements; revising provisions governing the review of plans for school facilities; increasing the tax on transient lodging and the real property transfer tax for the support of capital projects of school districts; revising provisions governing the issuance of bonds by the board of trustees of a school district without an election; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 598—AN ACT relating to public works; providing in skeleton form for the revision of provisions governing public works projects; requiring the state public works board to certify persons as experts in accessible design; requiring the submission of plans and specifications for public buildings and facilities to the state public works board to ensure compliance with certain federal requirements; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 599—AN ACT relating to counties; revising the composition of certain county fair and recreation boards; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 600—AN ACT relating to the legislature; providing for an allowance for legislators for the cost of certain communications; increasing the compensation for legislators; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 601—AN ACT relating to taxation; revising the provisions governing the appraisal of real property to include further grouping of parcels and an analysis of discounted cash flow; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 602—AN ACT relating to the taxation of the net proceeds of minerals; postponing the date and eliminating extensions for filing the annual statement of yield and proceeds; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 603—AN ACT relating to land use; requiring the operator of a facility where explosives or highly hazardous substances are used, manufactured, processed, transferred or stored to obtain a conditional use permit from the governing body of the city or county in which the facility is located for the operation of the facility; establishing the procedures for granting such a permit; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 604—AN ACT relating to roads; providing for the creation of districts for the maintenance of roads; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 213.

Bill read third time.

Remarks by Assemblymen Williams, Humke, Koivisto and Evans.

Potential conflicts of interest declared by Assemblymen Humke, Koivisto and Evans.

Roll call on Assembly Bill No. 213:

YEAS—25.

NAYS—Angle, Bache, Berman, Brower, Buckley, Carpenter, Cegavske, Collins, Dini, Evans, Gustavson, Hettrick, Humke, Leslie, Nolan, Perkins, Thomas—17.

Assembly Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 261:

YEAS—41.

NAYS—Gibbons.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblymen Cegavske, de Braga and Freeman.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. Assembly Bill 340 repeals obsolete statutory provisions relating to married women. The bill repeals unnecessary provisions especially related to married women concerning the conveyance of real property, wills, disposition of property, execution of wills, and administration of estates. This measure is effective upon passage and approval. I appreciate your support.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. I rise in support of AB 340. This bill seeks to bring state law into the twentieth century by removing the term "married women" from several areas of statute. At one time in our history it was a commonly held belief that women were incapable of taking care of, or thinking for themselves. Legally, they had the same civil rights as celery.

Sometime in the mid-1980s women began to assert themselves intellectually. This caused the legislature—either through guilt or bewilderment—to attempt to define under Nevada law the few circumstances under which married women might be capable of managing their own affairs. Though well intentioned at the time, these laws make no sense today. There is absolutely no reason to single out one class of people to apply the laws to. We owe a great debt of gratitude to our colleague from District 5 for bringing these inequities to our attention.

In addition to repealing the unnecessary language in sections 111.110, 111.245 and 133.030, we also object to the use of the demeaning suffix "*trix.*" This is in reference to people who execute or administrate, and also happen to be females. Theoretically, *"trix,"* as used in law, *does* mean female. We prefer the generic suffix *"tor,"* which does not mean anything and therefore will not offend anyone.

It has been said, Mr. Speaker, that women who seek to be equal with men lack ambition. That may be so, but we, and that means all the women of the 70th Session of the Nevada Legislature, are willing to settle for equality—this time. Thank you.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker. I have a constituent who will be very happy to hear this bill. She sent me an e-mail the other day stating she and her husband belonged to a managed care corporation. She and her husband are real partners in their marriage: they both work, take care of the kids, etcetera. Recently, they received notice that the insurance company would be taking her name off the policy, leaving her husband's on, because he would be the more responsible party. So, this sort of thing does still occur. I will call her this afternoon and tell her the bill passed. Thank you.

Roll call on Assembly Bill No. 340:
YEAS—42.
NAYS—None.
Assembly Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 353.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 353:
YEAS—42.
NAYS—None.
Assembly Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 63.
Bill read third time.
Remarks by Assemblymen Claborn, Humke and Anderson.
Roll call on Senate Bill No. 63:
YEAS—42.
NAYS—None.
Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess for the purpose of hearing a musical rendition by Mr. Ron James on the bagpipes.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.
Mr. Speaker presiding.
Quorum present.

Mr. Speaker announced that if there were no objections, the Assembly would recess for the purpose of hearing a musical rendition by the West Point Glee Club, conducted by Lieutenant Colonel David Deitrick.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:24 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that the vote whereby Assembly Bill No. 603 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 603 be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 125, 126, 177, Assembly Concurrent Resolution No. 17, Senate Bills Nos. 77, 87, Senate Concurrent Resolution No. 21.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Liston, Chris Case, Jennifer Carnahan, Novella Watson-Lee and Ken Beaton.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Darlene Rubin.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 18, 1999 at 11:00 a.m., and that it do so in memory of Danny Keogh.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 18, 1999

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Al Fry.

Come, let us go up to the mountains of the Lord, that we may walk the paths of the Most High. And we shall beat our swords into plowshares, and our spears into pruning hooks. Nation shall not lift up sword against nation, neither shall they learn war any more. And none shall be afraid for the mouth of the Lord of Hosts has spoken. Give us the wisdom to teach our children to love, to respect, and to be kind to each other, so that they may grow with peace of mind. Let us learn to share all good things that You provide for us on the Earth. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 12, 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 391, 410 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Concurrent Resolution No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 93, 98; Senate Bills Nos. 202, 242, 268, 312.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 125, 232.

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

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Marvel, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 33—Memorializing former Assemblyman Louis W. Bergevin.

WHEREAS, Nevadans were deeply grieved to learn of the death of Louis W. Bergevin on February 19, 1998; and

WHEREAS, Lou Bergevin was born on June 22, 1922, in the old brick hospital on Main Street in Gardnerville and remained a life-long Douglas County resident; and

WHEREAS, After attending Gardnerville Grammar School and Douglas County High School, Lou Bergevin studied mechanical engineering at the University of Nevada, Reno; and

WHEREAS, Lou Bergevin served in the United States Army Air Force ordnance department for 6 years from 1941 to 1946 and was overseas for 3 1/2 years; and

WHEREAS, During his esteemed career in public service, Lou Bergevin served as a member and past President of the Douglas County School Board, as a member of the Nevada State Board of Education for 11 years presiding as President from 1961 to 1970 and as a member of the Nevada Tax Commission from 1970 to 1974; and

WHEREAS, Lou Bergevin received the Cattleman of the Year award in 1971 and was President of the Nevada Cattleman's Association from 1978 to 1979; and

WHEREAS, Lou Bergevin served for 14 years as an Assemblyman from 1979 to 1992, participating in seven regular and three special sessions; and

WHEREAS, During his tenure as an Assemblyman, Lou Bergevin was a member of the Taxation Committee, Chairman of the Committee on Government Affairs in 1985, Chairman of the Legislative Commission in 1985 and 1986, served as Minority Floor Leader for the 1987 and 1989 legislative sessions and Minority Whip for the 1991 legislative session; and

WHEREAS, While serving the State of Nevada as an Assemblyman, Lou Bergevin wrote and helped develop tax measures that protected veterans and senior citizens and urged the passage of a law that required residential construction taxes to be used in the neighborhoods where they were collected; and

WHEREAS, After his years as an Assemblyman, Lou Bergevin and his wife, Luetta Dressler Bergevin, worked together managing the Fred Dressler Ranch, one of Nevada's largest ranching operations owned by the Dressler family; and

WHEREAS, Assemblyman Lou Bergevin is survived by his wife, Luetta, son, Lee Bergevin of Sparks, daughter, Jeanne Russell of Carson City, sister, Lillian, five grandchildren, three step-grandchildren and several nieces and nephews; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature offer their sincere condolences and heartfelt sympathy to the family and friends of Louis W. Bergevin; and be it further

RESOLVED, That Lou Bergevin will long be remembered by his friends in the Nevada Legislature for his wisdom and leadership ability as he helped guide this legislative body through major changes in the Nevada tax system; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lou Bergevin's beloved wife, Luetta, and to his children, Lee Bergevin and Jeanne Russell.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Hettrick, Carpenter, Dini, Humke, Anderson, Bache, Brower, Price and Gibbons.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker and members of this Assembly. Today, we are here with a resolution where we will remember perhaps one of the greatest legislators that I have ever had the opportunity to work with. Lou was a great leader, a very candid person, and I think, perhaps, he was a person who had no agenda for himself.

You can tell from the resolution that Lou was truly a public servant. He did not worry about how popular he was and certainly did not win any popularity contests. Lou was the kind of person, who, if he had something to say, said it. I and Lou used to kid about him, because he was so candid, blunt, and straight to the point. He would be happy to expound on a subject until finally you would say, "Lou, how do you really feel about this?"

We truly miss Lou. We are going to miss his counseling. And I think you can tell what a great family he has raised. I really appreciate the fact that I had an opportunity to know Lou and to serve with him. As a matter of fact, we were both president of the Cattlemen's Association and we served together on the Tax Commission. We were also elected in the same year, in 1978.

I wish to again express my condolences to the family. Thank you.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution. I really didn't know Lou very well. He served before me and preceded me in this seat, but the one thing I learned about Lou very quickly—and I think the one thing everyone who knew him would

agree on—was that if you could say one word that truly described him it would be "respect." Everyone I know that ever dealt with Lou Bergevin respected him. They respected him for the candid way he expressed himself, the knowledge he had—he was an expert in taxation and tax issues—and for being a successful rancher and family man. The list goes on and on. Every single time I think of Lou Bergevin, I think of "respect."

I want to let the family members know that this chair here beside me was for Mr. Ernaut. All of you know him. He served with Lou, served under him as the caucus director when Lou was in charge of it. Pete wanted to be here very, very much, because he so respected Lou. Unfortunately, he had a conflict today and couldn't make it.

Anyone who knew Lou Bergevin might not agree with him every time, he might have made you mad, but there was no doubt when it was all said and done, you had respect for him and he for you. He wouldn't hesitate to tell you where he stood.

I just think of the world "respect." He was a great guy and a great man who will be missed. My condolences to the family. I'm glad we are doing this to recognize Lou.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of ACR 33. I think that Lou was kind of my mentor here in the Assembly. I had known him for many years as a leader of our livestock industry. He was a great leader. I will always remember that he stood up for rural Nevada and the livestock industry.

When I came to the Assembly, because we had a bond before, he guided me through many rough waters. I always respected him for that. Lou was a power here. If Lou Bergevin did not agree with it, you probably weren't going to get it through the Assembly. I learned that very early on. What I remember about him the most was that he was a great gentleman and his word was absolutely his bond. I, too, want to express my condolences to his family and thank them for letting Lou serve with us.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I certainly rise in support of the resolution we have before us today. I had the privilege of serving with Lou. Those were mighty years that we were here in the 80s and 90s, trying to develop policies and work on matters. He is most remembered, in my opinion, because of his efforts on taxation and water law. You didn't want to argue water one inch, because he would get you. He knew the stuff backwards and forwards. I think he was responsible for us being able to go through the 80s and 90s in a responsible manner on taxation because of his wisdom. He gained that wisdom by serving with the Tax Commission, the State Board of Education, the school board. He knew local government. He knew the problems that we had throughout the state.

He was a rancher and a businessman. You have to go a long way to find a man of that character in our state. He and I had a bond in the Masonic fraternity that was very strong. We didn't go to lodge together but he understood the principles that we're based on and he lived his life based on those principles, every day. He was a straight shooter. I remember having problems when he was Minority Leader and I was Speaker. We went to the office and talked it over and worked it out. And that is the way we did business. We did business with a handshake. You didn't have to have a letter of understanding or a memorandum and all the stuff you do nowadays—just a handshake and work it out.

I want to relay my condolences again to the family. I was very honored that they asked me to do his eulogy at his services. I am honored to have served with Lou and to know the family. We wish you all the best. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Madam Speaker pro Tempore. I rise in support of ACR 33 as well. My respects and condolences to his family members who I see present. It is not difficult to find additional words to express. I will just try to emphasize some of the words that have already been spoken. When the Minority Leader said that Mr. Bergevin commanded respect, it was because of the nature of the person that he was. He commanded respect through his substance and every fiber of his being.

I would like to elaborate on the remarks of the Speaker. The substance of this man was just

incredible. It has been spoken to about his knowledge of taxation, education, agriculture—specifically the livestock industry—the government affairs process, and water issues. All are broad, huge topics. I will try to illustrate the extent of Lou's knowledge for the newer members. If you think of the 10 legislators around here with the greatest expertise in water, for example, and then you look around the process and find the 10 or 20 lobbyists with the greatest knowledge and expertise in water, and then you look around the executive branch of state government and the private sector and find the 10 best experts there, you would have Lou Bergevin. That was the depth of his knowledge and expertise.

It was difficult to match him in any of those subjects that others have named here. I also need to say some words about the fact of his warmth, something that Mr. Ernaut referred to and has seen. Certainly, Lou's family members saw this. You might go through a period of 10, 20 or 30 years before you might really get to know him. He appeared to have a gruff exterior, and he would always tell you candidly what he thought of you, your ideas, your necktie, whatever. Once we got to know him, though, he was a father to many of us. That is the man I respect and do miss. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I would feel bad to sit idly by here and not have the opportunity to speak to the manner of man Lou Bergevin was, having had the opportunity to serve with him. Always having heard the legend of Mr. Bergevin long before arriving here, my expectations were met and exceeded. Most importantly, not unlike my colleague from Assembly District 33, the quality of the man rested in the number one concern—what is good for the people of the State of Nevada. You knew when Lou spoke that that was what was going to be the final outcome—not what was good for me, but what was good for everybody. So, recognizing that as the bottom line, he cared about kids, and anyone who cares about kids can't be all bad. Thank you, very much, Madam Speaker pro Tempore.

ASSEMBLYMAN BACHE:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of ACR 33. Like my colleague from Sparks, I only had the 1991 session where I was able to serve with Mr. Bergevin. It was a pleasure serving with him. I learned a great deal from him in the Assembly Government Affairs Committee and enjoyed it quite often when, in Government Affairs, to the great consternation of the chairman at that time, he would engage in a three-cornered argument with former Assemblyman McGaughey and the late Bob Kerns. It was always a pleasure listening to those debates and discussions on issues.

One of the things I remember most is that when Lou felt passionately about an issue, you knew it on the floor. The one issue that stuck in my mind is one that still comes up occasionally. He would address the issue of one-party consent wiretaps, something he was adamantly against because he had some personal experience with that. I appreciated how he addressed those issues on the floor. He will be missed.

ASSEMBLYMAN BROWER:

Thank you, Madam Speaker Pro Tempore. I, too, rise in support of ACR 33. I never met Lou Bergevin. I simply rise to note that amongst all the great things and accomplishments listed in the resolution, is the fact that Mr. Bergevin was a veteran of World War II. We are losing the men and women who served this country and this world during that great war, every day. Fortunately, we are lucky to have a couple of them with us in this body. Those men and women are my heroes, they always will be. We must never forget the sacrifices they made for this country and the world at large. I would simply urge this body to remember that fact of Mr. Bergevin's life, along with all the other great things that have been mentioned today. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. It is certainly my honor and pleasure to have been able to serve with Lou Bergevin during his 14 years here with us at the legislature. Everything that has been said this morning was so true about Lou. He was the ultimate in what we describe in our body as a "citizen's legislator." He was a man whose heart was strong, and he always did

the right things. You could discuss and argue matters beyond separate sides. That is what we are all about, and that is what Lou was about. He always was there for the good of this state, the good of his industry, and the good of the people.

I was fortunate that in the very first year that I began on the Taxation Committee, Lou and I started together. That is where I got the education that I have today. He was so extremely knowledgeable in all of those areas. Like many Nevadans and folks from other areas, I was certainly saddened to lose Lou and felt for his family—who are joining us here today. He was a fine Nevadan and a fine legislator. His passing is a loss to our state, but it is to our gain, many times over, to have had Lou Bergevin serving in this body for those 14 years that he did.

ASSEMBLYWOMAN GIBBONS:

Thank you, Madam Chair. I rise in support of this resolution honoring a great man, Mr. Bergevin. I served with Mr. Bergevin in 1991 for about three months; my husband served with him for several terms. We had a great respect and admiration for him. In 1991, when I was appointed to serve in Jim's seat, during the war, I guess the Republicans were worried about me; they didn't really know what I was going to do down here. A bill would come up and Mr. Bergevin would give a thumbs up or down sign to me. I have noticed that Mr. Marvel has taken over Mr. Bergevin's old spot. I don't ask for help and I still get thumbs up or down signals. That is what I will always remember about Mr. Bergevin. He really was a great guy and made me laugh a lot, also. Thank you.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. A couple of lighter issues come across my mind. When we had a new Democratic governor, who was inaugurated here and gave the State of the State, I saw Lou walking out towards the Governor's Mansion. I won't mention this governor's name but he is in the United States Senate today. Lou said, "I have to go over there and straighten this guy out. This young whippersnapper doesn't know a thing about taxes in this state." That is just a little bit on the light side.

If you remember last week, I brought the cowbell from home. Lou used to make those in his shop. If you were a friend of his, he would give you one of those. That was the kind of friendship we had together. If you noticed today, when you were called down to the floor, we were ringing the cowbell. We will remember him for a long time around here.

Resolution adopted unanimously.

Assemblyman Marvel moved that all rules be suspended and that Assembly Concurrent Resolution No. 33 be immediately transmitted to the Senate.

Motion carried unanimously.

Madame Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:40 a.m.

Mr. Speaker presiding.

Quorum present.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 34—Requesting the return to the Assembly from the Governor's office of Assembly Bill No. 108 of this session.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 34 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 11.

Assemblyman Perkins moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Concurrent Resolution No. 21 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 605—AN ACT relating to public works; revising the duties of the manager of the state public works board; authorizing the manager of the board to charge fees for certain services; authorizing the manager of the board to delegate certain powers; clarifying that the board is the final authority to review certain plans and conduct certain inspections with regard to construction on certain buildings; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 606—AN ACT relating to local financial administration; establishing the severe financial emergency fund; authorizing the executive director of the department of taxation to loan money from the fund to a local government in severe financial emergency under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 607—AN ACT relating to the state fire marshal; transferring certain duties of the state fire marshal to local fire protection authorities in certain circumstances; revising certain obsolete references; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 608—AN ACT relating to peace officers; expanding the applicability of certain provisions relating to relations between local governments and public employees to include certain additional peace officers; expanding applicability of certain provisions relating to occupational diseases to include certain additional peace officers; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 609—AN ACT relating to the state board of architecture, interior design and residential design; providing for the annual renewal of a certificate of registration issued by the board to certain business organizations and associations; requiring the secretary of the board to keep an official register of such certificates; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 610—AN ACT relating to interior design; providing in skeleton form for the exemption of certain practices from regulation by the state board of architecture; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 611—AN ACT relating to ethics in government; revising the provisions governing the financial disclosure statements of certain public and judicial officers; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 612—AN ACT relating to administrative procedures; revising the provision regarding the procedure upon the refusal of a state

agency to revise an administrative regulation objected to by the legislative commission; declaring that a certain regulation will not become effective; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 613—AN ACT relating to elections; clarifying when a registered voter may sign certain petitions; revising the prohibition against a person being a candidate if he makes certain changes in his political party affiliation; changing the date by which candidates of minor political parties and independent candidates must file their petitions of candidacy with the county clerks for verification; clarifying that an elector who has moved from one congressional district to another may vote on election day under certain circumstances; shortening the time within which a registered voter may file a written challenge to a person's right to vote; changing the date of the primary city election for certain cities; making various revisions concerning campaign disclosure reports; revising provisions concerning county initiatives and referendums; specifying the time within which a public officer who is subject to recall may resign without a special election being conducted; specifying the time within which a person who has signed a petition to recall a public officer may request that his name be stricken; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 614—AN ACT relating to elections; making various provisions for access to and use of polling places and absent ballots by voters who are disabled, elderly or unable to go to polling places; increasing the residency requirement for a candidate from 30 to 90 days in his district; requiring a candidate to be an actual, as opposed to constructive, resident of his claimed residence; creating a task force to review and recommend revisions and consolidations of the statutes of this state regarding elections; making various changes to election procedures; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 615—AN ACT relating to elections; authorizing certain special elections to be conducted by mail; revising provisions governing the recall of public officers; revising various provisions governing the circulation

of petitions and verification of signatures on petitions; revising various deadlines and procedures relating to the filing and amendment of applications to register to vote, petitions, challenges, lists of candidates and reports of campaign contributions and expenditures; prohibiting the solicitation of certain contributions; revising certain provisions governing the testing of mechanical voting systems; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 616—AN ACT relating to crimes against property; increasing the penalty for certain crimes involving an unauthorized, forged or counterfeit trade-mark or design; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 617—AN ACT relating to crimes; providing an affirmative defense under certain circumstances for a defendant who is charged with the crime of knowingly failing to provide child support or spousal support; making various changes concerning such a crime; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 618—AN ACT relating to writs of habeas corpus; authorizing certain persons to petition for a post-conviction writ of habeas corpus on behalf of a real party in interest under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 619—AN ACT relating to prisons; clarifying the authority of the board of state prison commissioners to review the actions and decisions of the director of the department of prisons; clarifying the authority of the director to administer the department and to direct the work of employees of the department; authorizing the director to review and approve

any other employment of employees of the department; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 125.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 202.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 232.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 242.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 268.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 312.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 34.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 72.

Amend section 1, page 1, by deleting lines 6 through 8 and inserting:

"*license plates for the support of the natural environment of the Mount Charleston area using any colors that the department deems appropriate.*".

Amend section 1, page 1, by deleting lines 14 and 15 and inserting:

"*of license plates for the support of the natural environment of the Mount Charleston area, the department*".

Amend section 1, page 2, by deleting lines 5 through 13 and inserting:

"*be combined with license plates for the support of the natural environment of the Mount Charleston area if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the natural environment of the Mount Charleston area pursuant to subsections 3 and 4.*

3. The fee for license plates for the support of the natural environment of the Mount Charleston area is $35, in addition to all other applicable registration and".

Amend section 1, page 2, line 18, by deleting:

"*preservation and restoration of the*".

Amend section 1, page 2, line 19, by deleting "*Wilderness*" and inserting "*area*".

Amend section 1, page 2, line 21, by deleting:

"*preservation and restoration of the*".

Amend section 1, page 2, line 22, by deleting "*Wilderness.*" and inserting "*area.*".

Amend section 1, page 2, line 25, by deleting:

"*preservation and restoration of the*".

Amend section 1, page 2, lines 26 and 27, by deleting:

"*Wilderness of the Toiyabe National Forest*" and inserting "*area*".

Amend sec. 3, page 3, lines 36 and 37, by deleting:

"*preservation and restoration of the*".

Amend sec. 3, page 3, line 38, by deleting:

"*Wilderness of the Toiyabe National Forest*" and inserting "*area*".

Amend sec. 3, page 4, line 4, by deleting:

"*preservation and restoration of the*".

Amend sec. 3, page 4, line 5, by deleting "*Wilderness* " and inserting:

"*area, including, without limitation, programs to improve the wildlife habitat, the ecosystem, the forest, public access to the area and its recreational use,*".

Amend sec. 3, page 4, line 7, after "*agencies*" by inserting:

"*and political subdivisions, including, without limitation, unincorporated towns,*".

Amend the title of the bill by deleting the second and third lines and inserting:

"support of the natural environment of the Mount Charleston area; imposing a fee for".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for issuance of special license plates for support of natural environment of Mount Charleston area. (BDR 43-101)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Von Tobel, Perkins, Bache, Anderson, Carpenter and Gibbons.

Amendment adopted.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 73.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. NRS 482.265 is hereby amended to read as follows:

482.265 1. The department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or power cycle, and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The director shall have the authority to require the return to the department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The department shall not design, prepare or issue a special license plate unless, within ~~[4]~~ *2* years after the date on which the measure authorizing the issuance becomes effective, it receives at least ~~[250]~~ *1,000* applications for the issuance of that plate.".

Amend sec. 4, page 4, line 10, by deleting "2003," and inserting "2001,".

Amend sec. 4, page 4, line 11, by deleting "250" and inserting "1,000".

Amend the title of the bill, fourth line, after "plates;" by inserting:

"revising the conditions under which special license plates may be issued generally;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Collins, Chowning, Segerblom, Giunchigliani, Brower, Carpenter, Williams and Perkins.

Assemblymen Perkins, Giunchigliani and Williams moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 73 to Assembly Bill No. 27.

Amendment lost.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 203.

Bill read second time and ordered to third reading.

Assembly Bill No. 253.

Bill read second time and ordered to third reading.

Assembly Bill No. 270.

Bill read second time and ordered to third reading.

Assembly Bill No. 390.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 34.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Muth.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Drew, Frances Weber and Andrew Melo.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Alishahi, Stanley Bettencourt, Nicholas Brooks, Kaitlyn Burke, Caitlin Carrington, Cherie Eliot, Qhudsia Fatima, Kevin Fredericks, Cory Goble, Lydia Gutierrez, Travis Healy, Andrew Jayankura, Michael Laperia, Michael Linsoott, Ana Montoya, Tyler Price, Shelby Sato, Charles Thompson, Jonathan Vergara, Ryan Brown, Jeremy Bushard, Nichole Bushman, Weigia Chai, Heather Faanes, Shelby Henderson, Brett Holihan, Molly Johns, Alexander Kahl, Jessica Kahl, Mara Kanbergs, Tyson Lokke, Rachel Macks, Brittany Millard, Elizabeth Palmquist, Ricardo Paredes, Kevin Perez, Nicholas Phillips, Kaitlan Polkinhorn, Nusrath Rahman, Spencer Shea, Christopher Sinnett, Kristen Spencer, Ashlley Varralla, Ryan Walker, Trever Zaldain, Jessica Aguiar, Cory Barr, Cuyler Beatty, Brittani Youngker, Elisa Bohdan, Adam Chagnon, Jacob Claflin, Christine Coffman, Billy Cope, Sydney Corlett, Jessica Halman, Erika House, Justin Jeffers, Spencer Keck, Josh Kerr,

Randall Krause, Megan Lee, Justin Marler, Megan Ortiz, Cameron Ortiz, Cameron Owens, Edgar Portigal, Bennett Priest, Don Ryan, Megan Tuttle, richard Van, Crystal Villareal, Kyle Walker, Terrence Williams, Mrs. Stamey, Mrs. Linde and Mrs. Williams.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Colin Duncan.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Luetta Bergevin, Lee Bergevin, Jeanne Russell, Sharon Bergevin, Erin Bergevin, Greg Curry, Matt Russell and Todd Russell.

Assemblyman Perkins moved that the Assembly adjourn until Friday, March 19, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 19, 1999

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Gibbons, Koivisto and Price, who were excused.

Prayer by the Chaplain, Al Fry.

Lord, make me an instrument of Your peace. Where there is hatred—let me show love. Where there is injury—pardon. Where there is doubt—faith. Where there is darkness—light. Where there is sadness—joy. O Divine Master, grant that I may not seek so much to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, it is in dying that we are born to eternal life. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 462, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 31, 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 33.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 300.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 233.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 24.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblyman Carpenter.

Assemblyman Carpenter requested that his remarks be entered in the Journal.

Although it is certainly not in vogue as part of the current environmental movement to even remotely suggest that any of man's activities might be of benefit to wildlife, the records clearly document that agricultural development in Nevada beginning in about 1860, and continuing through the present day, resulted in a greater abundance and diversity of wildlife in Nevada than was ever known before. Ranching and farming continue to provide very important habitat components that are critical to the future survival of many individual animal species, in addition to maintaining a diversity of wildlife to which many of us have become accustomed. Wildlife in the state has not increased in spite of farming and ranching, it has increased because of these activities.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 620—AN ACT relating to traffic laws; revising the provisions concerning the certification of certain devices used to test the intoxication of a person; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 621—AN ACT relating to the central repository for Nevada records of criminal history; requiring certain agencies of criminal justice to submit various records to the central repository for Nevada records of criminal history; authorizing the central repository to disseminate information contained in the central repository by electronic means; revising the provisions concerning the unlawful possession and use of certain records; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 622—AN ACT relating to the judiciary; increasing the benefits provided to the surviving spouses of justices of the supreme court and district judges; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 623—AN ACT relating to district courts; providing for an additional judge in the fifth judicial district; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 624—AN ACT relating to civil practice; removing a provision that specifies that an oral application or written motion for attorney's fees does not affect a final judgment or the time for an appeal; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 625—AN ACT relating to public records; requiring a governmental entity to make certain public records in its custody available to a person to inspect, copy or prepare an abstract or memorandum therefrom in certain circumstances; describing the types of public records that a person may not inspect or copy and from which a person may not prepare an abstract or memorandum; authorizing a governmental entity to charge certain fees before providing copies of certain public records; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 626—AN ACT relating to emergency management; expanding the authority of the division of emergency management of the department of motor vehicles and public safety, the governor and local organizations of emergency management to respond to emergencies and disasters; authorizing the governor and the legislature to declare disasters; revising the composition of the board of search and rescue; requiring the coordinator of search and rescue to be an employee of the division of

emergency management; expanding the membership of the committee on training in search and rescue; and providing other matters properly relating thereto.

Assemblyman Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 627—AN ACT relating to the department of transportation; requiring the department to establish fees for authorizing the use of trade-marks and symbols that identify individual enterprises on certain directional or informational signs and for providing information concerning commercial attractions; revising certain fees for providing information to the members of the general public; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 628—AN ACT relating to public transit; exempting a common motor carrier that operates a public transit system which provides nonemergency medical transportation to certain persons from the requirement of obtaining a certificate of public convenience and necessity under certain circumstances; authorizing a regional transportation commission to establish or operate a public transit system that provides nonemergency medical transportation to certain persons under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 629—AN ACT relating to justices' courts; providing that in certain counties the board of county commissioners may determine whether to increase the number of justices of the peace when the population of a township provides for such an increase; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 630—AN ACT relating to the residential construction tax; including areas for organized amateur sports in the types of facilities for

which money from the tax may be expended; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 233.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 300.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 198.

Bill read second time and ordered to third reading.

Assembly Bill No. 215.

Bill read second time and ordered to third reading.

Assembly Bill No. 318.

Bill read second time and ordered to third reading.

Assembly Bill No. 391.

Bill read second time and ordered to third reading.

Assembly Bill No. 410.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 631—AN ACT relating to the state legislature; establishing certain limitations on the drafting of requests for legislation; authorizing the appointment of committees to conduct certain activities before the commencement of a regular session; making various changes regarding expenditures from the legislative fund; repealing the provisions requiring the submission of joint resolutions to the governor for approval; clarifying references to certain standing committees; revising the duties of the legislative counsel regarding administrative regulations; making various changes regarding the dissemination of certain budgetary information; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 27 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 203:

YEAS—39.

NAYS—None.

EXCUSED—Gibbons, Koivisto, Price—3.

Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 253:

YEAS—39.

NAYS—None.

EXCUSED—Gibbons, Koivisto, Price—3.

Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 270:

YEAS—39.

NAYS—None.

EXCUSED—Gibbons, Koivisto, Price—3.

Assembly Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 390.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Assembly Bill No. 390:

YEAS—39.

NAYS—None.

EXCUSED—Gibbons, Koivisto, Price—3.

Assembly Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 96.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 96:

YEAS—39.

NAYS—None.

EXCUSED—Gibbons, Koivisto, Price—3.

Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 5 of the 69th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Vice-Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 93, 98; Senate Bill No. 63.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Debi Duchesne.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Buck Lee, Kelly McAlester and Marilyn Lee.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Biagi, Lucero Castillo, Lindy Champion, Garrett Clayton, Tyler Davies, Alyssa Diaz, Cody Dodson, Heidi Flansberg, Daniel Garcia, Ian Gentner, Mackenzie Groth, Alex Herme, Michael Johnson, Kate Lauer, Jory McCulley, Dominic Morimoto, Bandla Niketh, Ericka Parra, Kevin Peck, James Pelz, Maria Peregrina, Cori Reeves, Danielle Rumbaugh, Dillon Schiff, Nicholas Six, Samantha Smith, Garret Truesdale, Alissa Watson, Alejandra Alvarado, Analee Anderson, Karen Scott, Pat Lutz, Corey Bracht, Molly Champion, Teryn Cortez, Daine Eichenberger, Dana Foltz, Arnulfo Garcia, Ben Henningsen, Ruby Herman, Keltie Hickenbottom, Tahni Holmes, Isaac Holt, Nathan James, Michelle Kop, Logan Kuhlman, Jordan Miller, Michael

Miller, Alyssa Perez, Joey Russell, Jessica Schwartzenberger, Ashleen Stocke, Helen Delallana, Chris Stieber, Holly Cole and Laurie Miller.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 22, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 22, 1999

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Price, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

O God, the fountain of all wisdom, whose will is good and gracious, and whose law is truth: We beseech You so to guide and bless our representatives in the Assembly of this state, that they may enact such laws as shall please You, to the glory of Your name and the welfare of Your people. In Your Holy Name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Vice-Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 11, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 19, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 23, 45, 68, 73, 83, 104, 105, 120; Senate Bills Nos. 46, 47, 281, 282.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills No. 22, Amendment No. 104, Assembly Bill No. 24, Amendment No. 105, Assembly Bill No. 55, Amendment No. 80, Assembly Bill No. 79,

Amendment No. 124, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 199.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 35—Directing the Legislative Commission to conduct an interim study concerning the evaluation of sex offenders by panels.

Assemblyman Manendo moved that the resolution be referred to the Committee on Elections, Procedures and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 632—AN ACT relating to professions; making various changes to provisions governing architects, registered interior designers and residential designers; providing that certificates of registration for such professions must be renewed annually; deleting certain obsolete provisions concerning the state board of architecture, interior design and residential design; increasing the civil penalty that may be imposed by the board; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 633—AN ACT relating to contractors; establishing a program for the issuance of a license in an expedited manner; establishing a fee; establishing an inactive status for a contractor's license; authorizing the state contractors' board to prescribe a fee; increasing the amount of certain fees that the board may charge; providing for notification to the board by a surety within a certain time after an action is commenced by or against the surety; providing for service of process and notice of certain actions; amending certain requirements for a hearing if the board summarily suspends the license of a contractor; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 634—AN ACT relating to contractors; providing in skeleton form for the establishment of a special investigations unit;

expanding the grounds for disciplinary action against a contractor; authorizing a special investigator or the executive officer to issue written citations under certain circumstances; authorizing the state contractors' board to impose administrative fines for violations of various provisions; providing a process for contesting the issuance of a written citation; amending various provisions concerning constructional fraud; requiring certain persons to submit fingerprints to the board; amending provisions governing advertising; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 635—AN ACT relating to insurance; providing for the regulation of captive insurers; establishing requirements for licensure in this state as a captive insurer; establishing minimum required amounts of capital and surplus that must be maintained by a captive insurer; providing for a premium tax; exempting licensed captive insurers from certain taxes; authorizing the commissioner of insurance to adopt regulations; prohibiting a captive insurer from transacting insurance without a license; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 636—AN ACT relating to contractors; establishing an account from which owners of a single-family residence who are damaged by the failure of residential contractors to perform qualified services adequately may recover certain costs; requiring a residential contractor to pay to the state contractors' board a fee for the account upon the issuance or renewal of a license; revising provisions authorizing the board to take disciplinary action against licensees; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 637—AN ACT relating to the charter of the City of Las Vegas; revising provisions governing the description of the territory of the City of Las Vegas; placing the city auditor under the direction and supervision of the city council; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 638—AN ACT relating to state financial administration; providing for the recording in the central accounting system of this state of certain revenue receivable by a state agency; providing criteria for the approval by the state controller of the availability of such revenue for payment from the state treasury; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 639—AN ACT relating to purchasing by local governments; increasing under certain circumstances the threshold for the size of a contract that is subject to the requirements concerning the advertisement of contracts and solicitation of bids; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 640—AN ACT relating to cities; prohibiting certain cities from annexing only a portion of an individual lot or parcel of land; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 641—AN ACT relating to land use planning; authorizing certain cities and counties to represent themselves with respect to certain matters involving the use of federal land; authorizing certain cities and counties to bring and intervene in actions with respect to certain activities of federal agencies and instrumentalities; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 642—AN ACT relating to cities; authorizing the establishment of special districts in incorporated cities to defray the cost of acquiring, improving, equipping, operating and maintaining certain projects within the district; providing for the levy of assessments within such a

district to pay those costs; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 643—AN ACT relating to courts; revising the procedure for granting trials anew for certain matters that have been arbitrated; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 644—AN ACT relating to obligations for the support of children; revising provisions concerning the notice to withhold income sent to the employer of a person alleged to be liable for child support; providing that all payments made pursuant to an order for the assignment of income for the payment of child support be made to the welfare division of the department of human resources or its designated representative for appropriate disbursement; repealing a provision that requires a recipient of a payment of child support to provide notice of his receipt of such payment to certain persons; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 645—AN ACT relating to Nevada Revised Statutes; making technical corrections to inappropriate or inaccurate provisions; clarifying ambiguous provisions; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 646—AN ACT relating to gaming; changing the deadline for collection of the annual excise tax on slot machines; clarifying a provision governing the issuance and expiration of a manufacturer's, seller's or distributor's license; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 647—AN ACT relating to crimes; authorizing a person entitled to possession of property that has been stolen or embezzled and is in the custody of a law enforcement agency to claim such property; increasing the time within which a law enforcement agency must return property evidencing a crime to the person who is entitled to possession of the property; revising the provisions governing removal of property received in pledge by a pawnbroker; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 648—AN ACT relating to actions concerning persons; authorizing the attorney general to represent a justice of the peace or municipal judge under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 649—AN ACT relating to older persons; removing certain obsolete provisions concerning certain protective services for older persons; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 650—AN ACT relating to judicial process; authorizing the supreme court to establish rules governing the electronic filing, storage and reproduction of documents filed with various courts; providing a procedure for holding a person liable for failing to appear in court as provided in an electronic citation issued to the person; authorizing certain peace officers and other persons to issue certain electronic citations and to file such citations electronically with a court or traffic violations bureau; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 651—AN ACT relating to gaming; making various changes relating to the manufacture, sale and distribution of gaming devices

and associated equipment and inter-casino linked systems; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 652—AN ACT relating to state financial administration; creating the trust fund for health programs; creating the Nevada scholarship trust fund; creating the legislative committee on expenditures relating to tobacco settlements; creating an advisory group to assist the committee; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 653—AN ACT relating to peace officers; requiring a peace officer to reimburse his state employer for the cost of training at a law enforcement training academy under certain circumstances; authorizing a state employer of a peace officer to recover the cost of training from the paycheck of an employee under certain circumstances; requiring the personnel commission of the department of personnel to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 654—AN ACT making an appropriation to Clark County for the support of the Greater Las Vegas Inner-City Games; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 655—AN ACT relating to education; extending the prospective expiration of the advisory committee for the statewide automated system of information concerning pupils; revising provisions governing the payment of the expenses of the members of the advisory committee; making appropriations to the Department of Education for the statewide automated system of information concerning pupils; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 656—AN ACT making a supplemental appropriation to the Division of Insurance of the Department of Business and Industry for additional expenses relating to projected salaries, travel and operating costs; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 657—AN ACT making a supplemental appropriation to the Department of Motor Vehicles and Public Safety for additional operating expenses of the Nevada Highway Patrol Division; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 658—AN ACT making a supplemental appropriation to the Division of Parole and Probation of the Department of Motor Vehicles and Public Safety for additional anticipated expenses; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 659—AN ACT making an appropriation to the Office of the Governor for the support of statewide AmeriCorps programs; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 660—AN ACT relating to the office of the governor; removing the employees of the office of the governor from the classified and unclassified service of the state; requiring the governor to adopt certain rules and policies and determine the salaries and benefits of the employees of the office of the governor; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 661—AN ACT making a supplemental appropriation to the Department of Motor Vehicles and Public Safety for the payment of a stale claim for a health insurance premium; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 662—AN ACT making an appropriation to the Division of Agriculture of the Department of Business and Industry for an imported fire ant survey; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 663—AN ACT relating to state financial administration; revising the provision governing the reversion of the appropriation made during the 68th session of the Nevada Legislature to the Tricounty Railway Commission of Carson City; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 664—AN ACT relating to the state public works board; requiring the board to notify the governor if a member of the board fails to attend three successive meetings of the board; requiring the governor to replace such a member for the unexpired term of the member; requiring the board to appoint a chief financial officer for the board; prescribing his powers, duties and qualifications; requiring that at least two members of the board must have a comprehensive knowledge of the principles of administration and a working knowledge of the principles of engineering or architecture; abolishing the position of deputy for administrative, fiscal and constructional services; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 665—AN ACT relating to psychologists; authorizing a person to provide psychological services to an offender at an institution of the department of prisons pursuant to a contract entered into by his employer and the department of prisons without obtaining a license to practice psychology; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 666—AN ACT relating to pari-mutuel wagering; revising the prohibition against rebates and incentives under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 667—AN ACT relating to tobacco; requiring all manufacturers of tobacco products sold in this state to participate, directly or through escrow, in the settlement of certain liabilities made between certain manufacturers and this and other states; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 668—AN ACT relating to taxation; making various changes in the assessment of property for taxation; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 669—AN ACT relating to gaming; revising the provisions governing the imposition of the casino entertainment tax on certain service charges; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 670—AN ACT relating to courts; providing that the provisions governing the establishment of a department of family, youth and

juvenile services apply to a county whose population is 100,000 or more; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Bill No. 671—AN ACT relating to elections; providing in skeleton form for clarification that certain provisions governing elections apply to a voting district as well as a precinct; revising provisions prohibiting candidacy under certain circumstances; providing exceptions to the prohibition against creating or otherwise changing election precincts under certain circumstances; changing the period that unused ballots must be held by the county clerk; changing the information required for an application to register to vote; requiring a county clerk to assign a certain voter registration number to a registered voter; requiring certain petitioners to have a petition verified; changing the procedure for filing certain reports; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

By the Committee on Constitutional Amendments:

Assembly Bill No. 672—AN ACT relating to public lands; providing a civil remedy and a criminal penalty for certain acts; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 673—AN ACT relating to service contracts; requiring a person who issues service contracts to obtain a certificate of registration from the commissioner of insurance; establishing the requirements for the contents of such contracts; prohibiting a person from requiring the purchase of a service contract as a condition for the approval of a loan or the purchasing of goods; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 674—AN ACT relating to commercial transactions; providing in skeleton form for the establishment of provisions regarding the use of digital signatures; authorizing the secretary of state to adopt

regulations regarding digital signatures; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 675—AN ACT relating to hazardous materials; providing certain persons with immunity from liability for certain contaminated property; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 676—AN ACT relating to real property; revising the provisions relating to certain loans secured by liens on real property; revising the provisions relating to the licensing and the operation of certain mortgage companies and mortgage brokers; establishing licensing requirements for certain mortgage agents and requiring such agents to pay certain fees; prohibiting various acts by mortgage companies, mortgage brokers and mortgage agents; providing for administrative sanctions and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 677—AN ACT relating to motor carriers; limiting the duty of the transportation services authority to impound vehicles that are in passenger service without a certificate of public convenience and necessity; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 678—AN ACT relating to the department of motor vehicles and public safety; authorizing the use of digital images on drivers' licenses and identification cards; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 679—AN ACT relating to the department of motor vehicles and public safety; creating the motor vehicles branch and the public safety branch within the department; abolishing the registration division and drivers' license division of the department and transferring their duties to the motor vehicles branch of the department; and providing other matters properly relating thereto.

Assemblywoman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 36.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 24.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 24.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted unanimously.

By the Committee on Constitutional Amendments:

Assembly Joint Resolution No. 22—Proposing to amend the Constitution of the State of Nevada to create an intermediate appellate court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 6 and sections 1, 4, 7, 8, 11, 15, 20 and 21 of article 6 of the Constitution of the State of Nevada be amended to read respectively as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the legislature may provide by law. If the number of judges is so increased, the supreme court shall provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this state at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial judges must be elected by the qualified electors of this state at the first general election following the enactment of this section. The initial terms of the judges must be staggered so that at least one judge serves for an initial term of 2 years, at least one for 4 years and at least one for 6 years. The initial judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this state at the first general election following the increase for a term beginning on the first Monday of January next after the election. The legislature shall provide for an initial term of 6 or fewer years for each additional judge so that one-third of the total number of judges, as nearly as may be, is elected every 2 years. If the number of judges is

increased by more than one, the additional judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill.

3. The chief justice of the supreme court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years and may succeed himself. The chief judge may resign his position as chief judge without resigning from the court of appeals.

4. The supreme court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.

Section 1. The Judicial power of this State ~~[shall be]~~ *is* vested in a court system, comprising a Supreme Court, *a Court of Appeals,* District Courts ~~[,]~~ and Justices of the Peace. The Legislature may also establish, as part of the system, Courts for municipal purposes only in incorporated cities and towns.

Sec. 4. *1.* The supreme court ~~[shall]~~ *and the court of appeals* have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. *The legislature shall fix the jurisdiction of the court of appeals and, where appropriate, provide for the review by the supreme court of appeals decided by the court of appeals.* The *supreme* court ~~[shall]~~ *and the court of appeals* also have power to issue writs of *mandamus, certiorari,* prohibition, *quo warranto* ~~[,]~~ and *habeas corpus* and also all writs necessary or proper to the complete exercise of ~~[its appellate]~~ *their* jurisdiction. Each ~~[of the justices shall have power to]~~ *justice of the supreme court and judge of the court of appeals may* issue writs of *habeas corpus* to any part of the state, upon petition by, or on behalf of, any person held in actual custody ~~[,]~~ *in this state* and may make such writs returnable ~~[, before himself]~~ *before the issuing justice or judge* or the ~~[supreme court,]~~ *court of which the justice or judge is a member,* or before any district court in ~~[the]~~ *this* state or ~~[before]~~ any judge of ~~[said courts.]~~ *a district court.*

2. In case of the disability or disqualification, for any cause, of ~~[the chief justice or one of the associate justices]~~ *a justice* of the supreme court, ~~[or any two of them,]~~ the governor ~~[is authorized and empowered to designate any]~~ *may designate a judge of the court of appeals or a* district judge ~~[or judges]~~ to sit in the place ~~[or places of such]~~ *of the* disqualified or disabled justice . ~~[or justices, and said judge or judges so designated shall receive their]~~ *The judge designated by the governor is entitled to receive his* actual expense of travel and otherwise while sitting in the supreme court.

3. In case of the disability or disqualification of a judge of the court of appeals, for any cause, the governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge that the governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.

Sec. 7. The times of holding the Supreme Court , *the Court of Appeals* and District Courts ~~[shall]~~ *must* be as fixed by law. The terms of the Supreme Court ~~[shall]~~ *must* be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in ~~[the]~~ *this* state. *The terms of the Court of Appeals must be held at the place provided by law.* The terms of the District Courts ~~[shall]~~ *must* be held at the County seats of their respective counties unless the Legislature otherwise provides by law.

Sec. 8. *1.* The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State ~~[,]~~ *of Nevada* and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided ~~[,]~~ or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of Justices of the Peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases in which appeals may be taken from Justices and other courts. The Supreme Court, *the Court of Appeals,* the District Courts ~~[,]~~ and such other Courts ~~[,]~~ as the Legislature shall designate ~~[, shall be]~~ *are* Courts of Record.

Sec. 11. The justices of the supreme court , *the judges of the court of appeals* and the district judges ~~[shall be]~~ *are* ineligible to any office, other than a judicial office, during the term for which they ~~[shall]~~ have been elected or appointed; and all elections or appointments of any such judges by the people, legislature ~~[,]~~ or otherwise ~~[,]~~ during said period ~~[,]~~ to any office other than judicial ~~[, shall be]~~ *are* void.

~~[Sec:]~~ *Sec.* 15. The Justices of the Supreme Court , *the Judges of the Court of Appeals* and *the* District Judges ~~[shall]~~ *are* each *entitled to* receive for their services a compensation to be fixed by law and paid in the manner provided by law, which ~~[shall]~~ *must* not be increased or diminished during the term for which they ~~[shall]~~ have been elected, unless a Vacancy occurs, in which case the successor of the former incumbent ~~[shall]~~ *is entitled to* receive only such salary as may be provided by law at the time of his election or appointment; and provision ~~[shall]~~ *must* be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the supreme court , *the court of appeals* or among the district judges, the governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the commission on judicial selection.

~~[2. The]~~ *Except as otherwise provided in subsection 2, the* term of office of any justice or judge so appointed expires on the first Monday of January following the ~~[next]~~ *first* general election ~~[,]~~ *that is held at least 12 calendar months after the date on which the appointment was made. At that general election, a justice or judge must be elected to fill the remainder of the term.*

2. If the date on which the appointment was made is within the 12 calendar months immediately preceding the expiration of the term of the vacated office, the term of office of the justice or judge appointed pursuant to subsection 1 is the remainder of the unexpired term of office.

3. Each nomination for the supreme court ~~[shall]~~ *or the court of appeals must* be made by the permanent commission, composed of:

(a) The chief justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

4. Each nomination for the district court ~~[shall]~~ *must* be made by a temporary commission composed of:

(a) The permanent commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or , if it fails to do so , the *supreme* court shall provide by rule, for the

appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~[shall]~~ *must* be appointed when a vacancy occurs, and their terms ~~[shall]~~ expire when the nominations for such vacancy have been transmitted to the governor.

7. An appointing authority shall not appoint to the permanent commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

8. After the expiration of 30 days from the date on which the commission on judicial selection has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, such commission shall serve as the permanent commission established by subsection 3 of this section.]~~

Sec. 21. 1. A justice of the supreme court, *a judge of the court of appeals,* a district judge, a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the commission on judicial discipline. Pursuant to rules governing appeals adopted by the supreme court, a justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or , if it fails to do so , the *supreme* court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the commission may impose;

(b) The grounds for censure and other disciplinary action that the commission may impose, including, but not limited to, violations of the provisions of the code of judicial conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The supreme court shall adopt a code of judicial conduct.

7. The commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the commission by any person or on the motion of the commission. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter ~~[shall]~~ *must* be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

10. If a proceeding is brought against a justice of the supreme court, no justice of the supreme court may sit on the commission for that proceeding. *If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the commission for that proceeding.* If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

11. The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

And be it further

RESOLVED, That section 3 of article 7 of the Constitution of the State of Nevada be amended to read as follows:

~~[Sec.]~~ *Sec.* 3. For any reasonable cause to be entered on the journals of each House ~~[,]~~ which may ~~[,]~~ or may not be sufficient grounds for impeachment, the ~~[Chief Justice and Associate]~~ Justices of the Supreme Court *, the Judges of the Court of Appeals* and *the* Judges of the District Courts ~~[shall]~~ *must* be removed from Office on the vote of two thirds of the Members elected to each branch of the Legislature, and the Justice or Judge complained of ~~[, shall]~~ *must* be served with a copy of the complaint against him ~~[, and shall]~~ *and* have an opportunity of being heard in person or by counsel in his defense *;* ~~[,]~~ Provided, that no member of either branch of the Legislature ~~[shall be]~~ *is* eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That section 8 of article 15 of the Constitution of the State of Nevada be amended to read as follows:

~~[Sec.]~~ *Sec.* 8. The Legislature shall provide for the speedy publication of all Statute laws of a general nature, and such decisions of the Supreme Court ~~[,]~~ *and the Court of Appeals,* as it may deem expedient; and all laws and judicial decisions ~~[shall]~~ *must* be free for publication by any person; *Provided*, that no judgment of the Supreme Court shall take effect and be operative until the Opinion of the Court in such case ~~[shall be]~~ *is* filed with the Clerk of said Court.

Assemblyman Mortenson moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 680—AN ACT relating to insurance; revising the fees for the issuance and renewal of a license for a surplus lines broker; requiring the commissioner of insurance to adopt regulations for the licensing of provider-sponsored organizations; clarifying the authority of the commissioner to impose a fine or penalty or initiate or continue a disciplinary proceeding against a person who has voluntarily surrendered his license or certificate of registration; revising the provisions governing the disclosure statement required for certain umbrella policies; requiring an applicant for a license as a general agent to file a bond; revising the requirements for the issuance of a certificate of registration as an administrator; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 681—AN ACT relating to health care facilities; requiring the investigation of the criminal histories of prospective operators and certain employees, independent contractors and volunteers of medical facilities and certain facilities for the dependent under certain circumstances; removing the prohibition against hiring or contracting with persons at certain health care facilities who have committed certain crimes; and providing other matters properly relating thereto.

Assemblywoman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 46.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 47.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 199.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 281.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 282.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 27 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 36—Directing the Legislative Commission to conduct an interim study of the availability of health care in the rural areas of this state.

Assemblywoman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblywoman Freeman moved that the vote whereby Assembly Concurrent Resolution No. 36 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblywoman Freeman moved that Assembly Concurrent Resolution No. 36 be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 31.

Bill read second time and ordered to third reading.

Assembly Bill No. 183.

Bill read second time and ordered to third reading.

Assembly Bill No. 454.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 5 of the 69th Session.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Mortenson moved that Assembly Joint Resolution No. 5 of the 69th Session be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

By the Committee on Education:

Assembly Concurrent Resolution No. 37—Urging the University and Community College System of Nevada to increase efforts to develop course offerings, academic programs and student activities for students from all racial and ethnic backgrounds.

Assemblyman Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

CONSENT CALENDAR

Assembly Bills Nos. 462, 464.

Bills read by number.

Roll call on Assembly Bills Nos. 462, 464:

YEAS—41.

NAYS—None.

EXCUSED—Price.

Assembly Bills Nos. 462, 464 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 12:

YEAS—41.
NAYS—None.
EXCUSED—Price.

Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblymen Carpenter, Buckley and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Bill No. 198:

YEAS—37.
NAYS—Buckley, Goldwater, Leslie—3.
NOT VOTING—Angle.
EXCUSED—Price.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 215.

Bill read third time.

Remarks by Assemblymen Humke, Chowning, Parks, Nolan and Carpenter.

Potential conflicts of interest declared by Assemblymen Chowning, Parks, Nolan and Carpenter.

Roll call on Assembly Bill No. 215:

YEAS—41.
NAYS—None.
EXCUSED—Price.

Assembly Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 318.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 318:

YEAS—41.
NAYS—None.
EXCUSED—Price.

Assembly Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 391:

YEAS—41.
NAYS—None.
EXCUSED—Price.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 410:

YEAS—41.
NAYS—None.
EXCUSED—Price.

Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Meadows.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Janice Edera Duminie.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Thompson and Gilda Haus.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Lana Buehrer.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Richard S. Horne.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Macomber.

On request of Speaker Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Godchaux.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Cadets Nicholus A. Slagle, Jocelyn Pulido, Rachel Gray, Anahi Bagan, Lyndsee Cenarussa, Meahan Mansanti, Chelsea Mendiola, Sadie Haaglund, Bryan Snyder, Allen Mayo, Jake Johnson, Jason Peterson, Adam Stamey, Danyell Crandell, Tim Lockinger, Marla Mortensen, Kari Ramos, Neleesia Means, Alexis Martinez, Cassi Burhans, Gini Cunningham and Candace Gusky.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Lyon, Jane Lyon and Jennifer Lyon.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, March 23, 1999, at 12 m.

Motion carried.

Assembly adjourned at 12:49 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 23, 1999

Assembly called to order at 12:11 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Giunchigliani who was excused.

Prayer by the Chaplain, Father Jeff Paul.

Almighty God, give to the members of our Assembly courage, wisdom and foresight to provide for the needs of all our people; to promote their well-being and dignity, especially those who suffer from diabetes; and to fulfill our obligations in all the communities of the State of Nevada. In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 26, 297, 309, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 175, 234, 322; Senate Bill No. 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Assembly Bill No. 386 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 371 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 454 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 341.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:17 p.m.

ASSEMBLY IN SESSION

At 12:18 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 38—Designating March 23, 1999, as Nevada Diabetes Awareness Day.

WHEREAS, Diabetes is a common, serious and costly disease that poses a major health problem to the residents of the State of Nevada; and

WHEREAS, It is estimated that the population of this state will double in the next 20 years and much of the current and future economic burden of diabetes can be averted through increased awareness about the disease and known preventative measures; and

WHEREAS, In 1994, for diabetes patients in this state, the direct cost of medical care and the indirect cost of lost productivity and premature mortality totaled a staggering $567 million; and

WHEREAS, The State of Nevada is helping to fight this disease through the Nevada Diabetes Council which is the advisory board to the Nevada State Diabetes Control Program established in 1996 by the Center for Disease Control; and

WHEREAS, For the first time ever, opportunity exists to create positive programs through collaborative efforts to reduce the cost and incidence of this debilitating illness; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 23, 1999, is hereby designated as Nevada Diabetes Awareness Day; and be it further

RESOLVED, That the Nevada Legislature hereby commends the Nevada Diabetes Council for the informative services that it provides to the residents of the State of Nevada relating to diabetes; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mylan Hawkins, Executive Director of the Nevada Diabetes Association for Children and Adults and David Govaker, M.D., Chairman of the Nevada Diabetes Council.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Price.

Motion carried unanimously.

Madame Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:36 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.

Mr. Speaker presiding

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the vote whereby Assembly Bill No. 108 was passed be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 108 be taken from General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 341.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time and ordered to third reading.

Assembly Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 102.

Amend section 1, page 1, by deleting lines 2 through 11 and inserting:

"389.040 ~~[There shall be at least 1 hour set aside each school week in all graded schools and high schools in the State of Nevada for the purpose of holding patriotic exercises.]~~ *Each public school shall set aside appropriate time at the beginning of each school day for pupils to pledge their allegiance to the flag of the United States. In addition, each public school may set aside appropriate time during the school day for additional patriotic observance.*".

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 11.

Resolution read second time and ordered to third reading.

Senate Bill No. 255.

Bill read second time.

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

Amendment No. 220.

Amend sec. 2, page 2, line 34, by deleting:

"*imposed pursuant to*" and inserting "*described in*".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. The amendatory provisions of sections 1 and 2 of this act are intended to clarify the original intent of the Legislature when it adopted, respectively, section 21 of chapter 506, Statutes of Nevada 1997, as added by section 1 of chapter 439, Statutes of Nevada 1997, at page 1553, and section 24 of chapter 506, Statutes of Nevada 1997, as amended by section 2 of chapter 439, Statutes of Nevada 1997, at page 1554.".

Amend the title of the bill, first line, by deleting "revising" and inserting "clarifying".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 31, 183 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 33.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Bratiotis and Gina Jackson.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Flannigan, Matthew Fries and Patricia Fries.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Alampi, Kris Sosa and Ann Kalliomaa.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Dollarhide.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Kennedy, Kay Riehm and Mary Encarnacion.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Carl Heard and Dr. Claude Lardinois.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Harris, George Mayes, Shawn Davis and Teresa Parale.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Blackwell.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Bernice Adams and Joe Arrascada.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Hughes and Leigh Lamoreaux.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lauvie Ellsworth.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Shelley Atkins, Barbara

Curry, Janet Traut, Lyndsey Bohall, Carolyn Chang, Mikkel Johnson, Andrew Lane, Erin Martin, Sherri Mays, Max Myrick, Cody Nolan, Amanda Parmer, Luke Riley, Ryan Romero, Kristina Sorensen, Tyler Tanner, Amelia Tu'pulotu, Mina Tu'pulotu, Caitlin Wolfe, MacKenzie Wolfe, Ardis Parmer and Buzz Harris.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Pierre Marche'.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Marvel.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Dawson, Alma Acevedo, Alex Angelo, Martin Azzam, Bryan Bailey, Todd Banko, Scott Buck, Brandi Burns, Evan Cass, Michelle De Large, Walker Gotchy, Mitchell Hammond, Michael Leon, Jory McCulley, Chris Moore, Catherine Orpilla, Kathryn Proctor, Jordan Rousseau, Ethan Wilson, Jose Nave, Pam Banko, Mrs. Cass, Paula Gotchy, Carol Moore and Scott Proctor.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Young.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 24, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:45 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 24, 1999

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jeff Paul.

Almighty God, You have given us this good land as our heritage: Grant that we may always prove ourselves mindful of Your favor. Bless our state with honorable industry, sound learning, and upright manners. Endue with the spirit of wisdom those to whom we entrust the authority of government, that there may be justice and peace for the common good. Surround with Your love and mercy those who suffer from HIV/AIDS and AIDS-related conditions. In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Concurrent Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 165, 229, 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Parks, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus,

Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 39—Designating March 24, 1999, as HIV/AIDS Awareness Day in the State of Nevada.

WHEREAS, The residents of the State of Nevada are its most precious resource, and all Nevadans are an integral part of the communities of this state and make a valuable contribution to society as a whole; and

WHEREAS, Nevada ranks 17th in the nation in reported cases of acquired immune deficiency syndrome (AIDS); and

WHEREAS, Young persons under the age of 25 years represent one-half of all new infections from exposure to the human immunodeficiency virus (HIV) in the United States; and

WHEREAS, The future of this state lies in its young residents, and the benefit of having young Nevadans continue in the work force with additional years of earning potential and other sociological contributions is incalculable; and

WHEREAS, Among persons between the ages of 25 and 44 years, HIV/AIDS is the second leading cause of death; and

WHEREAS, In 1997, there were 8,086 children under the age of 13 years infected; and

WHEREAS, Women now account for 16 percent of all cases of AIDS; and

WHEREAS, Female adolescents and young women under the age of 25 years are at an even higher risk for HIV infection; and

WHEREAS, At the end of 1997, Nevada had the highest incidence of AIDS in the western states for both men and women, even higher than the rate of incidence in California; and

WHEREAS, In 1997 and 1998, deaths in Nevada attributed to AIDS declined primarily because of the heroic efforts of scientists, health care professionals and persons living with HIV/AIDS; and

WHEREAS, Patients respond best to therapy early in the course of their HIV infection when they are still healthy and able to work; and

WHEREAS, Research related to AIDS has resulted in new treatments that are prolonging the lives of many Nevadans living with the disease, and although the cost of such drug therapy is high, these dollars are more than compensated for by shorter hospital stays and decreased outpatient care costs; and

WHEREAS, The AIDS epidemic is far from over, with new infections in Nevada every year, and in the absence of a cure or vaccine, education is the only defense against this disease; and

WHEREAS, The observance of HIV/AIDS Awareness Day is an opportunity to enhance tolerance, increase compassion and promote understanding of persons infected with HIV/AIDS while communicating information about the prevention of this epidemic; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature do hereby designate March 24, 1999, as HIV/AIDS Awareness Day in the State of Nevada; and be it further

RESOLVED, That the Nevada Legislature recognizes the debilitating effects of HIV/AIDS on the residents of Nevada and their families and supports the efforts of those local, state and community-based agencies that are endeavoring to reduce the occurrences of HIV/AIDS among Nevadans.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblymen Parks, Evans, Goldwater, Cegavske, Giunchigliani and Chowning.

Mr. Speaker announced that if there were no objections, the Assembly would recess for the purpose of hearing an address by Michael Dowling.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I stand in support of ACR 39. I have two young men with me here today. If you remember, last session, for those of you who were here, Michael Dowling wrote me a letter and asked me to read it on the floor. This year Michael asked if he could come and read his own letter. I've know Michael for several years, as well as his mother and sister. I think Michael can say it all without me adding any more. Next to him is his good friend Tyree Kelly. He wanted me to let you know that his mother and sister have HIV/AIDS and he almost lost his mom—he wanted you to be aware of that. My son, who is now 18 years old, did a report in fourth grade on AIDS and Ryan White. He asked me today to remember Ryan.

MICHAEL DOWLING:

Mr. Speaker and members of the Nevada State Legislature:

My name is Michael Dowling and I was born in Las Vegas. I was born HIV positive. My mom was told that I'd probably die by the time I was three years old. I am now 11 years old and I'm living with AIDS.

I go to the National Institute of Health. The doctors and nurses there are the people that have kept me alive. If not for them I would be dead. I go back there every two months. I am on a med called IL2. IL2 has done a lot for me. I get two shots a day for a week.

I plan to grow up and be a doctor. I do not plan to be disabled and live off of welfare and have Medicaid pay my doctor's bills.

People living with AIDS need good jobs and insurance to pay their medical bills. The State of Nevada needs to help us reach our goals.

MOTIONS, RESOLUTIONS AND NOTICES

Resolution adopted unanimously.

Assemblyman Parks moved that all rules be suspended and that Assembly Concurrent Resolution No. 39 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Anderson moved that Assembly Bill No. 31 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 183 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time.

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

Amendment No. 171.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 3, page 2, line 6, by deleting "All" and inserting:

"~~[All]~~ *Except as otherwise provided in subsection 3,*".

Amend sec. 3, page 2, between lines 14 and 15, by inserting:

"*3. Money received by a county treasurer pursuant to this section for the school district in the county must be deposited, at the direction of the school district, in:*

(a) The fund for the construction of capital projects established by the school district pursuant to NRS 354.6113;

(b) The fund to stabilize the operation of the local government established by the school district pursuant to NRS 354.6115;

(c) The fund for capital projects established by the school district pursuant to NRS 387.328; or

(d) Any combination of the funds specified in paragraphs (a), (b) and (c).".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 26 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 86.

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

"Section 1. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, before determining whether to issue an order, commence a civil action, seek injunctive relief or request the attorney general to institute a criminal prosecution pursuant to the provisions of NRS 445A.675, 445A.680, 445A.690 or 445A.695, the director shall, if possible, conduct an independent investigation of the alleged act or practice for which he is making the determination.

2. The director is not required to conduct an independent investigation pursuant to the provisions of subsection 1 if:

(a) His determination to take any action specified in that subsection is based upon information that is provided to him by the holder of a permit pursuant to the provisions of NRS 445A.300 to 445A.730; or

(b) The alleged act or practice:

(1) Occurs on land that is managed or controlled by the United States Department of Defense or Department of Energy; or

(2) Creates an imminent and substantial danger to the public health or the environment.".

Amend the title of the bill to read as follows:

"AN ACT relating to water pollution; requiring the director of the state department of conservation and natural resources to conduct an independent investigation before making certain determinations concerning the control of water pollution under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires director of state department of conservation and natural resources to conduct independent investigation before making certain determinations concerning control of water pollution under certain circumstances. (BDR 40-725)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Assemblyman Carpenter moved that Assembly Bill No. 41 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 175.

Bill read second time and ordered to third reading.

Assembly Bill No. 234.

Bill read second time and ordered to third reading.

Assembly Bill No. 297.

Bill read second time.

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

Amendment No. 173.

Amend section 1, page 1, line 4, after "*information*" by inserting:

"*, if available,*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time and ordered to third reading.

Assembly Bill No. 309.

Bill read second time.

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

Amendment No. 172.

Amend the bill as a whole by renumbering sections 2 through 9 as sections 3 through 10 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 1.080 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 561, Statutes of Nevada 1977, at page 1390, is hereby amended to read as follows:

Sec. 1.080 Mayor and councilmen not to hold other office ~~[.]~~ *or employment.*

1. The mayor and councilmen shall not:

(a) Hold any other elective office or employment with Washoe County or the city, except as provided by law or as a member of a board or commission for which no compensation is received.

(b) Be ~~[elected or]~~ appointed to any office *or position* created by or the compensation for which was increased or fixed by the city council until 1 year after the expiration of the term for which such person was elected.

2. Any person ~~[holding any office proscribed by]~~ *who violates the provisions of* subsection 1 shall automatically forfeit his office.".

Amend the title of the bill, second line, after the semicolon by inserting:

"revising provisions prohibiting certain officers from holding certain other offices or employment;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Bill No. 408.

Bill read second time.

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

Amendment No. 214.

Amend section 1, page 2, lines 3 and 4, by deleting:

"~~[any purpose]~~ *just cause*" and inserting:

"any ~~[purpose]~~ *use*".

Amend the title of the bill by deleting the second and third lines and inserting:

"permits for the appropriation of water; revising provisions that authorize the state engineer to deny applications for the appropriation of water under certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 158.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 24, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 25.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Evans, Gibbons and Humke.

Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 11:

YEAS—31.

NAYS—Angle, Beers, Brower, Cegavske, Gustavson, Hettrick, Humke, Marvel, Nolan, Tiffany, Von Tobel—11.

Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblywomen Parnell and Cegavske.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN PARNELL:

Thank you, Mr. Speaker. Assembly Bill 144 changes the requirements for patriotic exercises in public schools. The bill amends NRS 389.040 to require each public school in the state to set aside time at the beginning of each school day for pupils to pledge allegiance to the Flag of the United States. Schools may also set aside appropriate time for additional patriotic exercises.

The bill provides Nevada's school children the same opportunity that we, as legislators, enjoy every day. We walk into this grand chamber and take time to show respect for our Flag and all that it symbolizes. We do this, not as Democrats or Republicans, not as conservatives or liberals, not as men or women, but simply as Americans. Please join me in support of Assembly Bill 144. Thank you, Mr. Speaker.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. I stand in support of AB 144. I have handed out a reading from the late comedian, Red Skelton. I will not read it in its entirety because it would take too long—I will only read the last paragraph. "Since I was a small boy, two states have been added to our country and two words have been added to the Pledge of the Allegiance: "*under God.*" Wouldn't it be a pity if someone said that this is a prayer and that it should be eliminated from schools, too." Please take the time to read this. I think it is a very moving reading and I feel that it illustrates the importance of the Pledge of Allegiance.

This was recorded by Red Skelton through Tropicana Topics and was published in his honor and memory. July 18, 1913—Sept. 17, 1997.

I	me, and individual, a committee of one
PLEDGE	dedicate all of my worldly good to give without self pity
ALLEGIANCE	my love and devotion
TO THE FLAG	or standard, Old Glory, a symbol of freedom, wherever she waves there's respect because your loyalty has given her the dignity that shouts freedom is everybody's job
OF THE UNITED STATES OF AMERICA	that means we have all come together individual communities that have united into 48 great states—48 individual communities with pride and dignity and purpose, all divided with imaginary boundaries yet united to a common purpose—and that's love for country.
AND TO THE REPUBLIC	Republic—a state in which sovereign power is invested in representatives chosen by the people to govern, and government is the people, and it's from the people to the leaders, not from the leaders to the people.
FOR WHICH IT STANDS	One nation meaning so blessed by God
ONE NATION INDIVISIBLE	Incapable of being divided
WITH LIBERTY	Which is freedom, the right of power to live one's own life without threats, fear, or some sort of retaliation

AND JUSTICE	The principles or qualities of dealing fairly with others
FOR ALL	For all, which means boys and girls, it's as much your country as mine

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, indivisible, with liberty and justice for all.

Roll call on Assembly Bill No. 144:

YEAS—42.

NAYS—None.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblymen Bache, Carpenter, Segerblom and Price.

Roll call on Assembly Joint Resolution No. 11:

YEAS—16.

NAYS—Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Leslie, Marvel, Nolan, Parks, Parnell, Segerblom, Thomas, Tiffany—26.

Assembly Joint Resolution No. 11 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 255:

YEAS—37.

NAYS—Angle, Evans, Gibbons, Gustavson, Humke—5.

Senate Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 255 was this day passed.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 22.

The following Senate amendment was read:

Amendment No. 104.

Amend section 1, page 1, by deleting lines 4 through 9 and inserting:

"*was imprisoned in the state prison or a county or city jail or detention facility is awarded a judgment against:*

(a) The State of Nevada, a county or a city;

(b) A department, commission, board or other agency of the State of Nevada, a county or a city; or

(c) A current or former officer, employee or contractor of the State of Nevada, a county or a city,

arising from a civil action that accrued while the person was imprisoned in the state prison or county or city jail or detention facility, the person or governmental entity that".

Amend the title of the bill by deleting the third and fourth lines and inserting:

"was imprisoned in the state prison or a county or city jail or detention facility in a civil action brought against the State of Nevada, a county or a city; requiring a prisoner who has filed an".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 22.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 24.

The following Senate amendment was read:

Amendment No. 105.

Amend section 1, page 1, by deleting line 3 and inserting:

"*1. A court in this state may enter into contracts with issuers of*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 24.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 55.

The following Senate amendment was read:

Amendment No. 80.

Amend sec. 2, page 2, by deleting lines 4 through 8 and inserting:

"*that has been burned in whole or in part to remove insulation unless, at the time that the metallic wire is purchased or otherwise received, the junk dealer obtains:*

(a) Written evidence identifying the person who delivered the metallic wire; and

(b) A statement signed by the person who delivered the metallic wire in which the person attests that the metallic wire was lawfully acquired and burned.

2. A junk dealer shall retain the written evidence and the statement obtained pursuant".

Amend sec. 3, page 2, by deleting lines 21 through 23 and inserting:

"*(b) A description of the written evidence obtained by the junk dealer pursuant to section 2 of this act identifying the person who delivered the metallic wire.*".

Amend the title of the bill by deleting the third and fourth lines and inserting:

"information before purchasing or receiving certain metallic wire from another person; requiring junk dealers to retain such information for a certain period;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 55.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

The following Senate amendment was read:

Amendment No. 124.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. The amendatory provisions of this act must not be construed to prohibit a person who was discharged from parole before the effective date of this act from having his civil rights restored.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 79.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 23, 45, 68, 73, 83, 104, 105, 120; Senate Bill No. 96.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Silva.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Jackson.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Vaughn Taylor.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Dowling and Tyree Kelley.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Rolfe.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Vincent Frey.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Vicencio, James Mortensen and Brandon Dini.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Felix, Paul Brown and Candice Nichols.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Reynolds.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Joanne Cain. Holly Ann Torres, Marissa Rose Torres and Tyler David Torres.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Solomon, Gardner Jolley and Randy Bulloch.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Hernandez and Bree Carlson.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Johnson.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Carrasquillo.

On request of Assemblyman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Rodolfo Rivas.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to A. Marc Apple, Debra Berger, Michael Dilay, Andrea Ellingwood, Jacobi Fields, Nichole Green, Brittany Kirby, Erick Lopez, Sarah Lundrigan, Annette Magnus, Jorge Martinez, Jodi Maxwell, Maghan Ryan, Toni Salde, Joshua Schein, Susan Statler, Tiffany Stoner, Andrea Strasser, Tina Wilson, Melissa Zobris, Pamela Benjamin, Pamela Hawkins, Kari Butchko and Nelia del Fin.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Collins.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 25, 1999, at 4:30 p.m.

Motion carried.

Assembly adjourned at 12:33 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 25, 1999

Assembly called to order at 4:40 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Thomas and Williams, who were excused.

Prayer by the Chaplain, Father Jeff Paul.

O Lord our Governor, whose glory is in all the world; we commend the State of Nevada and our sister state of Taiwan to Your care, that we may all dwell in Your peace. Grant to this Assembly and to all in authority wisdom and strength to know and do Your will. Fill us all with a love of truth and righteousness, and make us mindful of our calling to serve Your people; one God, wold without end. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 612, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 74, 131, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bill No. 251, Assembly Joint Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 263.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 24, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 67, 326, 417.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 64, 314, 359.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 38, 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 217.

Amend the resolution, page 2, line 7, after "appointed" by inserting: ", subject to the approval of the Legislative Commission,".

Amend the resolution, page 2, line 16, by deleting "committee;" and inserting:

"committee and, in approving the appointments to the committee, shall ensure that not less than two of the members are appointed from the Assembly Standing Committee on Elections, Procedures, and Ethics and not less than two of the members are appointed from the Senate Standing Committee on Government Affairs;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 64.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 67.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 263.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 314.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 326.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 359.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 417.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 92.

Amend sec. 2, page 3, by deleting lines 26 through 29 and inserting:

"photographs ~~[to law enforcement officers who are conducting]~~ *may be inspected only to conduct* criminal investigations ~~[.]~~ *and photographic lineups.* If a court subsequently determines that the child is".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

"inspection of photographs of children; and providing other matters properly relating".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 177.

Amend section 1, page 1, by deleting line 3, by inserting:

"*1. In addition to any other action authorized pursuant to the provisions of this chapter, the*".

Amend section 1, page 1, by deleting lines 7 and 8 and inserting:

"*(a) The child has never been found to be within the purview*".

Amend section 1, page 1, line 10, by deleting "*(c)*" and inserting "*(b)*".

Amend section 1, page 2, line 14, after "*in*" by inserting:

"*one or more of*".

Amend section 1, page 2, line 15, by deleting the italicized semicolon and inserting:

"*, as deemed appropriate by the court:*".

Amend sec. 2, pages 3 and 4, by deleting lines 28 through 43 on page 3 and lines 1 through 17 on page 4 and inserting:

"3. An agreement for informal supervision may require a child to:

(a) Perform public service or provide restitution to any victim of the acts for which the child was referred to the probation officer; ~~[and]~~

(b) Participate in a program of restitution through work that is established pursuant to section 1 of *Senate Bill No. 77 of* this ~~[act]~~ *session* if the child:

(1) Is 14 years of age or older;

(2) Has never been found to be within the purview of this chapter for an unlawful act that involved the use or threatened use of force or violence

against a victim and has never been found to have committed such an unlawful act in any other jurisdiction;

(3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work ~~[.]~~ ;

(c) Complete a program of cognitive training and human development pursuant to section 1 of this act if:

(1) The child has never been found to be within the purview of this chapter; and

(2) The unlawful act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence against a victim; or

(d) Engage in any combination of the activities set forth in paragraphs (a), (b) and (c).

4. If an agreement for informal supervision requires a child to participate in a program of restitution through work ~~[.]~~ *as set forth in paragraph (b) of subsection 3 or complete a program of cognitive training and human development as set forth in paragraph (c) of subsection 3,* the agreement may also require any or all of the following, in the following order of priority if practicable:

(a) The child or the parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, without limitation, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property ~~[or for industrial insurance, or both,]~~ during those periods in which the child participates in the program or performs work, ~~[unless,]~~ *and* in the case of *a program of restitution through work, for* industrial insurance, ~~[it]~~ *unless the industrial insurance* is provided by the employer for which the child performs the work; or

(b) The child to work on projects or perform public service pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a period that reflects the costs associated with the participation of the child in the program.

5. If a child is placed under informal supervision, a petition based upon the events out of which the original complaint arose may be filed only within 180 days after entry into the agreement for informal supervision. If a petition is filed within that period, the child may withdraw the admission he made pursuant to subsection 1. The child's compliance with all proper and reasonable terms of the agreement constitute grounds for the court to dismiss the petition.

6. A probation officer shall file annually with the court a report of".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 363.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 155.
Amend section 1, page 2, line 16, by deleting "*15* " and inserting "*20* ".
Amend section 1, page 2, line 23, by deleting "*15* " and inserting "*20* ".
Amend sec. 3, page 3, line 22, by deleting:
"October 1, 1999." and inserting:
"the effective date of this act.".
Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:
"Sec. 4. This act becomes effective upon passage and approval.".
Assemblyman Manendo moved the adoption of the amendment.
Remarks by Assemblyman Manendo.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 374.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Assembly Bill No. 175:
YEAS—40.
NAYS—None.
EXCUSED—Thomas, Williams—2.
Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 234.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 234:
YEAS—40.
NAYS—None.
EXCUSED—Thomas, Williams—2.
Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 297, 305, 309, 322, 408, Senate Bill No. 158 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Collins moved that Assembly Concurrent Resolution No. 21 be taken from the Chief Clerk's desk and placed on the Resolution File for the next legislative day.

Motion carried.

Assemblyman Perkins moved that the Assembly recess for the purpose of hearing an address by Victor Tseng, Director General, Taipei Economic and Cultural Office in San Francisco.

Motion carried.

Assembly in recess at 5:03 p.m.

ASSEMBLY IN SESSION

At 5:34 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Goff, Jeremy Ivins and Kim Bennett.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Jackson.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen B. Smith, Tana Smith and Russ Lakatos.

Assemblyman Perkins moved that the Assembly adjourn until Friday, March 26, 1999, at 10:15 a.m.

Motion carried.

Assembly adjourned at 5:35 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 26, 1999

Assembly called to order at 10:23 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jeff Paul.

Gracious God, looking back on our history we see Your boundless love and humor; look upon all who serve this great state, especially those who have gone before us, whom we love but see no longer. We give thanks for the life and witness of Linda Alden. Multiply the manifold blessings of Your love in Linda, that the good work which You began in her may be made manifest in us. May her legacy encourage us to promote the well being and dignity of all people. In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 19.

Assemblywoman Gibbons moved the adoption of the resolution.

Remarks by Assemblywoman Gibbons.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 21.

By Assemblymen Collins, Beers, Anderson, Cegavske, Hettrick, Nolan, Brower, Leslie, Evans, Goldwater, Thomas, Carpenter, Segerblom, Gibbons, Berman, Neighbors, Lee, Buckley, Bache, Humke, Manendo, Parnell, de Braga, Freeman, Parks, Giunchigliani, Tiffany, Koivisto, McClain, Gustavson, Perkins, Price, Mortenson, Claborn, Arberry, Chowning, Ohrenschall, Marvel and Angle; Senators Porter, McGinness, Neal, James, Coffin, Amodei, Care, Carlton, Jacobsen, Mathews, O'Donnell, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 21—Declaring the last week of June as Nevada Amateur Radio Week in Nevada.

WHEREAS, When an emergency occurs, conventional systems of communications are often inoperative during the first few days after the emergency occurs; and

WHEREAS, Before the conventional systems of communications can be restored, amateur radio operators are on the scene to provide communications and assistance; and

WHEREAS, In Nevada, these operators are members of the State of Nevada Amateur Radio Emergency Service or the Radio Amateur Civil Emergency Service, and their service is completely voluntary; and

WHEREAS, This year, the last week of June will be devoted toward final preparations for "Field Day," an operation designed to simulate an emergency situation and coordinate the efforts of amateur radio operators; and

WHEREAS, "Field Day" will be held the last weekend of June in a remote location where power is supplied by either generators or batteries; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Legislature of the State of Nevada do hereby declare the last week of June to be Nevada Amateur Radio Week in honor of the many volunteers who generously donate their time and equipment to provide invaluable assistance during an emergency situation; and be it further

RESOLVED, That the Nevada Legislature commends and congratulates the members of the State of Nevada Amateur Radio Emergency Service and the Radio Amateur Civil Emergency Service for their participation in "Field Day" and for their many hours of dedicated service to all Nevadans throughout the year.

Assemblyman Collins moved the adoption of the resolution.

Remarks by Assemblyman Collins.

Resolution adopted unanimously.

Assemblyman Collins moved that all rules be suspended and that Assembly Concurrent Resolution No. 21 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 1.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted, as amended.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:48 a.m.

ASSEMBLY IN SESSION

At 10:49 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 40—Memorializing the former Chief Clerk of the Nevada Assembly, Linda B. Alden.

WHEREAS, The members of the Nevada Legislature and the Legislative Counsel Bureau were deeply saddened with the untimely passing of Linda B. Alden on October 10, 1998; and

WHEREAS, Linda was born in Sheridan, Wyoming, on January 1, 1945, to Mark and Hariett McManus; and

WHEREAS, After graduation from Sheridan High School in 1963, Linda attended the University of Wyoming in Laramie, Wyoming; and

WHEREAS, In 1964, Linda returned to Sheridan and began working for the County Assessor's Office which was the beginning of her career in public service; and

WHEREAS, Many persons in this legislative body first met Linda during the 1983 legislative session when she was hired by the Assembly as Secretary to Speaker John Vergiels; and

WHEREAS, During that session, Linda impressed everyone with her professional demeanor and outstanding work ethic and was offered and accepted the position as Administrative Assistant to Chief Clerk Mouryne Landing and Secretary of the Senate Janice Thomas; and

WHEREAS, Linda continued to work for the Nevada Legislature and the Legislative Counsel Bureau in various capacities including Minute Clerk and Journal Clerk for the Senate Front Desk, and Receptionist and Lobbyist Registration Clerk for the Legislative Counsel Bureau; and

WHEREAS, Because of her excellent organizational skills, Linda was recruited to assist in the coordination of the annual meeting of the National Conference of State Legislatures that was hosted by Nevada in Reno in 1988; and

WHEREAS, Linda later moved to Denver, Colorado, where she worked for the National Conference of State Legislatures for the record-breaking period of 1 week, when she was reunited with her high school sweetheart and moved from Denver to join him in Wyoming, thus leading to a cherished moment in Linda's life, her marriage to Bruce Alden on December 12, 1990; and

WHEREAS, After their marriage, Linda and Bruce lived together in Wyoming for a short while before returning to Carson City in December 1992, when Linda became the Assembly Journal Clerk, a position she held during the 1993 and 1995 legislative sessions; and

WHEREAS, During the interim between the 1993 and 1995 session, Linda was hired as an Administrative Assistant for the late Jerry Kenney, Chief of the Legislative Police; and

WHEREAS, On September 8, 1995, Linda's professional dream became a reality when she was appointed to be the Chief Clerk of the Assembly upon the retirement of former Chief Clerk, Mouryne Landing; and

WHEREAS, In November 1995, Linda was initially diagnosed with ovarian cancer; and

WHEREAS, Many of her friends shared in the grief Linda experienced upon learning that her son, Richie Ruff, had been killed on May 27, 1996, by a drunk driver; and

WHEREAS, During the 1997 legislative session, Linda focused all of her energy on the demands of her new position and continued to keep the members of the Assembly on track as she successfully filled the shoes of her role model and dear friend, Mouryne; and

WHEREAS, Linda treasured the friendship she shared with Joe and Mouryne Dini, whose caring support was invaluable in helping Linda to attain her professional goals and, more importantly, to face the personal challenges in her life; and

WHEREAS, Of the many ways that Linda exhibited her natural wit and true spirit, the finest example, not evident to the general public, was that she often wore Mickey Mouse slippers while conducting business in the Assembly Chambers; and

WHEREAS, With all of this said and done, the quintessential memory that will be forever etched in the annuls of legislative history is that in the Assembly Chambers, on the occasion of Speaker Dini's 68th birthday in 1997, Linda B. Alden successfully transformed her front desk staff and the Sergeant at Arms' staff into Macarena dancers, led by none other than, the former Chief Clerk, Mouryne Landing Dini; and

WHEREAS, On October 10, 1998, Linda lost her courageous battle with this deadly disease after years of fighting and, with her passing, Nevada lost a friend whose bright smile and warm personality will forever be missed by the members of this Legislature; and

WHEREAS, Linda is survived by her husband Bruce Alden, mother Hariett McManus of Sheridan, Wyoming, sister Norma Dean of Lakewood, Colorado, brother Jim McManus of Worland, Wyoming, daughter Nicki Aaker of Dayton, Nevada, sons Marc Alden of Casper, Wyoming, and Scott Alden of Billings, Montana, and six grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th legislative session offer their sincere condolences and heartfelt sympathy to the family and many friends of Linda B. Alden, a gracious, spirited, fun-loving lady who lived her life with dignity and courage; and be it further

RESOLVED, That it is with the utmost respect that this legislative body offers its condolences and appreciation to Bruce Alden for his devotion and the encouragement that he graciously offered to Linda throughout her battle; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Linda's beloved husband Bruce Alden and to her mother Hariett McManus.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Hettrick, Perkins, Giunchigliani, Marvel, Manendo, Chowning, Cegavske, Bache, Price, Ohrenschall, Anderson, Carpenter, Goldwater and Thomas.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. As you can tell, it's probably going to be an emotional morning. I remember when Linda first came to work for us in the 1983 session as Speaker Vergiels' secretary. After that, she worked for both the Chief Clerk and Secretary of the Senate. She was the first secretary for the Chief Clerk and Secretary for which we ever allocated funds. Previously, the Chief Clerk and Secretary of the Senate had to do their own typing if they wanted to send a letter. Now, we have a secretary for each house, which is even better. I guess that is progress.

When she took over as Chief Clerk, it was a major occurrence for former co-Speaker Hettrick and me. We had to make a decision about the 1997 session and the hiring of Linda to be the Chief Clerk. Her career was well-rounded out. She worked in both houses; she had served here, on our front desk; she had been with the legislative police; and she had been the interim secretary. So she knew the process. That is the thing we weighed: that she had the best rounded-out background to serve as our Chief Clerk. She certainly didn't disappoint us in the 1997 session. She did a beautiful job and she put together an excellent staff. We had a great front desk, just as we have this year. It seems that when people come to the Assembly they do their best and they know they are doing the people's work.

Linda knew the process well. She was known for her warm, friendly smile and her caring concern for other people. Within a few short years she had suffered the loss of her father, the loss of her only son and dealt with two bouts of cancer. She never really lost her smile or her concern for others, however. She was a real fighter. Linda was also a family person. She found so much happiness in her marriage to Bruce and the new family she acquired. She loved being a grandmother.

About a week before her death, she said to my wife, "I don't think I'm afraid to die. But I don't want to. I still have a lot to offer." She did still have a lot to offer. Hers was a premature death and she will be long remembered and missed by all of us in this chamber. Thank you.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I'm not as capable of talking through my emotions as the Speaker is. I'll simply say she's truly missed. Bruce and the family know how I feel about Linda.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. The Chief Clerk of the Assembly is certainly a very, very important person to this body and to this institution. It's also a person that keeps the Speaker on track, keeps the Majority Leader on track, and keeps the entire process moving. Linda did that so well. I'm convinced that her battle through that disease was as successful as it was only because of her energy, her attitude, and what she brought to life itself. I do recall many of the comments made by Father Jeff Paul during her services and I echo all of them, to be restated today with as much enthusiasm.

The one thing that sticks out for me in a personal way, with Linda, was after my son's bout with cancer in 1993, she was one of the people that was so encouraging and so uplifting. She made our family able to cope with that. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. I too rise in support of ACR 40. Linda, I guess we could sum her up with her sense of humor—yes, her Mickey Mouse slippers—but I think she also always had a bright smile on her face. That's how we will always remember her. She also had a great deal of class. So even when she was joking around, she always carried that class. What I want to share with you is similar to what Mr. Perkins remarked about. Mr. Bache, Mr. Anderson and I share a very dear friend, Steve Kazign, who is known by many of you. Unfortunately, he has the same disease. When I found out Linda had cancer, I had her and Steve talk with each other. She called me back to thank me, which was Linda's way. They gave each other a great deal of encouragement, which was helpful, because Steve was able to explain to her the surgery that she was going to go through. This gave her some comfort. But she gave him a great deal of comfort also and I don't think he will ever forget that.

I would just sum up by saying that she was a wonderful person to know. She touched many of our lives. Her caring and courage will never be forgotten. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I also rise in support of ACR 40. I would like to thank Mouryne at this time for having done such a wonderful job in training Linda. I was spoiled having been around here since 1979. I didn't think anyone would ever replace Mouryne. But, she did such a beautiful job in training Linda, that Linda became kind of like part of our family. She was such a gracious person, so understanding of everyone else's problems, even though she had problems herself. In the times I called her, she always had that glimmer of hope. I think it shocked all of us when Jacque called to let us know of her passing. It was like losing a daughter, to me. I certainly wish to express my condolences to Bruce and certainly to Linda's family because we have lost one tremendous friend. Thank you.

ASSEMBLYMAN MANENDO:

Thank you, Madam Speaker pro Tempore. I am honored to rise and stand in support of ACR 40. Ms. Alden had a particular interest in DUI legislation and we spent many hours in her office talking about her son, Richie, and what a tragic occurrence took place on May 27, 1996. The chairman of the Judiciary Committee allowed her the opportunity to come and testify on a piece of legislation. She was really honored to be able to do that. That was just another example of

her dedication to her causes and the great State of Nevada. After she had the opportunity to speak on the legislation, we had a chance to sit down and talk. Testifying was something I think she needed to do, for herself. It was very courageous to get up and tell the Judiciary Committee about her story. We were all touched by that and I will never forget her for her participation in that process. Thank you.

ASSEMBLYWOMAN CHOWNING:

Thank you, Madam Speaker pro Tempore. I, too, am honored to speak in support of this resolution. I want to thank Linda for her friendship and how she reached out to me when I was a freshman. I used to say, "I guess if you're a freshman, you ought to be called "freshwoman." She thought that was pretty cool. I just wanted to remind everyone that in Spanish the word Linda is pronounced "*Leen-da,*" which means "beautiful." I think she was very appropriately named, because she was not only beautiful outside. Everyone complimented her because her fashion was impeccable, right down to her pink shoes, but she was beautiful inside as well. Everyone here today, who knew her, is so grateful to have had her beautiful friendship. Her spirit of beauty is with us here today and will always remain with us. Thank you.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Madam Speaker pro Tempore. I rise in support of ACR 40 and I want to say, as a freshman last session, Linda was there for me. The very first day she had that smile. She was there to do anything that we needed, help us in any way and show us the ropes, making it look like we knew what we were doing. I really appreciated her. As Speaker Dini and others have talked about her smile, I can envision that every time I close my eyes and think of her, I see her smile that she shared. Her heart was as big as the state of Nevada. I just want to say thank you to Bruce and the family for sharing Linda with us. Thank you.

ASSEMBLYMAN BACHE:

Thank you, Madam Speaker pro Tempore. I too, rise in support of ACR 40. In my role as chairman of Government Affairs, Linda provided the necessary support to me to make me look good; to make my job easier so I could do what I needed to do here on the floor. Also, this is a great loss to my wife because my wife knew Linda back before her legislative service, before 1983. They were colleagues and friends when she worked in Clark County. In 1995 and 1997, when my wife was up here on occasion during the session, it was a great enjoyment to her to be able to talk again, and spend time with Linda. We miss her greatly. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I also rise in favor of ACR 40. Like all of us who truly felt like family, we are saddened at the occasion we are remembering today. Linda and I, as we first got to know and meet each other and talk, discovered we both came to Nevada from Wyoming. I happened to have come to Nevada from Cheyenne. So we felt we had a little something in common just getting started from that aspect. I have to tell you, as Linda went on to become our Chief Clerk, I personally thought no one would be able to come close to our prior clerk, Mouryne. Linda certainly did, though. She worked hard and she was helped by Mouryne and became, as we all are, part of a large family. We loved her. She is sorely missed.

When I ended up in the hospital she came to visit and contacted me. I sit here, as all of us do with tears in our eyes today, thinking of her beautiful memory and wishing her well up there.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Madam Speaker pro Tempore. I, too, rise in favor of ACR 40. Linda was the epitome of professionalism. I'll never forget in our last session, when I lost my mother, and the world seemed to have crashed around me, Linda made sure to take many, many opportunities to grieve with me, privately, until she felt sure that I had come to terms with the grieving process. This was while she was carrying on all the heavy burdens of the legislature. She helped me a great deal. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. Most of the statements about the loving family that we all are, here in this body, have been said. I had the opportunity to work with Linda on several different fronts. One of them was the computer system which we have here. She played a vital role. If you had been here in the last session when this place was in a physical upheaval,

recognize that she was here every day, making sure that every stick of furniture which you now see, and the comfort we stand in, was put in place. This was her chamber; it was her chamber in a very real way. The computer system which we work with is much modeled by the input that she had, in making sure that it met the needs of the front desk and the many needs of the people of the state.

When I walked into the chamber today and I saw the lovely bunting and balloons, I looked on the desk and saw the resolution. At first, I thought, "Gee, how strange." Then I thought, "How appropriate. How very appropriate." Because it was that humor, that continuous sense of humor that was Linda, that made us all love her; made us part of a family. She made everyone feel and made me feel that each one of us was the most important person here. And treated each of us as if, indeed, we were the Speaker. That was Linda. And that is the reason why we love her.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. I, too, want to rise in support ACR 40. Linda was a great friend to all of us, especially to this cowboy. I just want to say, "Amen" to everything that has been said here.

ASSEMBLYMAN GOLDWATER:

Thank you, Madam Speaker pro Tempore. It is ironic that we are most somber, grieving the loss of somebody who had such a smile in her heart. The Assemblyman from Sparks said it best. This is a family around here. We all learn something from our family. The Chief Clerk is a wonderful matriarch of that family. Linda was fantastic. As a member of that family, you think about what you get from the other members of the family. You think no matter how physically strong you are, no matter how cunning, coy, or wise, it's observing a life and reflecting on a life like Linda's that reminds you how real strength is manifested. It reminds you how small we all are and how much we have to learn. And what real greatness is. What real wisdom is. What real strength is. That is what I took from Linda. The smile that is in my heart came from Linda and will always be there.

ASSEMBLYMAN THOMAS:

Thank you, Madam Speaker pro Tempore. I, too, want to rise in support of ACR 40. While I did not know Linda, I just wanted to offer a perception to this body that my son offered me when he was only four. It seems very appropriate and fitting at this moment.

We were driving east during sunset and so we had the horizon laid out before us. My son took his hand and pointed across the horizon and said "Daddy, what is this?"

"I don't know," I said. "Are you talking about the trees? Or the rooftops? Or the streetlights? The horizon? What are you talking about?"

"No, Daddy. Just, all of this. Is this just one big story?"

I was really taken aback by that. I had to slow down. When I pulled up into the driveway, I thought about it for a minute. Finally, I said, "You know, you're right. It is just one big story. But it is a very important story. And if you do a good job at it, perhaps they will write a book about it;" or in this case, a solution. So, I just wanted to say that I am sad to have missed Linda's story. Thank you.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 40 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 74.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 225.
Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:
"Section 1. A person who is a retired employee and who accepts employment as a member of the professional staff of the college of education of the University of Nevada, Reno, or the University of Nevada, Las Vegas, to teach a course of study or training is exempt from the provisions of subsections 1 and 2 of NRS 286.520 for the duration of that employment.
Sec. 2. This act becomes effective on July 1, 1999, and expires by limitation on July 1, 2001.".
Amend the title of the bill, first line, after "providing" by inserting "temporarily".
Amend the summary of the bill to read as follows:
"SUMMARY Provides temporarily that retired public employees may accept certain employment with University and Community College System of Nevada without affecting their retirement benefits. (BDR S-1342)".
Assemblyman Bache moved the adoption of the amendment.
Remarks by Assemblyman Bache.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 131.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 227.
Amend sec. 2, page 2, line 30, after "*provisions of*" by inserting:
"*any regulations adopted pursuant to*".
Assemblyman Bache moved the adoption of the amendment.
Remarks by Assemblyman Bache.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 237.
Bill read second time.

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

Amendment No. 210.

Amend sec. 2, page 2, line 25, by deleting "*and*".

Amend sec. 2, page 2, line 26, by deleting the period and inserting:

"*operations; and*

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 349.986 is hereby amended to read as follows:

349.986 The state board of finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than ~~[$40,000,000]~~ *$50,000,000* to support the purposes of the program. The net proceeds from the sale of the bonds must be deposited in the fund. The bonds must be redeemed through the consolidated bond interest and redemption fund.".

Amend the title of the bill, first line, after "conserve water;" by inserting:

"increasing the amount of general obligation bonds that the state board of finance may issue to provide the grants;".

Amend the summary of the bill, first line, by deleting "Authorizes" and inserting:

"Revises provisions relating to".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 237 be re-referred to Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 31 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Price moved that Assembly Joint Resolution No. 5 of the 69th Session be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 251.

Bill read second time and ordered to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 189.

Amend section 1, page 2, by deleting lines 28 through 30 and inserting:

"State Department of Conservation and Natural Resources in cooperation with other state agencies, shall coordinate the development and implementation of a program of environmental improvement projects for:".

Amend the preamble of the bill, page 2, line 11, by deleting:

"and local governments" and inserting:

", local governments and private property owners".

Amend the title of the bill, third line, by deleting:

"establish and administer" and inserting:

"coordinate the development and implementation of".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 140.

Amend section 1, page 1, line 3, by deleting "*each*" and inserting "*any*".

Amend section 1, page 1, by deleting lines 4 through 7 and inserting:

"*person who is on the property or entering the property of an institution and any vehicle, property or goods of the person that is on the property of the institution*".

Amend section 1, page 1, line 9, after "*substance.*" by inserting:

"*The program may provide that the selection of the persons or items to be sniffed may be made on a random basis or based on reasonable suspicion or probable cause to believe that the person possesses a controlled substance.*".

Amend section 1, page 1, line 10, after "*2.*" by inserting:

"*If the person handling the trained dog as part of the program established pursuant to subsection 1 reasonably interprets the action of the dog as an indication that a controlled substance may be present, a peace officer may conduct an appropriate search of the person, vehicle, property or goods to determine whether a controlled substance is present.*

3.".

Amend the title of the bill by deleting the second line and inserting:

"dogs to sniff certain persons on the property or entering the property of an institution and other items that such persons bring onto the property of an institution to detect the presence of a".

Amend the summary of the bill to read as follows:

"SUMMARY Requires department of prisons to establish program to use dogs to detect presence of controlled substances. (BDR 16-959)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 308 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the committee on Ways and Means.

Assembly Bill No. 311.

Bill read second time.

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

Amendment No. 230.

Amend sec. 5, page 4, by deleting line 22 and inserting "*person;* or".

Amend sec. 5, page 4, by deleting line 25 and inserting:

"origin ~~[.]~~ *of that person.*".

Amend sec. 6, pages 5 and 6, by deleting lines 40 and 41 on page 5 and lines 1 through 6 on page 6.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 194.

Amend sec. 3, page 3, line 41, by deleting "*3 hours*" and inserting "*1 hour*".

Amend sec. 3, page 4, line 14, by deleting "*2 hours*" and inserting "*1 hour*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time.

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

Amendment No. 211.

Amend sec. 3, page 2, line 41, by deleting "~~[1.]~~" and inserting "1.".

Amend sec. 3, page 3, line 8, by deleting "~~[(a)]~~ *1.*" and inserting "(a)".

Amend sec. 3, page 3, line 10, by deleting "~~[(b)]~~ *2.*" and inserting "(b)".

Amend sec. 3, page 3, line 12, by deleting "~~[(c)]~~ *3.*" and inserting "(c)".

Amend sec. 3, page 3, line 14, by deleting "~~[(d)]~~ *4.*" and inserting "(d)".

Amend sec. 3, page 3, by deleting lines 16 through 19 and inserting:

"2. ~~[The]~~ *Each month, a* county recorder shall send ~~[a copy of the affidavit]~~ *all the information contained in each affidavit received by him pursuant to subsection 1 during the immediately preceding month* to the welfare division of the department of human resources ~~[by certified mail, return receipt requested, postage prepaid, within 3 days after the affidavit is recorded.]~~ *in any format and by any medium approved by the welfare division.*".

Amend the bill as a whole by deleting sec. 4.

Amend the title of the bill to read as follows:

"AN ACT relating to county recorders; increasing the fee charged by a county recorder for certifying a document; prohibiting the recording of certain documents that do not contain certain information; revising the manner in which the county recorder provides the welfare division of the department of human resources with information contained in an affidavit of death; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 447.

Bill read second time and ordered to third reading.

Assembly Bill No. 612.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 14.

Resolution read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 255.

Amend the preamble of the resolution, page 1, line 2, by deleting "nonspecific".

Amend the preamble of the resolution, page 1, by deleting line 6 and inserting:

"attributed to irrelevant conditions; and".

Amend the preamble of the resolution, page 1, line 7, by deleting "disorder" and inserting "illness".

Amend the preamble of the resolution, page 1, line 8, by deleting "disorder" and inserting "illness".

Amend the preamble of the resolution, page 2, line 6, by deleting "disorder;" and inserting "illness;".

Amend the preamble of the resolution, page 2, by deleting line 22 and inserting:

"ruling out alternative problems, ameliorating symptoms, using alternative treatments and offering".

Assemblywoman Berman moved the adoption of the amendment.

Remarks by Assemblywoman Berman.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 15.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblymen Anderson, Nolan, Claborn and Carpenter.

Roll call on Assembly Bill No. 31:

YEAS—30.

NAYS—Angle, Beers, Berman, Brower, Carpenter, Cegavske, Dini, Gustavson, Hettrick, Humke, Marvel, Nolan—12.

Assembly Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Assembly Bill No. 165:

YEAS—42.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 229:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblymen Bache and Carpenter.

Roll call on Assembly Bill No. 297:

YEAS—34.

NAYS—Angle, Carpenter, Collins, Evans, Giunchigliani, Gustavson, Price, Williams—8.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 305.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Bill No. 305:

YEAS—42.

NAYS—None.

Assembly Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblymen Humke and Brower.

Assemblyman Perkins moved that Assembly Bill No. 309 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 322:

YEAS—42.

NAYS—None.

Assembly Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblymen Leslie, Arberry, Anderson and Buckley.

Roll call on Assembly Bill No. 363:

YEAS—42.

NAYS—None.

Assembly Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 374.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 374:

YEAS—42.
NAYS—None.

Assembly Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 408:

YEAS—42.
NAYS—None.

Assembly Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 158.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 158:

YEAS—42.
NAYS—None.

Senate Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 26.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 26.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Anderson, Buckley and Angle.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 22, 24, 79; Senate Concurrent Resolution No. 24.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DE BRAGA:

ROASTALUTION

WHEREAS, on March 28, 1929 Joseph Dini was born to Elvira and Giuseppe Dini in the sleepy little hamlet of Yerington, Nevada; and

WHEREAS, there was a family conference committee following Joe's birth and only the absence of a quorum prevented him from being switched in the hospital nursery; and

WHEREAS, his less than impressive youth made it abundantly clear to everyone—except possibly Elvira and Giuseppe—that Joe was one of those who would probably have to wait for greatness to be thrust upon him; and

WHEREAS, the early indications were that if greatness should be so thrust, it would probably come in the political arena, a presumption substantiated by reports that he repeatedly asked his grade school teachers for five minute recesses and annually pleaded with them to "do pass"; and

WHEREAS, his academic record at the University of Nevada was so sterling that he actually had it sealed by a court; and

WHEREAS, his meteoric rise from complete obscurity to mediocrity as an appointed member of the swimming pool board is still pointed to by the locals as an example to be emulated by all those who wish to make something—without being too specific—of themselves; and

WHEREAS, Joe's own cherished dream to someday run away and join the circus became a reality in 1966, when he finally got his big chance, and surprised everyone by actually being elected to the Nevada Assembly; and

WHEREAS, he has now served in that circus for 33 years—many times as ringmaster—with wit and wisdom and more than a modicum of understanding of life which he has so often summed up with his inspiring philosophical observation, "Manure happens," and

WHEREAS, throughout his career, his clever application of the political process sometimes referred to as "the game" is legend—not only because he understands it, but because he invented it; and

WHEREAS, his amazing sense of humor has helped him bridge the gap between his dignified role as Speaker of the Nevada Assembly for a record 16 years and his unseemly membership in the Royal Order of Jesters and E Clampis Whatsis, and

WHEREAS, Joe is widely recognized as the person who discovered dirt, his opinions on farming and ranching are sought out by urban and rural legislators, alike. His now internationally acclaimed *"You Can Lead a Horse to Water, But if You Can Teach Him to Float on His Back You've Really Done Something"* speech has motivated and encouraged literally thousands; and

WHEREAS, for proof of his stature as a great statesman and humanitarian, one has but to look at his courageous stand (or would that be courageous sit?) on outhouses; his steadfast belief that inside every good Republican there is a practically adequate Democrat struggling to get out; and the fact that—against the most insurmountable odds—he will fight to the death if need be, for equality for garlic and onions; and

WHEREAS, no one knows how many awards and accolades he has received, the first ones having been bestowed before records were kept, and

WHEREAS, in the year 2047:

Joe Dini will knock at the pearly gates
His face will be scarred and old
He'll caucus with St. Peter
For admission to the Fold
When Joe gets in, God will be wise
To hold back His new boarder
Or in a blink, Joe will, I think
Be calling <u>*Heaven*</u> to order.

NOW THEREFORE, BE IT RESOLVED that in recognition of both Joe and the legislature having reached their 70th birthdays—which as everyone knows is 140 in government years; and

BE IT FURTHER RESOLVED that we join his wife Mouryne and his family in wishing him a happy birthday and many, many, many, many more of the same; and

BE IT MOREOVER ALSO ADDITIONALLY RESOLVED that we, the honorable and obviously not above sucking-up members of the Nevada Legislature, do hereby proclaim March 28 as Joe Dini Day throughout the state, nation and planet.

HAPPY BIRTHDAY, Mr. Speaker!

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Massie and Carroll Massie.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Clampitt.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Horsley and Bob Davis.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Marina Davis.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Allen Marsh and Gloria Marsh.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Harry Hampton.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Starkey and Jeff Davis.

On request of Speaker Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Mulreany, Bruce Alden, Nicki Aaker, Nathan Aaker, Joshua Aaker, Matthew Aaker, Ryan Menath, Annette Ohman and Mouryne Dini.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Jeane Mulreany.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan Insley and Betty Insley.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Pfeiffer and Sue Pfeiffer.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Dick Budd and Dale Crowley.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to June Bennett.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to David Law.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Nania Moore, Lois McDonald and Fran Noe.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Marcella Brown and Lynn Brown.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Donohue, Bruce Hamilton, Leo Connolly, George Uebele and Dorothy Uebele.

Assemblyman Perkins moved that the Assembly, in conformance with section 15 of Article 4 of the Constitution of the State of Nevada consent to the adjournment Friday, March 26, 1999 of the Senate until Wednesday, March 31, 1999 at 11:00 a.m. and that the Assembly, with the consent of the Senate, adjourn until Wednesday, March 31, 1999 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:41 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), March 31, 1999

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Lt. John Van Cleef.

Heavenly Father, as we pause before You this day, we are aware of Your majesty and splendor for we see it all around us in the beauty of Your creation—in the heights of the snow capped mountains; in the expanse of the rolling valleys; and in the awesome complexity of our fellow neighbors. May an awareness of Your splendor and majesty fill the men and women of this honorable body throughout this day; and may they ever seek Your will, wisdom and strength as they serve the people of this great state. In our Creator's Name I pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Joint Resolution No. 14 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 311 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblymen Berman and Freeman.

Roll call on Assembly Joint Resolution No. 14:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblywoman Berman moved that all rules be suspended and that Assembly Joint Resolution No. 14 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 74.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 274.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The public employees' retirement board shall conduct a study of the effect on the public employees' retirement system of the employment of retired public employees by public employers that participate in the public employees' retirement system. The public employees' retirement board shall report on the progress and findings of the study at each meeting of the interim retirement committee of the legislature and shall submit a final report of the study to the 71st session of the Nevada Legislature.".

Amend the title of the bill, fourth line, after "allowances;" by inserting: "requiring the public employees' retirement board to conduct a study of the effect on the public employees' retirement system of the employment of retired public employees by public employers participating in the system;".

Amend the summary of the bill, third line, by deleting the period and inserting:

"and requires public employees' retirement board to conduct study of effect on public employees' retirement system of employment of retired public employees by public employers participating in system.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 113, 127, 128; Senate Bill No. 480; Senate Joint Resolution No. 12 of the 69th Session.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 12 of the 69th Session.

Assemblyman Perkins moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Evans, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Rawson, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 41—Congratulating the University of Nevada School of Medicine on its 30th Anniversary and commending Dean Robert M. Daugherty, Jr. for the leadership and guidance he has provided to its students.

WHEREAS, Through the recommendation of the Board of Regents of the University of Nevada and the encouragement, vision and generosity of the late Howard R. Hughes, and other friends such as Dr. Fred Anderson and H. Edward Manville, the University of Nevada School of Medicine was established by the Nevada Legislature in 1969; and

WHEREAS, The University of Nevada School of Medicine has become a medical school for the entire state, with training programs in Las Vegas, Reno, Henderson, Elko, North Las Vegas, Carson City and Sparks, using the assistance of six community hospitals and more than 900 community physicians throughout Nevada to provide patient care in person and via telemedicine; and

WHEREAS, Every year approximately 208 students from Nevada are given the opportunity to pursue a medical education, and, today, more than 1,000 students trained in Nevada have graduated from the University of Nevada School of Medicine, including 900 resident physicians who have been trained in family practice, internal medicine, pediatrics, psychiatry, surgery, and obstetrics and gynecology; and

WHEREAS, The University of Nevada School of Medicine strives to improve the delivery of health care to rural areas by placing physicians in nearly every rural community within this state and staffing Area Health Education Centers with qualified and knowledgeable professionals in health care to make the latest information on health care available to persons living in rural areas; and

WHEREAS, Regardless of a patient's ability to pay, the physicians from the University of Nevada School of Medicine continue to deliver quality health care to any person in need of health care; and

WHEREAS, In addition to the University of Nevada School of Medicine's delivery of health care, vital research is conducted by researchers from the School of Medicine in such important medical subjects as cancer, heart disease, gastrointestinal disorders, nutrition, diabetes and women's health issues, bringing more than $9 million in research funding to the State of Nevada each year; and

WHEREAS, Dean Robert M. Daugherty, Jr., M.D., Ph.D., has served as Dean of the University of Nevada School of Medicine for 18 years, the second longest tenure of all current deans, during which he has built a program that is respected not only in Nevada, but also nationally because of the caliber of its faculty, students and programs; and

WHEREAS, Dean Daugherty has brought recognition to the State of Nevada through his leadership roles in the American Medical Association and the Association of American Medical Colleges as an advocate for all physicians to preserve the doctor/patient relationship and create leadership role models for physicians; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature congratulate the University of Nevada School of Medicine on its 30th Anniversary and commend the school for the vital service it provides to the people of the State of Nevada; and be it further

RESOLVED, That this legislative body pays special tribute, to Dean Robert M. Daugherty, Jr., M.D., Ph.D., on the occasion of being named Dean Emeritus, for his 18 years of service and leadership; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the University of Nevada School of Medicine and Dean Robert M. Daugherty, Jr.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Marvel, Carpenter, Mortenson, Freeman and Mr. Speaker.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Speaker. In 1969 only a handful of Nevada students were admitted to out-of-state medical schools. Most rural communities were without a doctor. When the School of Medicine was established by the legislature in 1969, the state's population was 482,000. The legislature was still meeting in the Capitol Building and Speaker Dini was learning the ropes of lawmaking. Times have changed. Today, the School of Medicine's enrollment exceeds 200 students. Working with hospitals and clinics, the school has been at the forefront of change and innovation in health care delivery. Although medical education is the chief mission of the school, in truth, it does much more than just train the next generation of physicians.

The school's bio-medical research program has achieved international recognition and competes successfully for federal and private grants. In clinical practice faculty, students, and residents can be found in offices, clinics, and hospitals at numerous sites across the state. In addition to the activities mentioned in the resolution, the School of Medicine has fostered development of the Health Services Corp and the Area Health Education Centers in Las Vegas, Elko, and Reno. They assist the public and train many types of health professionals.

Under faculty guidance, the students run a free clinic for the indigent. They also volunteer their time to work with students in our public schools and anti-smoking and anti-drug campaigns. Additionally, the medical school operates a special summer science program for northern and southern public school teachers, along with a unique outreach program for minority high school students.

From pediatrics to geriatrics; from organ transplants to the reattachment of severed limbs; Nevada's medical school has taken a leadership role. On the subject of leadership, the school has succeeded, in large part, because it has had quality leadership. Dean Robert Daugherty has been at the helm since 1981, guiding the school through many stages of growth and development. Especially the expansion of the school's southern campus. He has been a bold and visionary dean—determined and courageous, diligent, tough-minded and tender-hearted. Does he have an Achilles heel? Yes. Students. He is very student oriented. He quickly learns the name of each student and his door is always open to their concerns.

I've long been struck by the message that he consistently gives to medical students. It goes something like this: "The medical school can provide you with knowledge, skill and the experiences needed to become a highly trained physician. You must study hard to learn the science of medicine. But in the art of healing you must give an equal amount of time and effort to become a caring physician. You must listen to your patients and hear what they are saying. Be sensitive and touch them. Be tender and responsive to their needs and to the needs of their families. You will not only be caring for your patients, you must care about them."

Two years ago, Dr. Daugherty was chosen by his peers to a high, national office: chair of the Council of Deans for the Association of American Medical Colleges. Recently, Dr. Jordan Cohen, president of that association, said, "Bob Daugherty is really a mentor to mentors. He is a man of vision and that rare sort of leader who has his feet firmly planted in the present, but his eyes always on the future and how we are going to get there. I've known Bob for many years and I sometimes wonder if he has found the magic formula for getting 25 hours out of every 24."

Dean Daugherty, Nevada thanks you for your hard work and commitment to making our medical school a source of pride. As you step down from being the dean, we know that someone will fill your position. No one will ever fill your shoes.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. It is with great pride that I rise in support of ACR 41. You know, the School of Medicine has survived for 30 years and I congratulate it for doing so. It hasn't been a bed of roses. I do think the School of Medicine has really touched all of us in the State of Nevada. We should all be proud that we have such a school of national and rural recognition.

Rural Nevada—and I do represent rural areas—had a difficult time in placing professionals and doctors. Because of the presence of our school, we now feel that we do have adequate, though maybe not enough, medical and professional coverage. Personally, I am involved. My own family physician is a graduate of the University of Nevada's School of Medicine. I have a plate in my arm which was placed there by another school graduate. We do have and excel at professionalism.

I would like to commend Dr. Daugherty for his 18 years of patience and perseverance. I used to kid the dean about when you shake hands with him, make sure you have your hand on your wallet. Dr. Daugherty, we are proud you have reached "emeritus" status. I think I am the only person here, in this Assembly, who was on Ways and Means in 1981 when the good doctor made his first budget presentation. He was from Indiana. He was asked by one legislator, "I hope you haven't sold your home in Indiana." Another one said, "I hope you haven't bought a home in Reno." After 18 years, here he is, without the albatross around his neck.

May I say, Doctor, we are very proud of your accomplishments. One of the things I am particularly proud of, which has helped my area so much, has been the AHEC program. This was a forerunner to Distance Education. He implemented a program where, from the School of Medicine, we could actually instruct our professionals in the hospitals. I think the pilot area was in Elko. Since then, it has been recognized throughout the state. It has been a tremendous help to all of us in the State of Nevada, particularly in rural areas. You should be commended Dr. Daugherty for your time and dedication to the School of Medicine. Thank you for being one of us.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of ACR 41. Health care in rural Nevada has made great strides because of our College of Medicine. Many of the physicians in rural Nevada have helped to train future doctors and many times, after they became doctors, they came back to rural Nevada and stayed. This is certainly true in my hometown of Elko. I want to give my thanks to Dr. Daugherty for really helping rural Nevada. Thank you.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Thank you. I certainly rise in support of ACR 41. I think I am the only one in this room who was in the legislature in 1969 when we approved the medical school. I think it is one of the finest votes I ever made in my life. I am very proud of the institution and proud of what we did for the people in this state. It was a difficult battle to approve the medical school. It did not pass by many votes. It was our first test of "north versus south." It was after reapportionment in 1966. There were some elements in southern Nevada who did not want us to have a medical school. They felt we couldn't afford it and should turn it down.

The battle continued for months. I remember a senator from Washoe County came to me, to get me to commit to the vote for the school. Virgil Ghetto and I were a team—he's formerly from Churchill County. That year he was chairman of Agriculture and I was the vice-chairman. The previous year, it had been the other way around. They wanted a medical school and we needed some votes for the ice cream, butterfat content bill, which was in the Agriculture Committee. I remember we made a deal with the senator from Washoe County. He said, "I'll vote for your bill and you vote for mine." We were going to vote for the medical school anyway, so it didn't make any difference. At that time, the 14 percent butterfat for ice cream was a big issue. In the rural areas, such as Churchill and Lyon Counties, there were major dairy herds. I think there were 17 Grade A barns in Lyon County and probably 40 in Churchill, at that time. They were discussing using less cream, which would cut into the dairy business. We thought it was a real issue to die for. We voted for the medical school and the senator from Washoe County did not vote for the ice cream bill.

I have been privileged to watch this institution grow. Especially since Dean Daugherty came on the scene in 1981. He made some great friendships here with Marvin Sedway, Jack Jeffrey—people from southern Nevada who certainly supported the institution and gave it an opportunity to go forward. It is expensive. It turned out to be expensive and more money was needed. I have to say something about the dean. He has a knack. When he comes to my office for a fireside chat, he usually has one piece of paper. He extends that piece of paper to me and says, "Look this program over, will you Joe?" As soon as I acknowledge that I might be interested in that program, he reaches into the other pocket and says, "Do you mind taking a look at this one?" Before he's done, I have a stack of papers a foot high, on ten different programs he wants. Then I get accused by the Senate of being the whipping boy for the dean of the medical school. I'm going to miss that.

The school has done a great job for our state. We have a physician in our area—Lyon County paid for her education—who graduated a good number of years ago. She is an outstanding physician in our community. I think we say that about every community. I had the pleasure of going on an airplane ride with the Dean a few years ago. We went around with the AHEC program, the Health Service Corp Program, where we had checks to give the doctors in little communities, to help pay their debt for their education. We went to Eureka, which was a lot of fun because we were in a jet and there was only a dirt runway. Then we went to Elko, Winnemucca, and Fallon. We met some real fine doctors that were doing a great job in the rural areas.

We certainly appreciate all the efforts that the Medical School has done for us. I want to commend Dean Daugherty for the beautiful job he has done. He will certainly be remembered by both Houses of the Legislature for his outstanding contributions to the good health and well being of the citizens of our state. With that, I wish you years of happiness as Dean Emeritus.

ASSEMBLYMAN MORTENSON:

Thank you, Mr. Speaker. In 1969, or maybe earlier, I was working at the Test Site with Los Alamos Scientific Labs. I hired a new graduate nuclear engineer from the University of North Carolina to work in my group. In 1969, when he found that there was going to be a medical school in Reno, he deserted his career as a nuclear engineer and came up here and passed through the first medical school. He is now a doctor here in Carson City and his name is Edmund Pierczynski. I wish I could have had him here beside me today. Thank you.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of ACR 41. After the wonderful stories which have been told by Speaker Dini and the rest, I won't try to top that. I simply want to congratulate the School of Medicine and the Dean as well, on the school's anniversary and his retirement. Enjoy your retirement.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 41 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblymen Bache and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 131:

YEAS—29.

NAYS—Angle, Beers, Berman, Brower, Carpenter, Cegavske, Gustavson, Hettrick, Humke, Marvel, Nolan, Tiffany, Von Tobel—13.

Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 251.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Bill No. 251:

YEAS—42.

NAYS—None.

Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 268.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 242.

Amend section 1, page 1, line 15, by deleting "~~[and]~~" and inserting "and".

Amend section 1, page 1, line 16, by deleting "*February*" and inserting "*April*".

Amend section 1, page 1, line 17, by deleting "*February*" and inserting "*April*".

Amend section 1, page 2, line 3, by deleting:

"~~[.]~~ *; and*" and inserting a period.

Amend section 1, page 2, by deleting lines 4 through 9.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 332.

Bill read third time.

Remarks by Assemblymen Anderson and Buckley.

Potential conflict of interest declared by Assemblymen Anderson, Bache, Giunchigliani and Parnell.

Roll call on Assembly Bill No. 332:

YEAS—33.

NAYS—Angle, Carpenter, Cegavske, Gustavson, Hettrick, Marvel, Nolan, Tiffany, Von Tobel—9.

Assembly Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblymen Lee and Goldwater.

Roll call on Assembly Bill No. 414:

YEAS—41.

NAYS—Gustavson.

Assembly Bill No. 414 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 447.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 447:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Assembly Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 612.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 612:

YEAS—42.

NAYS—None.

Assembly Bill No. 612 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 27.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted unanimously.

Assemblywoman Buckley moved that Assembly Joint Resolution No. 15, Assembly Joint Resolution No. 5 of the 69th session, Assembly Bill No. 311 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 109, 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Vice-Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bills Nos. 169, 444, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 95, 189, 303, 375, 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 638, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass, as amended, and re-refer to the Committee on Ways and Means.

Also, your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 333, 624, 645, 670, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 548, 620, 649, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 50, 287, 339, 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections, Procedures, and Ethics.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 179, 252, 296; Assembly Joint Resolutions Nos. 19, 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was re-referred Assembly Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and re-refer to the Committee on Ways and Means.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 28, 59, 188, 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and re-refer to the Committee on Ways and Means.

Also, your Committee on Transportation, to which was referred Assembly Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 289; Senate Bill No. 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 309 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 638 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 372 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 190, 315.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 20, Amendment No. 161, Assembly Bill No. 85, Amendment No. 157, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 21, 40.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 220 to Senate Bill No. 255.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 190.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 315.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 480.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 90.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the supreme court, the court administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this state and make recommendations, through the chief justice, for the improvement of those procedures;

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;

3. Make recommendations to and carry out the directions of the chief justice relating to the assignment of district judges where district courts are in need of assistance;

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the state court system and transmit that information to the supreme court so that proper action may be taken in respect thereto;

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the state court system and make recommendations in respect thereto;

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the state court system;

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the state court system and the offices connected therewith;

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;

9. Formulate and submit to the supreme court recommendations of policies or proposed legislation for the improvement of the state court system; ~~[and]~~

10. *On or before January 1 of each year, submit to the director of the legislative counsel bureau a written report compiling the information submitted to the court administrator pursuant to sections 6, 9 and 10 of this act during the immediately preceding fiscal year; and*

11. Attend to such other matters as may be assigned by the supreme court or prescribed by law.".

Amend section 1, page 1, line 2, by deleting:

"2, 3 and 4" and inserting:

"3 to 6, inclusive,".

Amend sec. 2, page 1, line 4, by deleting:"*3 and 4*" and inserting:

"*4 and 5*".

Amend sec. 4, page 1, line 8, by deleting:

"*and "family division" mean*" and inserting "*means*".

Amend the bill as a whole by renumbering sections 5 and 6 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. *In the time and manner prescribed by the supreme court, the chief judge of the judicial district or, if the district has no chief judge, a district judge designated by mutual consent of the district judges of that district, shall submit to the court administrator a report of the statistical information required pursuant to this section and such other statistical information as prescribed by the supreme court. The report must include, without limitation, statistical information concerning:*

1. Those cases which are pending and undecided and the judge to whom each case has been assigned;

2. The type and number of cases each judge considered during the preceding month;

3. The number of cases submitted to each judge during the preceding month;

4. The number of cases decided by each judge during the preceding month; and

5. The number of full judicial days in which each judge appeared in court or in chambers in performance of his duties during the preceding month.".

Amend sec. 6, pages 2 and 3, by deleting lines 27 through 41 on page 2 and lines 1 through 3 on page 3, and inserting:

"~~judge of the district shall submit a written report to the clerk of the supreme court each month, showing:~~

~~(a) Those cases which are pending and undecided and to which judge the cases have been assigned;~~

~~(b) The type and number of cases each judge considered during the preceding month;~~

~~(c) The number of cases submitted to each judge during the preceding month;~~

~~(d) The number of cases decided by each judge during the preceding month; and~~

~~(e) The number of full judicial days in which each judge appeared in court or in chambers in performance of his duties during the preceding month.~~] *;*

and

(d) Perform all other duties of the chief judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.".

Amend the bill as a whole by renumbering sec. 7 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 6, to read as follows:

"Sec. 9. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

In the time and manner prescribed by the supreme court, the justice of the peace of a township or, if there is more than one justice of the peace of a township, a justice of the peace designated by mutual consent of the other justices of the peace of that township, shall submit to the court administrator a written report of the statistical information required pursuant to this section and such other statistical information as prescribed by the supreme court. The report must include, without limitation, statistical information concerning:

1. Those cases which are pending and undecided and the justice of the peace to whom each case has been assigned;

2. The type and number of cases each justice of the peace considered during the preceding month;

3. The number of cases submitted to each justice of the peace during the preceding month;

4. The number of cases decided by each justice of the peace during the preceding month; and

5. The number of full judicial days in which each justice of the peace appeared in court or in chambers in performance of his duties during the preceding month.

Sec. 10. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

In the time and manner prescribed by the supreme court, the municipal judge of a city or, if there is more than one municipal judge for a city, a municipal judge designated by mutual consent of the other municipal judges of that city, shall submit to the court administrator a written report of the statistical information required pursuant to this section and such other statistical information as prescribed by the supreme court. The report must include, without limitation, statistical information concerning:

1. Those cases which are pending and undecided and the municipal judge to whom each case has been assigned;

2. The type and number of cases each municipal judge considered during the preceding month;

3. The number of cases submitted to each municipal judge during the preceding month;

4. The number of cases decided by each municipal judge during the preceding month; and

5. The number of full judicial days in which each municipal judge appeared in court or in chambers in performance of his duties during the preceding month.".

Amend the title of the bill to read as follows:

"AN ACT relating to the court system; requiring the district courts, justices' courts and municipal courts to submit certain statistical information to the court administrator; requiring the court administrator to compile such information and submit an annual report concerning the information to the

director of the legislative counsel bureau; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning reporting of certain statistical information to court administrator by district courts, justices' courts and municipal courts. (BDR 1-377)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 337.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 275.

Amend section 1, page 2, line 10, by deleting "*150*" and inserting "*185*".

Amend section 1, page 2, line 20, by deleting "*$200*" and inserting "*$700*".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 4, 6, 26, 27, 30, 36, 38, 44, 46, 48, 89, 139, 146, 147, 148, 149, 151, 171, 181, 191, 205, 224, 232, 233, 235, 240, 246, 257, 266, 269, 273, 274, 281, 288, 290, 291, 300, 310, 312, 316, 320, 321, 323, 324, 325, 330, 341, 342, 343, 344, 345, 346, 356, 357, 359, 360, 362, 364, 370, 371, 381, 384, 385, 386, 394, 395, 398, 399, 401, 415, 416, 417, 430, 454, 472, 474, 480, 512, 582, 595, 596, 600, 652, 654, 655, 656, 657, 658, 659, 661, 662, 663 and 664.

SPECIAL ORDERS OF THE DAY

Assemblywoman Buckley moved that vetoed Assembly Bill No. 105 of the 70th Session be made a Special Order of Business for Tuesday, April 6, 1999, at 1:15 p.m.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 38, 39; Senate Bill No. 255, Senate Concurrent Resolution No. 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Kane.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Harrington and Margaret Harrington.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Lorraine Lynne Harrington.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Borque, Bryan Eaton, Melissa Martinelli, Megan Spell, Mike Thicke, Sheila Thompson, Katie Loff, Heather Baxter, Augustin Gallegos, Crystal Geyer, Shawna Sabo, Sara Schank, Meagan Conti, Scott Scoble-Vinson, Michelle Badger, Chris Marble, Kathleen Mateas, Kassie Knigge, Carrie Gralada, Nathan Rasner, Jeremy Blanchard, Sharla Rojas, David McCarty, Julia Harris, Julio Rios, Josh Marhevka, Joe Carlson, Richard Peterson, Amber Meeks, Justin Mills, Heather Hess, Robin Williams-Auer, Robert Auer and Andrea Whittemore.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Shila Young.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Patton and Annette Whittemore.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Shanna Sparks and Jeffrey Martin.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Auer, Adria Bragmann, Tara Cheney, Sara Coleman, Kelly Davis, Melody Demel, Nick Halen, Brandon Hudson, Sarah Kitchen, Jeffery Martin, Brad Metcalf, April Nordstrom, Todd Parker, Crystal Sloan, Nick Demagistris, Jasmine Langguth, Chad Sheldrew, Shanna Sparks, Nathan White, Amanda Benson, Kyle Boschult, Colin Cormier, Josi DuFresne, Kyle Hanson, Emily Johnson, Caleb Karges, Jenny Kasper, Savneet Kaur, Ali Marson, Chris McEachern, Carly Nystrom, Michael Rusler, Kelli Weyrick, Robert Britton, Andrew Coleman, Tiffany Halen, Brandon Kacsmaryk, Joshua Karges, Zachary Karges, Caleb McCoy, Jean Ni, Chelsey Nowling, Sophia Raphael, Daniel Simons, Linda Sitze and Diane Johnson.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Terah Laack and Staci Cobler.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Chanel Parker and Virginia "Puj" Hoffman.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Hurst.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 1, 1999, at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), April 1, 1999

Assembly called to order at 10:47 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman de Braga, who was excused.

Prayer by the Chaplain, Lt. John Van Cleef.

Almighty God, on this day of Passover, our hearts and minds quickly turn toward thoughts of deliverance, redemption and freedom. It is upon these divinely inspired ideals that this nation was built, and upon which this government rests. May the men and women of this great Assembly be inspired by these ideals. May they be guided by Thy hand to enact laws that support them, and empowered by Thy Spirit to embody them. This prayer we offer in Thy Holy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 72, 418, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Commerce and Labor.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 459, 588, 630, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 460, 530, 626, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 207, 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 679, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Chowning moved that Assembly Bill No. 679 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 174; Senate Bills Nos. 332, 398, 460, 462, 483; Assembly Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 10, 35, 53, 59, 154, 209, 235, 277.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 41.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 42—Memorializing former Chief of the Legislative Police Jerry A. Kenney.

WHEREAS, The members of the Nevada Legislature note with profound sorrow the passing of former Chief of the Legislative Police, Jerry A. Kenney, on December 27, 1997; and

WHEREAS, Jerry Kenney was born January 18, 1936, to Patrick and Florence Keegan Kenney of LeMars, Iowa; and

WHEREAS, While employed by the Los Angeles Police Department from 1959 to 1979, Jerry Kenney received an honorable discharge from the United States Marine Corps in 1962, and, in 1976, he earned an Associate of Arts degree from Moorpark Junior College in Moorpark, California; and

WHEREAS, After retiring as a detective from the Los Angeles Police Department, Jerry and his family moved to Carson City; and

WHEREAS, Jerry Kenney was hired as an officer with the Legislative Police on March 3, 1985, because of his knowledge and experience in law enforcement, and was promoted to Lieutenant of the Legislative Police on July 1, 1987; and

WHEREAS, On September 8, 1992, Jerry Kenney was promoted to Chief of the Legislative Police and continued in this capacity until his untimely death; and

WHEREAS, This avid fan of the Los Angeles Dodgers was named an "Outstanding Dad" by the team on July 20, 1991, and was always prepared to help any willing listener understand just how great the Dodgers were; and

WHEREAS, Jerry Kenney served as regional Chairman and Vice Chairman of the National Legislative Services and Security Association, a group of state legislative officers and sergeants-at-arms, and held numerous professional certificates which he had received throughout his career in law enforcement; and

WHEREAS, Following his death, flags at the Nevada Legislature were flown at half-mast for several days to pay tribute to this highly regarded officer; and

WHEREAS, Jerry Kenney is survived by his beloved wife, Gay Swetman Kenney of Carson City, his son, Jim of Ventura, California, daughter, Kathleen Hughes of Reno, brothers, Tom Letsche of Remsen, Iowa, and Patrick Kenney of Rapid City, South Dakota, and 10 grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature express their heartfelt condolences to Jerry's wife, Gay, and the rest of his beloved family; and be it further

RESOLVED, That Jerry Kenney will long be remembered because of his easy-going nature, his loyalty to the L.A. Dodgers and his dedication to the Nevada Legislature and law enforcement; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jerry's loving wife, Gay.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Anderson, Marvel, Price, and Mr. Speaker.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. It is with heavy heart and yet with great memories that I stand in support of ACR 42. Many in this body probably never got to meet Jerry Kenney. Many of you that did probably never got to know him very well. That was Chief Kenney's style. He was a man of few words—but a man with a purpose.

As you can see, our Legislative Police are here in attendance today in Chief Kenney's honor. You can tell by the resolution that he served over 20 years in law enforcement with the Los Angeles Police Department, before retiring and coming here in 1985. His ascension through the ranks in this body, in our legislative police force, was quite rapid. I wanted to share with the body a few thoughts, which had been shared with me by some of his colleagues.

It was put to me that he was unique in that he had a photographic memory. There were things he just didn't forget. He did not necessarily write them down. We had thousands of keys for this building and he knew the number of the key for every place, without having to have a list. That didn't work for everybody—they had to make a list. He was a real manager. He managed the functions so well. He was a no-nonsense manager. When he put his foot down, though, that was the end of the discussion. He did it in a way that made those that worked for him feel good about themselves and good about the operation.

As the resolution mentioned, he was quite the Dodger fan; often watching games on satellite which were not on local feed or taping games. He was quite an architect in his own right, as well; drawing plans for offices and that sort of thing. I remember working with him on the Legislative Security Subcommittee on the placement of the cameras in the building, to make

sure we had all our bases covered, and to provide the security for this building. He spearheaded the change of the name from "Legislative Security" to "Legislative Police." They are a full-fledged police force. They have those authorities and they have quite a number of skills. That is a credit to Chief Kenney. He was the one who really assembled the core of what we have today.

There were a number of accomplishments. You can't say enough about what a family man he was. He always talked about his bride, Gay. His family was first and foremost to him. There were a number of things that bothered other people in the building and they would say, "Doesn't that bother you, Chief?" And he would say, "No. That's nothing." His family was first on his priority list. So, all these things which were big problems to other people were really little things to Jerry because of the priorities that he had in his life.

He was the kind of man you could take a handshake commitment from and take it to the bank. He never went back on his word. I know that his family, Mr. Speaker, feels a great loss. They have great memories but they did suffer a great loss. I have to tell you, however, that the people in this building suffered a great loss as well. He managed so brilliantly. He was detail oriented and got things done so well. Few of the people who knew him probably really knew him because he did everything with no fanfare. He didn't want recognition for what he did—he just wanted to get the job done.

I know you see that all our officers are here in their blue uniforms. I have to tell you, as someone who has spent their entire adult life in law enforcement, we have a force that does a function that is nearly impossible. They have 63 "prima donnas" to work for. They have to provide security for not only us but to all the citizens who come to this building. You never see them. You never know they are there. They do it inconspicuously, so as not to be a threatening presence to the public. You will never know the things that happen behind the scenes; the people they talk to and making sure they aren't a threat to us or others; and the people that are a threat or deemed to be a threat who are moved along. You never hear about those things. That's the way Chief Kenny implemented the process.

On a final note, Mr. Speaker, it's always tough to lose a colleague in law enforcement. If there is anything as close to you as your own family, it is the family in law enforcement. When we lose an officer, anywhere, it's felt by each and every one of us. I know it has affected our officers. Anyone who went to the funeral saw people from all agencies paying their respects. It truly is something that's felt throughout the law enforcement family. In conclusion, Mr. Speaker, I again want to offer my support for this resolution. Chief Kenney is somebody we will never, ever replace. His shoes can never be filled. We have a different chief now, who has a different style. One that is very good as well. However, we will all remember Chief Kenney for the accomplishments that he has put forward here; for the family environment he enjoyed; and for the security that benefits you and me. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of the resolution. I think there is very little that I, not being a law enforcement officer, could add to the description of the services that Chief Kenney provided. I had the opportunity to come to know him and rely on him for several different reasons, not the least of which was, of course, his love of the Dodgers—the only true baseball team.

I think it is really important for us to look at the men and women who are standing there on our left and realize that they are a reflection of Mr. Kenney and his attitudes. Our current chief continues that. The way they have been selected is a reflection of Mr. Kenney's attitude and his care for people, who should come first. When we deal with law enforcement, at least in my committee, on a regular basis, it is the high standards of people that we deal with every day that makes us realize the importance of their work. Therefore, I think our police force as selected by Chief Kenney, and now carried on, are good representatives of the law enforcement agencies as a whole. This is because of the practical experience. They bring with them that additional sensitivity which is needed. So, when I see our force, I think of Chief Kenney and the other members who have served the people of this state. I thank him and his family for allowing his memory to continue on with this resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I also support ACR 42. I think we were all saddened by his sudden demise, particularly those of us who had been around here a while, because we had known Jerry for so many years. I think we can paraphrase Jerry by this: he epitomized excellence in law enforcement. That can be seen when you look at the fine people we have here in blue. By assembling these people, we knew that Jerry understood law enforcement.

Jerry and I got fairly close. I happened to be a Dodger fan, too. One time, when he and Jimmy were back in Pittsburgh, or someplace, they attended a Dodger game. They brought back a baseball that was autographed by Tommy Lasorda, who at the time was manager of the Dodger team. We haven't done too well since then, but I know Jerry is probably praying for them up there as I pray for them down here.

The last time I saw Jerry, he presented me with this legislative pin. That will always be a reminder of Jerry to me. What a fine gentleman and fine officer he was. Certainly our condolences to Gay and the family. He is going to be sorely missed. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, rise with sadness, but in pride with honoring someone who was one of our family—the family of 63. Talking about the Dodgers—I'm not exactly a sports fan—but one of the few ballgames—and I remember talking to him about that—that I'd actually gone to, when I was a kid, was a Dodger game when they were actually playing back in New York. Anyhow, we had talked about that.

I recall that there was some incident that occurred in another legislature somewhere in the United States. This caused Jerry to be more concerned with our security and to develop this room and the room over in the Senate, as well as some of the procedures to enhance our safety. He was certainly a dedicated professional and, as I say, one of the family to us. I always felt a little spoiled, and suppose that we all did, in the wonderful treatment that we got from Jerry and his colleagues that worked with him. I certainly extend my best wishes today, to the family, to let you know that he was certainly loved in this body and that we miss him dearly.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With the permission of the House, I would just like to say and give my condolences to the family. Mouryne Landing, who is sitting next to me, is a former Chief Clerk. She and Jerry had a long standing game they played between each other, sending each other mystery packages and notes. I'm trying to get Mouryne to write down a couple of those stories, just to show you his humor and his relationship to other people on the staff. When we worked together, he would come to my office if there was a problem. The Chief had a handle on it all the time. There were no problems because he took care of them. He gave us tremendous security, just knowing that Jerry was here.

Whenever Mouryne came in late, Jerry would announce on the PA, which went all over the building, "Glad you could make it, Mrs. Landing." She baked a birthday cake for him, tore it apart when she frosted it and then set it out, calling it "best effort" when she gave it to him. Between the two of them, they had a warm relationship. I think, of all the people in this room, she probably misses him more than anybody.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 42 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Cegavske, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson,

Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators James, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 43—Commending Carol Van Wagoner for her outstanding watercolor paintings of the state symbols of Nevada.

WHEREAS, Carol Ann Jeffery was born in the little farming community of Delta, Utah; and

WHEREAS, Carol began developing her artistic talent as a young child by drawing during her spare time; and

WHEREAS, Carol's artistic talents were officially recognized in her second year of college when she won the "Painting of the Year" while attending Dixie College; and

WHEREAS, After graduation from Brigham Young University with a Bachelor of Arts degree, Carol went on to teach school for 1 year before marrying David Van Wagoner and starting her new career of motherhood, raising their six children; and

WHEREAS, When the Van Wagoners' youngest child entered school, Carol returned to teaching in the Clark County School District where she has spent 6 out of 10 years as a teacher at the R. Guild Gray Elementary School; and

WHEREAS, This innovative school recently unveiled their "Nevada Wall," an exhibit that includes copies of historical documents, a copy of the state seal, a state flag that had flown over Carson City, a copy of the Nevada Constitution and materials from the Carson City Mint; and

WHEREAS, One of the biggest challenges in completing the "Nevada Wall" was to find renderings of the state symbols of Nevada; and

WHEREAS, When none were found, Carol Van Wagoner, R. Guild Gray's art teacher, offered to paint watercolors of every state symbol; and

WHEREAS, Within 3 months, using her imagination and the most vivid colors, Carol painted every state symbol with such color and clarity that their addition to the "Nevada Wall" captured the true feeling of the state symbols of Nevada; and

WHEREAS, During this 70th legislative session, these magnificent watercolor paintings have been proudly displayed on the third floor of the Legislative Building; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Carol Van Wagoner is hereby commended for her contributions to this state through her dynamic watercolor paintings of the state symbols of Nevada; and be it further

RESOLVED, That this legislative body is most appreciative to have been given the opportunity to observe and admire these true works of art that portray patriotism and pride for the State of Nevada through the artistic expression of Carol Van Wagoner; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Carol Van Wagoner.

Assemblywoman Cegavske moved the adoption of the resolution.

Remarks by Assemblywoman Cegavske.

Resolution adopted unanimously.

Assemblywoman Cegavske moved that all rules be suspended and that Assembly Concurrent Resolution No. 43 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Concurrent Resolution No. 3.

Resolution read.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 127.

Amend the resolution, page 2, lines 4 and 5, by deleting:
"to be appropriate for inclusion in the system;" and inserting:
"and by the appropriate governmental bodies of the counties and cities in which the roadway is located to be appropriate for exchange;".

Amend the resolution, page 2, between lines 5 and 6, by inserting:

"RESOLVED, That the Director of the Department of Transportation consult with the board of county commissioners and the city council or other appropriate governmental body of each county and city in this state to determine the roadways for inclusion in the study; and be it further".

Amend the resolution, page 2, by deleting lines 9 and 10 and inserting:
"street is located that is included in the study; and be it further

RESOLVED, That upon the completion of the study on an area of the state, the Director of the Department of Transportation and the appropriate governmental body of each county and city in which a roadway that is determined to be appropriate for exchange is located are encouraged, within their respective legal authorities and budgetary limits, to accomplish an exchange of roadways as soon as possible; and be it further".

Amend the resolution, page 2, line 12, after "study" by inserting:
", any exchanges that have been accomplished".

Amend the preamble of the resolution, page 1, line 16, after "by" by inserting:
"the appropriate governmental bodies of the counties and cities in which the roads or streets are located and".

Amend the preamble of the resolution, page 1, line 17, by deleting:
"inclusion in the system" and inserting "exchange".

Amend the preamble of the resolution, page 1, line 18, by deleting the semicolon and inserting:
"for the Department of Transportation and for the counties and cities in which the roads and streets are located;".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Concurrent Resolution No. 11.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 97.

Amend the resolution, page 2, line 9, by deleting:
"mentally ill persons" and inserting:

"persons who are mentally ill and persons who are affected with mental retardation".

Amend the resolution, page 2, line 11, by deleting:
"mentally ill persons" and inserting:
"persons who are mentally ill and persons who are affected with mental retardation".

Amend the resolution, page 2, by deleting lines 14 and 15.

Amend the resolution, page 2, line 16, by deleting "3." and inserting "2.".

Amend the resolution, page 2, line 18, by deleting the semicolon and inserting:
", including the effect of adolescent suicide on such resources; and".

Amend the resolution, page 2, line 19, by deleting "4." and inserting "3.".

Amend the resolution, page 2, by deleting lines 20 through 24 and inserting:
"persons who are mentally ill and persons who are affected with mental retardation by various public and private agencies; and be it further".

Amend the preamble of the resolution, page 1, line 1, by deleting:
"mentally ill persons" and inserting:
"persons who are mentally ill and persons who are affected with mental retardation".

Amend the preamble of the resolution, page 1, line 4, by deleting:
"mentally ill persons;" and inserting:
"persons who are mentally ill and persons who are affected with mental retardation;".

Amend the preamble of the resolution, page 1, line 6, by deleting:
"mentally ill persons" and inserting:
"persons who are mentally ill".

Amend the preamble of the resolution, page 1, between lines 8 and 9, by inserting:

"WHEREAS, Youth suicide, which is preventable with early intervention and treatment, is the third leading cause of death among young Americans; and

WHEREAS, The Centers for Disease Control and Prevention reports that between 1980 and 1994, the suicide rate for persons from 10 to 14 years of age increased by 120 percent; and".

Amend the preamble of the resolution, page 1, line 9, by deleting:
"mentally ill persons" and inserting:
"persons who are mentally ill".

Amend the preamble of the resolution, page 1, line 12, by deleting:
"mentally ill persons" and inserting:
"persons who are mentally ill".

Amend the preamble of the resolution, page 1, by deleting lines 14 through 18, and inserting:

"WHEREAS, The delivery of mental health services requires coordinated community-based programs that address rural and urban needs, inpatient

services, services to substitute for inpatient treatment, crisis treatment, medication, case management, housing, vocational opportunities and training, and other complementary assistance; and

WHEREAS, Mental health services have not been comprehensively reviewed for nearly 10 years; and".

Amend the preamble of the resolution, page 2, line 2, by deleting:

"mentally ill persons" and inserting:

"persons who are mentally ill and persons who are affected with mental retardation".

Amend the title of the resolution, third line, by deleting:

"mentally ill persons" and inserting:

"persons who are mentally ill and to persons who are affected with mental retardation".

Amend the summary of the resolution to read as follows:

"SUMMARY—Directs Legislative Commission to appoint interim committee to continue review and evaluation of services and treatment provided to persons who are mentally ill and to persons who are affected with mental retardation in this state. (BDR R-170)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Assemblywoman Freeman moved that Assembly Concurrent Resolution No. 11 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Resolution ordered reprinted, engrossed and to the Committee on Elections, Procedures, and Ethics.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history on Senate bills upon introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 10.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 35.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 53.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 59.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 154.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 209.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 235.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 277.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 332.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 398.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 460.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 462.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 483.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

CONSENT CALENDAR

Assembly Bills Nos. 548, 620, 649.

Bills read by number.

Roll call on Assembly Bills Nos. 548, 620, 649:

YEAS—39.

NAYS—None.

EXCUSED—de Braga, Marvel, Mortenson—3.

Assembly Bills Nos. 548, 620, 649 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 76.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Children's health insurance program" means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance to uninsured children from low-income families in this state.*

Sec. 3. *1. The administrator shall include in the state plan for Medicaid, to the extent authorized by federal law, presumptive eligibility for women who are pregnant and for persons who are less than 19 years of age.*

2. The administrator shall include in the children's health insurance program, to the extent authorized by federal law, a benefit similar to presumptive eligibility for persons who are less than 19 years of age.

Sec. 4. NRS 422.001 is hereby amended to read as follows:

422.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422.005 to 422.055, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 422.050 is hereby amended to read as follows:

422.050 *1.* "Public assistance" includes:

~~[1.]~~ *(a)* State supplementary assistance;

~~[2.]~~ *(b)* Temporary assistance for needy families;

~~[3.]~~ *(c)* Medicaid;

~~[4.]~~ *(d)* Food stamp assistance;

~~[5.]~~ *(e)* Low-income home energy assistance;

~~[6.]~~ *(f)* The program for child care and development; and

~~[7.]~~ *(g)* Benefits provided pursuant to any other public welfare program administered by the welfare division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.

2. The term does not include the children's health insurance program.

Sec. 6. NRS 422.222 is hereby amended to read as follows:

422.222 1. The administrator may adopt such regulations as are necessary for the administration of NRS 422.070 to 422.410, inclusive, *and section 3 of this act* and any program of the welfare division.

2. A regulation adopted by the administrator becomes effective upon adoption or such other date as the administrator specifies in the regulation.

Sec. 7. NRS 422.270 is hereby amended to read as follows:

422.270 The department, through the welfare division, shall:

1. Except as otherwise provided in NRS 432.010 to 432.085, inclusive, administer all public welfare programs of this state, including:

(a) State supplementary assistance;

(b) Temporary assistance for needy families;

(c) Medicaid;

(d) Food stamp assistance;

(e) Low-income home energy assistance;

(f) The program for child care and development;

(g) The program for the enforcement of child support; ~~[and]~~

(h) *The children's health insurance program; and*

(i) Other welfare activities and services provided for by the laws of this state.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the ~~[state]~~ *State of Nevada* to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the welfare division in carrying out the provisions of NRS 422.070 to 422.410, inclusive ~~[.]~~ *, and section 3 of this act.*

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the state general fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the administrator.

6. Make such agreements with the Federal Government as may be necessary to carry out the supplemental security income program.

Sec. 8. NRS 232.320 is hereby amended to read as follows:

232.320 1. Except as otherwise provided in subsection 2, the director:

(a) Shall appoint, with the consent of the governor, chiefs of the divisions of the department, who are respectively designated as follows:

(1) The administrator of the aging services division;

(2) The administrator of the health division;

(3) The state welfare administrator; and

(4) The administrator of the division of child and family services.

(b) Shall administer, through the divisions of the department, the provisions of ~~[chapters 210,]~~ *NRS 127.220 to 127.310, inclusive, chapter 210 of NRS, NRS 422.001 to 422.410, inclusive, and section 3 of this act, NRS 422.580, chapters* 423, 424, 425 ~~[, 427A,]~~ *and 427A of NRS, NRS 432.010 to 432.139, inclusive, chapters* 432A to 442, inclusive, *of NRS, NRS 444.003 to 444.430, inclusive, and 445A.010 to 445A.050, inclusive, and chapters* 446, 447, 449 and 450 of NRS, ~~[NRS 127.220 to 127.310, inclusive, 422.070 to 422.410, inclusive, 432.010 to 432.139, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.050, inclusive,]~~ and all other provisions of law relating to the functions of the divisions of the department, but is not responsible for the clinical activities of the health division or the professional line activities of the other divisions.

(c) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this state. The director shall revise the plan biennially and deliver a copy of the plan to the governor and the legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the state and the Federal Government;

(4) Identify the sources of funding for services provided by the department and the allocation of that funding;

(5) Set forth sufficient information to assist the department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the department to communicate effectively with the Federal Government concerning

demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the department.

(d) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which he deems necessary for his performance of the duties imposed upon him pursuant to this section.

(e) Has such other powers and duties as are provided by law.

2. The governor shall appoint the administrator of the mental hygiene and mental retardation division.

Sec. 9. 1. This section and sections 1, 2 and 3 of this act become effective on July 1, 1999.

2. Sections 4 to 8, inclusive, of this act become effective at 12:01 a.m. on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to public welfare; requiring the department of human resources to include presumptive eligibility for pregnant women and persons who are less than 19 years of age in the state plan for Medicaid; requiring the department of human resources to include a similar benefit in the children's health insurance program to the extent authorized by federal law; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning benefits provided to pregnant women and children through Medicaid and children's health insurance program. (BDR 38-490)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Assemblywoman Freeman moved that Assembly Bill No. 5 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 126.

Amend section 1, page 1, by deleting line 8 and inserting:

"*4. Shall, on or before March 1, 2001, prepare*".

Amend section 1, page 1, by deleting lines 10 and 11 and inserting:

"*enforcement, during the immediately preceding biennium, of the provisions of this chapter as those provisions relate to the use of special fuel, to the director of the legislative counsel bureau for*".

Amend section 1, page 1, line 12, by deleting "*next regular*" and inserting "*71st*".

Amend the title of the bill by deleting the second and third lines and inserting:

"public safety to prepare and submit a report to the legislature concerning the administration and enforcement of certain provisions".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 117.

Amend section 1, page 1, line 12, by deleting "*1999,*" and inserting "*2001,*".

Amend section 1, page 2, line 1, by deleting "*2000,*" and inserting "*2002,*".

Amend section 1, page 2, line 6, by deleting "*2001,*" and inserting "*2003,*".

Amend section 1, page 2, line 10, by deleting "*2002,*" and inserting "*2004,*".

Amend section 1, page 2, line 15, by deleting "*2003,*" and inserting "*2005,*".

Amend section 1, page 2, line 19, by deleting "*2004,*" and inserting "*2006,*".

Amend section 1, page 2, line 23, by deleting "*2005,*" and inserting "*2007,*".

Amend section 1, page 2, line 28, by deleting "*2006,*" and inserting "*2008,*".

Amend section 1, page 2, line 33, by deleting "*2007,*" and inserting "*2009,*".

Amend the bill as a whole by deleting sec. 3.

Amend the title of the bill, first line, after "taxation;" by inserting "prospectively".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Assemblyman Goldwater moved that Assembly Bill No. 32 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 95.

Amend sec. 2, page 2, line 22, by deleting "1999." and inserting "2001.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Assemblywoman Chowning moved that Assembly Bill No. 34 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 89.

Amend sec. 4, page 1, line 8, by deleting:

"*and "family division" mean*" and inserting "*means*".

Amend sec. 5, page 1, line 16, by deleting "*family*" and inserting "*district*".

Amend sec. 5, page 2, line 1, by deleting "*family*" and inserting "*district*".

Amend sec. 5, page 2, line 6, by deleting "*family*" and inserting "*district*".

Amend sec. 5, page 2, line 10, by deleting "*family*" and inserting "*district*".

Amend sec. 5, page 2, line 16, by deleting "*family*" and inserting "*district*".

Amend sec. 5, page 2, line 18, by deleting "*family*" and inserting "*district*".

Amend the title of the bill to read as follows:

"AN ACT relating to the court system; revising the provisions relating to the authority of a chief judge in a judicial district that includes a county whose population is 100,000 or more; providing for the establishment of procedures for addressing certain grievances of parties in such a judicial district; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to authority of chief judges in certain judicial districts. (BDR 1-374)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 128.

Amend section 1, page 2, by deleting lines 36 and 37 and inserting:

"*(a) Have inscribed on it the international symbol of access which complies with any applicable federal standards, is centered on the sticker and is white on a blue*".

Amend sec. 3, page 5, by deleting lines 12 through 17 and inserting:

"4. A person who violates any provision of this section is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of $100.

(b) Upon the second offense, by a fine of $250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than $500, but not more than $1,000 and not less than 25 hours, but not more than 100 hours, of community service.".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read second time.

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

Amendment No. 170.

Amend sec. 3, page 1, line 16, after "*property.*" by inserting:

"*The basis for the computation of the assessments must be the frontage or another uniform and quantifiable basis.*".

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. NRS 271.357 is hereby amended to read as follows:

271.357 1. The governing body of each municipality which creates an improvement district ~~[may]~~ *shall* establish a procedure to allow a person whose property will be included within the boundaries of the district to apply for a hardship determination.

2. The procedure must include the referral of applications to an appropriate social services agency within the local government for evaluation. The agency shall consider each application on the basis of ability to pay the assessments attributable to the applicant's property and render a recommendation of approval or disapproval to the governing body.

3. The procedure must include a requirement for renewal of the hardship determination as often as the governing body deems necessary. An application for the renewal of a hardship determination must be treated in a

manner that is similar to the evaluation and approval required for an initial determination.".

Amend the title of the bill by deleting the second and third lines and inserting:

"district for a street beautification project; requiring the governing body of a municipality which creates an improvement district to establish a procedure for hardship determinations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing local improvement districts. (BDR 21-542)".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 109.

Bill read second time.

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

Amendment No. 130.

Amend sec. 2, page 2, by deleting lines 30 through 39 and inserting:

"2. ~~[Subject to the provisions of subsection 2 of NRS 598.0979 and except]~~ *Except* as otherwise provided in this section, the commissioner or director may not make public the name of any person alleged to have committed a deceptive trade practice. This subsection does not:

(a) Prevent the commissioner or director from issuing public statements describing or warning of any course of conduct which constitutes a deceptive trade practice.

(b) Apply to a person who is subject to an order issued pursuant to subsection 5 of NRS 598.0971.".

Amend the title of the bill to read as follows:

"AN ACT relating to deceptive trade practices; requiring the commissioner to make public, upon request, any assurance of discontinuance accepted by the commissioner or the director; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 121.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. 1. The Legislative Commission shall appoint a subcommittee to conduct an interim study concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada or any of its political subdivisions, or a present or former officer or employee of this state or any political subdivision, or an immune contractor or state legislator arising out of an act or omission within the scope of his public duties or employment.

2. In addition to legislators, the Legislative Commission shall appoint an advisory committee to assist the subcommittee. The advisory committee must include, without limitation:

(a) One representative from the Office of the Attorney General;

(b) One representative from the Division of Insurance of the Department of Business and Industry;

(c) One representative from the League of Cities;

(d) One representative from the League of Counties;

(e) One representative from the Nevada Association of Counties;

(f) One representative from the Nevada Trial Lawyers' Association;

(g) One resident of Clark County;

(h) One resident of Washoe County; and

(i) One resident of a rural county of this state.

3. The study must include, without limitation, an analysis of whether it is appropriate to change the current statutory limitation on damages set forth in NRS 41.035 with consideration to the potential effects of changing the limitation, including, without limitation, the potential fiscal impact of any such change and the potential effect that such a change would have on injured plaintiffs.

4. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee.

5. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 71st session of the Nevada Legislature.

Sec. 2. This act becomes effective upon passage and approval.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, The State of Nevada, by waiving its sovereign immunity, allows monetary damages to be awarded to a person in a tort action against the State of Nevada or any of its political subdivisions, or a present or former officer or employee of the State of Nevada or any political subdivision, or an immune contractor or state legislator arising out of an act or omission within the scope of his public duties or employment; and

WHEREAS, The current statutory limit on the amount of damages that may be awarded to a plaintiff in such a tort action has not been increased since 1979; and

WHEREAS, Persons injured in this state may not be adequately compensated for injuries caused to them by the State of Nevada or its political subdivisions because of the current limitation on damages; and

WHEREAS, Before changing the statutory limit on the amount of damages that may be awarded in such cases, it is also necessary to consider the fiscal impact on the State of Nevada and its political subdivisions; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to sovereign immunity; directing the Legislative Commission to conduct an interim study concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada, its political subdivisions or certain other persons; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Directs Legislative Commission to conduct interim study concerning statutory limitation on damages that may be awarded to person in tort action against State of Nevada, its political subdivisions or certain other persons. (BDR S-514)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 119 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Elections, Procedures, and Ethics.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 279.

Amend section 1, page 1, by deleting lines 14 and 15 and inserting:

"(d) A facility funded by ~~[the welfare]~~ *a* division or ~~[the mental hygiene and mental retardation division]~~ *program* of the department of human resources.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 262.

Amend section 1, page 1, by deleting lines 14 through 19 and inserting:

"(a) A line ~~[on which to enter the number on]~~ *for use by the county clerk to enter:*

(1) The first two letters of the name of the county in which the voter is applying to vote;

(2) The first two letters of the last name of the voter;

(3) A six-digit number composed of the last two digits of the year of the birth of the voter, followed by two digits representing the month of the birth of the voter followed by two digits representing the day of the birth of the voter; and

(4) The last four digits of the voter's social security ~~[card, driver's license or identification card issued by the department of motor vehicles and public safety.]~~ *number if provided by the voter without objection. If the last four digits of the social security number are not provided by the voter, a four-digit number assigned by the county clerk.*".

Amend the bill as a whole by deleting sections 2 and 3.

Amend the title of the bill to read as follows:

"AN ACT relating to elections; revising the provisions governing the form for an application to register to vote; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing form for application to register to vote. (BDR 24-869)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 235.

Amend section 1, page 1, line 5, by deleting "*structure or*" and inserting "*structure*".

Amend section 1, page 1, by deleting lines 6 through 9 and inserting:

"*refrigerator or for a device used for cooling and heating unless the product complies with one of the following measures of flammability:*".

Amend section 1, page 1, line 10, by deleting "*(1)*" and inserting "*(a)*".

Amend section 1, page 1, line 12, by deleting "*(2)*" and inserting "*(b)*".

Amend section 1, page 1, line 14, by deleting "*(3)*" and inserting "*(c)*".

Amend section 1, page 1, line 15, by deleting "*(4)*" and inserting "*(d)*".

Assemblywoman Segerblom moved the adoption of the amendment.

Remarks by Assemblywoman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 282.

Amend section 1, page 2, by deleting lines 16 through 43 and inserting:

"~~[(d) Falsification of the application;]~~ *The department may deny the issuance of, suspend or revoke a license to engage in the activities of a broker of vehicles upon any of the following grounds:*

(a) Failure of the applicant to have an established place of business in this state.

(b) Conviction of a felony in this state or any other state, territory or nation.

(c) Material misstatement in the application.

(d) Evidence of unfitness of the applicant or licensee.

(e) Failure or refusal to provide to the department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6 . ~~[; or]~~

(f) *Willful failure to comply with a provision of the motor vehicle laws of this state or a directive of the director. For the purpose of this paragraph, failure to comply with a directive of the director advising the licensee of his noncompliance with a provision of the motor vehicle laws of this state or a regulation of the department, within 10 days after the receipt of the directive, is prima facie evidence of willful failure to comply with the directive.*

(g) Failure or refusal to furnish and keep in force any bond.

(h) Failure on the part of the licensee to maintain a fixed place of business in this state.

(i) Failure or refusal by the licensee to pay or otherwise discharge a final judgment against the licensee rendered and entered against him, arising out of the misrepresentation of a vehicle, trailer or semitrailer, or out of a fraud committed in connection with the brokering of a vehicle, trailer or semitrailer.".

Amend section 1, page 3, line 1, by deleting "*(i)*" and inserting "*(j)*".

Amend section 1, page 3, line 3, by deleting "*(j)*" and inserting "*(k)*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time.

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

Amendment No. 229.

Amend the bill as a whole by renumbering sections 6 through 10 as sections 7 through 11 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 286.520 is hereby amended to read as follows:

286.520 1. Except as otherwise provided in subsections 4, 5 and 6 and NRS 286.525, the consequences of the employment of a retired employee are:

(a) A retired employee who accepts employment or an independent contract with a public employer under this system is disqualified from receiving any allowances under this system for the duration of that employment or contract if:

(1) He accepted the employment or contract within 90 calendar days after the effective date of his retirement; or

(2) He is employed in a position which is eligible to participate in this system.

(b) If a retired employee accepts employment or an independent contract with a public employer under this system more than 90 calendar days after the effective date of his retirement in a position which is not eligible to participate in this system his allowance under this system terminates upon his earning an amount equal to one-half of the average salary for participating public employees who are not police officers or firemen in any fiscal year, for the duration of that employment or contract.

(c) If a retired employee accepts employment with an employer who is not a public employer under this system, the employee is entitled to the same allowances as a retired employee who has no employment.

2. The retired employee and the public employer shall notify the system:

(a) Within 10 days after the first day of an employment or contract governed by paragraph (a);

(b) Within 30 days after the first day of an employment or contract governed by paragraph (b); and

(c) Within 10 days after a retired employee earns more than one-half of the average salary for participating public employees who are not police officers or firemen in any fiscal year from an employment or contract governed by paragraph (b),

of subsection 1.

3. For the purposes of this section, the average salary for participating public employees who are not police officers or firemen must be computed on the basis of the most recent actuarial valuation of the system.

4. If a retired employee is chosen by election or appointment to fill an elective public office, he is entitled to the same allowances as a retired employee who has no employment, unless he is serving in the same office in which he served and for which he received service credit as a member. *A*

public employer may pay contributions on behalf of such a retired employee to a retirement fund which is not a part of the system in an amount not to exceed the amount of the contributions that the public employer would pay to the system on behalf of a participating public employee who serves in the same office.

5. The system may waive for one period of 30 days or less a retired employee's disqualification under this section if the public employer certifies in writing, in advance, that the retired employee is recalled to meet an emergency and that no other qualified person is immediately available.

6. A person who accepts employment or an independent contract with either house of the legislature or by the legislative counsel bureau is exempt from the provisions of subsections 1 and 2 for the duration of that employment or contract.".

Amend sec. 6, page 5, line 24, after "NRS" by inserting "*286.470,*".

Amend the bill as a whole by renumbering sections 11 through 13 as sections 13 through 15 and adding a new section designated sec. 12, following sec. 10, to read as follows:

"Sec. 12. NRS 286.677 is hereby amended to read as follows:

286.677 If payments or refunds are not made under the provisions of NRS 286.673, 286.674 or 286.676 , the dependent parent of a deceased member is entitled to receive a cumulative benefit of at least ~~[$350]~~ *$400* per month, and if there are two dependent parents each is entitled to receive a cumulative benefit of at least ~~[$350]~~ *$400* per month. Payments to any parent under this section must cease upon the death or remarriage of that parent.".

Amend sec. 12, page 8, line 29, by deleting "7" and inserting "8".

Amend sec. 13, page 8, line 32, by deleting "12," and inserting "14,".

Amend the title of the bill, fifth line, after the semicolon by inserting: "authorizing a public employer to contribute to a retirement fund that is not a part of the system on behalf of certain retired employees;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 189 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 202.

Bill read second time.

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

Amendment No. 53.

Amend sec. 2, page 2, line 9, by deleting "Monuments" and inserting: "~~[Monuments]~~ *Except as otherwise provided in subsection 3, monuments*".

Amend sec. 2, page 2, by deleting lines 17 through 24 and inserting:

"*3. Except as otherwise provided in subsection 4, if a monument cannot be set or reset because of steep terrain, water, marsh or existing structures, or if it would be obliterated as a result of construction or maintenance, one or more reference monuments, as defined in NRS 329.120, must be set. In addition to the requirements for a monument set forth in subsections 1 and 2, the letters "RM" must be stamped in the tablet, disc or cap of the reference monument. One reference monument may be used if it is set on the actual line or a prolongation thereof. In all other cases, at least two reference monuments must be used. If the reference monuments do not appear on a record of survey filed in accordance with the provisions of NRS 625.340 to 625.380, inclusive, a corner record must be filed pursuant to chapter 329 of NRS.*

4. The provisions of subsection 3 do not apply if federal law prohibits the destruction or removal of a monument.".

Amend sec. 3, page 2, by deleting line 33 and inserting:

"*surveyor who acts in accordance with NRS 625.380.*".

Amend sec. 4, page 3, by deleting line 13 and inserting:

"*surveyor who acts in accordance with NRS 625.380.*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:13 p.m.

ASSEMBLY IN SESSION

At 12:14 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 163.

Amend sec. 5, page 2, line 8, by deleting "*"Poor reproductive*" and inserting "*"Adverse birth*".

Amend sec. 7, page 2, line 14, by deleting "*poor reproductive*" and inserting "*adverse birth*".

Amend sec. 8, page 2, by deleting lines 18 through 36 and inserting:

"Sec. 8. *1. The chief administrative officer of each hospital and obstetric center or his representative shall:*

(a) Maintain and make available to the state health officer or his representative a list of:

(1) Patients who are under 7 years of age and have been diagnosed with one or more birth defects; and

(2) Patients discharged with adverse birth outcomes; and

(b) Make available to the state health officer or his representative the records of the hospital or obstetric center regarding:

(1) Patients who are under 7 years of age and have been diagnosed with one or more birth defects; and

(2) Patients discharged with adverse birth outcomes.

2. The name of a patient must remain on the list required to be maintained by subsection 1 for at least 5 years after the patient is discharged from the hospital or obstetric center.".

Amend sec. 8, page 2, after line 40, by inserting:

"*4. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.*".

Amend sec. 9, page 3, by deleting lines 1 and 2 and inserting:

"*(a) To investigate the causes of birth defects and other adverse birth outcomes;*".

Amend sec. 9, page 3, line 4, by deleting "*poor reproductive*" and inserting "*adverse birth*". Amend sec. 9, page 3, line 12, before "*approved*" by inserting "*authorized and*".

Amend sec. 9, page 3, line 22, by deleting "*poor reproductive*" and inserting "*adverse birth*".

Amend sec. 10, page 3, line 30, by deleting "*each*" and inserting "*the*".

Amend sec. 10, page 3, line 34, by deleting "*research.*" and inserting: "*research obtained by the person given access, based upon information in the system.*".

Amend the bill as a whole by renumbering sections 11 through 17 as sections 14 through 20 and adding new sections designated sections 11 through 13, following sec. 10, to read as follows:

"Sec. 11. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory board" means the advisory board on maternal and child health.

2. "Department" means the department of human resources.

3. "Director" means the director of the department of human resources.

4. "Health division" means the health division of the department of human resources.

5. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

Sec. 12. NRS 442.040 is hereby amended to read as follows:

442.040 1. Any physician, midwife, nurse, ~~[maternity home]~~ *obstetric center* or hospital of any nature, parent, relative or person attendant on or assisting in any way whatever any infant, or the mother of any infant, at childbirth, or any time within 2 weeks after childbirth, knowing the condition

defined in NRS 442.030 to exist, shall immediately report such fact in writing to the local health officer of the county, city or other political subdivision within which the infant or the mother of any infant may reside.

2. Midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician's instructions.

3. On receipt of such report, the health officer, or the physician notified by a midwife, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye or eyes of the infant, and shall, for indigent cases, provide the necessary treatment at the expense of the county, city or other political subdivision.

Sec. 13. NRS 442.110 is hereby amended to read as follows:

442.110 Any physician, midwife, nurse, manager or person in charge of ~~[a maternity home]~~ *an obstetric center* or hospital, parent, relative or person attending upon or assisting at the birth of an infant who violates any of the provisions of NRS 442.030 to 442.100, inclusive, shall be punished by a fine of not more than $250.".

Amend sec. 11, page 3, line 40, by deleting "maternity home" and inserting:

"~~[maternity home]~~ *obstetric center*".

Amend sec. 11, page 4, line 4, by deleting "maternity home" and inserting:

"~~[maternity home]~~ *obstetric center*".

Amend the title of the bill, third line, by deleting "poor reproductive" and inserting "adverse birth".

Amend the summary of the bill by deleting the second and third lines and inserting:

"analysis of information concerning birth defects and other adverse birth outcomes.

(BDR 40-72)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 164.

Amend section 1, page 1, line 9, by deleting "*provide for*" and inserting "*facilitate*".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 136.

Amend section 1, page 2, by deleting lines 21 through 28 and inserting:

"*6. If the ownership of the land upon which a lien is imposed pursuant to subsection 5 is severed from the ownership of the right to use the water, the lien remains in effect on the land until:*

(a) The place of use of the water is changed to:

(1) Land upon which a lien is imposed pursuant to subsection 5, if such change is in accordance with applicable statutes and regulations; or

(2) Stream systems where a decree of court has been entered, if that change is in accordance with the decree or any rules adopted pursuant to the decree; or

(b) The owner of the right to use the water enters into a written agreement with the irrigation district for the payment of assessments, tolls or charges required pursuant to this section. Except as otherwise provided in this paragraph, the payment must be secured by the right to use the water in a manner that is satisfactory to the irrigation district. If the owner of the right to use the water is the Federal Government or one of its agencies, or the State of Nevada or one of its agencies or political subdivisions, the agreement is not required to be secured in such a manner.".

Assemblywoman Segerblom moved the adoption of the amendment.

Remarks by Assemblywoman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 271.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 186.

Amend section 1, page 1, line 2, by deleting "6," and inserting "7,".

Amend sec. 2, page 1, line 3, by deleting "*6,*" and inserting "*7,*".

Amend sec. 2, page 1, lines 4 and 5, by deleting:

"*3 and 4*" and inserting:

"*3, 4 and 5*".

Amend the bill as a whole by renumbering sections 3 through 9 as sections 4 through 10 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. *"Consignee" means any person licensed pursuant to this chapter to sell or lease vehicles, or any person who holds himself out as being in the business of selling, leasing or consigning vehicles.*".

Amend sec. 3, page 1, lines 8 and 9, by deleting:

"*allows another person*" and inserting:
"*authorizes a consignee*".

Amend sec. 4, page 2, line 2, by deleting "*an agent*" and inserting "*a consignee*".

Amend sec. 6, page 2, by deleting lines 19 and 20 and inserting:

"Sec. 7. *1. A consignee of a vehicle shall, upon entering*".

Amend sec. 6, page 3, line 12, after "*operated*" by inserting:
"*by the consignee, an employee or agent of the consignee, or a prospective buyer*".

Amend sec. 6, page 3, line 21, by deleting:
"*dealer or rebuilder*" and inserting "*consignee*".

Amend sec. 6, page 3, line 36, by deleting:
"*dealer or rebuilder*" and inserting "*consignee*".

Amend sec. 6, page 4, by deleting lines 1 and 2 and inserting:
"*be punished in accordance with NRS 205.300. The court shall, in addition to*".

Amend sec. 7, page 4, line 7, by deleting "*6*" and inserting "*7*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 250.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sections 6 and 7 as sections 1 and 2.

Amend the bill as a whole by deleting sec. 8.

Amend the title of the bill to read as follows:
"AN ACT relating to eminent domain; revising the date of valuation used to assess the amount of compensation and damages awarded in an action relating to eminent domain; revising a provision governing the amount of interest a plaintiff must pay on the final judgment in an action relating to eminent domain; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:
"SUMMARY—Revises provisions governing awards in actions relating to eminent domain. (BDR 3-729)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 287 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 289.

Bill read second time and ordered to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 179.

Amend section 1, page 2, by deleting lines 7 through 11 and inserting:

"(1) The ~~[percentage of private land controlled by the applicant;~~

~~(2) The portion of the population of elk above the target level for elk established by the land management agency; and~~

~~(3)]~~ *number of elk using private land controlled by the applicant;*

(2) The number of days the elk use private lands of the applicant in a calendar year;

(3) The total number of elk; and

(4) Limiting the number of special incentive elk tags issued in each".

Assemblywoman Segerblom moved the adoption of the amendment.

Remarks by Assemblywoman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

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

Amendment No. 228.

Amend section 1, page 1, line 13, by deleting "*A*" and inserting: "*Except as otherwise provided in subsection 4, a*".

Amend section 1, page 2, by deleting lines 3 through 11 and inserting:

"*(a) He applies to the board for disability retirement and the board approves his application;*

(b) In lieu of a disability retirement allowance, he accepts another position with the public employer with which he was employed when he became disabled as soon as practicable but not later than 90 days after the board approves his application for disability retirement;

(c) He remains continuously employed by that public employer until he becomes eligible for retirement pursuant to subsection 2; and

(d) After he accepts a position pursuant to paragraph (b), his contributions are paid at the rate that is actuarially determined for police officers and firemen until he becomes eligible for retirement pursuant to subsection 2.

4. If a police officer or fireman who accepted another position with the public employer with which he was employed when he became disabled pursuant to subsection 3 ceases to work for that public employer before becoming eligible to retire pursuant to subsection 2, he may begin to receive a disability retirement allowance without further approval by the board by notifying the board on a form prescribed by the board.".

Amend section 1, page 2, line 12, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 2, line 15, by deleting "*5.*" and inserting "*6.*".

Amend sec. 2, page 2, line 32, by deleting "*5*" and inserting "*6*".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 334.

Amend sec. 2, page 1, line 13, by deleting:

"act ~~[, or]~~ ;" and inserting:

"act, ~~[or]~~ *other than an unlawful act described in paragraph (c);*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 333 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 247.

Amend section 1, page 1, line 3, by deleting "*or register*" and inserting:

"*, register or enforce*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

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

Amendment No. 209.

Amend section 1, page 1, line 2, by deleting:

"2, 3 and 4" and inserting:
"2 and 3".

Amend sec. 2, page 2, by deleting lines 1 through 11 and inserting:

"*(d) Mortgage-backed pass-through securities guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation or the Government National Mortgage Association; or*

(e) Instruments in which the county is authorized by NRS 355.170 to invest.".

Amend sec. 2, page 2, by deleting lines 20 through 24 and inserting:
"*be at least 102 percent of the amount of the county treasurer's deposit with the depository bank, credit union or association.*".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 24 as sections 3 through 23.

Amend sec. 12, page 5, lines 28 and 29, by deleting:
"*2, 3 and 4*" and inserting:
"*2 and 3*".

Amend sec. 17, page 9, line 26, before "equal" by inserting "*approximately*".

Amend sec. 18, page 11, by deleting lines 7 through 12 and inserting:
"*treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate the repayment of any of those delinquent taxes. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.*".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 178.

Amend section 1, page 2, by deleting line 6 and inserting:
"schools for the establishment of programs for peer mediation and conflict resolution and the expansion of existing programs for peer mediation and conflict".

Amend sec. 2, page 2, by deleting lines 9 and 10 and inserting:
"appropriated by section 1 of this act to award grants to schools for the establishment of programs for peer mediation and conflict resolution and the

expansion of existing programs for peer mediation and conflict resolution. The".

Amend the title of the bill, second line, by deleting:
"that have established" and inserting:
"for the establishment and expansion of".

Amend the summary of the bill, second line, by deleting:
"that have established" and inserting:
"for establishment and expansion of".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to Concurrent Committee on Ways and Means.

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 224.

Amend sec. 13, page 4, line 24, by deleting "25," and inserting "26,".

Amend the bill as a whole by renumbering sections 26 and 27 as sections 28 and 29 and adding new sections designated sections 26 and 27, following sec. 25, to read as follows:

"Sec. 26. *The provisions of NRS 293C.356 to 293C.361, inclusive, apply to a city only if the governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110.*

Sec. 27. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. ~~[The]~~ *Except as otherwise provided in subsection 2,* conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards, and do all other things required to carry the election into effect.

2. *The governing body of the city shall provide for:*

(a) Absent ballots to be voted in a city election pursuant to NRS 293C.305 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and

(b) The conduct of:

(1) Early voting *by personal appearance* in a city election ~~[may be conducted]~~ pursuant to ~~[the provisions of]~~ NRS 293C.356 to 293C.361, inclusive ~~[.]~~ *, and section 26 of this act;*

(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or

(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).".

Amend the bill as a whole by deleting sec. 28 and renumbering sec. 29 as sec. 30.

Amend the bill as a whole by deleting sec. 30.

Amend sec. 33, page 12, by deleting lines 18 and 19 and inserting:

"293C.327 1. If ~~[a]~~ *:*

(a) A request for an absent ballot is made by a registered voter in person ~~[,]~~ *; and*

(b) The governing body of the city, pursuant to paragraph (b) of subsection 2 of NRS 293C.110, has provided for voting by absent ballot in person,

the city clerk shall issue an absent ballot to the registered".

Amend sec. 33, page 12, line 23, by deleting:

"At least ~~[25]~~" and inserting:

"~~[At least 25]~~ *If the governing body of the city has provided for voting by absent ballot in person pursuant to paragraph (b) of subsection 2 of NRS 293C.110, at least*".

Amend sec. 34, page 12, line 34, by deleting "two ~~[co-chairmen~~" and inserting "~~[two co-chairmen~~".

Amend sec. 34, page 12, line 37, after the closed bracket by inserting "*three*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 452.

Bill read second time and ordered to third reading.

Assembly Bill No. 465.

Bill read second time.

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

Amendment No. 226.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 2, by deleting lines 16 and 17 and inserting:

"*Census of the United States Department of Commerce, because of changes in* applicable law ~~[,]~~ *or because the board of county commissioners decided to revise those districts pursuant to subsection 4,* the".

Amend sec. 2, page 2, after line 30, by inserting:

"*3. As soon as possible after the data from each decennial census taken by the Bureau of the Census of the United States Department of Commerce is made available to the county, the board of county commissioners shall revise the county commissioner election districts by establishing new county commissioner election districts or adjusting the boundaries of the existing county commissioner election districts to the extent necessary to ensure the*

county commissioner election districts are as nearly equal in population as practicable.

4. During the fourth calendar year after the year in which the data from the decennial census is made available to the county, the board of county commissioners may revise the county commissioner election districts by establishing new county commissioner election districts or by adjusting the boundaries of the existing county commissioner election districts to the extent necessary to ensure the county commissioner election districts are as nearly equal in population as practicable if:

(a) The population in any district exceeds the population in any other district by more than 10 percent pursuant to estimates of population prepared by an employee of the county in consultation with the demographer employed by the department of taxation pursuant to NRS 360.283; and

(b) The measure of population used in paragraph (a) is found to be reliable by the board of county commissioners.

5. If the board of county commissioners revises the county commissioner election districts pursuant to subsection 4, the revisions must be based on a special census conducted pursuant to NRS 244.183 or other legally acceptable enumeration of population.

6. Any county commissioner election district established or adjusted pursuant to this section must be composed of entirely contiguous territory, be as compact as practicable and preserve natural, political and traditional representation.

7. This section does not authorize an increase or decrease in the number of county commissioner election districts in a county.".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to county commissioners; authorizing additional redistricting of county commissioner election districts; and providing other matters".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes additional redistricting of county commissioner election districts. (BDR 20-1431)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 465 be re-referred to the Committee on Elections, Procedures, and Ethics.

Bill ordered reprinted, engrossed and to the Committee on Elections, Procedures, and Ethics.

Assembly Bill No. 481.

Bill read second time and ordered to third reading.

Assembly Bill No. 518.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 263.

Amend section 1, pages 2 and 3, by deleting lines 36 through 41 on page 2 and lines 1 and 2 on page 3 and inserting:

"*function to which every legislator was invited. For the purposes of this subsection, "function" means a party, meal or*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 545.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 248.

Amend section 1, page 1, line 2, by deleting "For" and inserting:

"~~[For]~~ *Except as otherwise provided in subsection 3, for*".

Amend section 1, page 1, line 6, by deleting "*$154*" and inserting "*$150*".

Amend section 1, page 1, line 12, by deleting "*$33*" and inserting "*$35*".

Amend section 1, page 2, line 1, by deleting "*$7.16*" and inserting "*$7.10*".

Amend section 1, page 2, line 3, by deleting "*$5.37*" and inserting "*$5.32*".

Amend section 1, page 2, line 6, by deleting "*$4.48*" and inserting "*$4.43*".

Amend section 1, page 2, line 9, by deleting "*$3.58*" and inserting "*$3.55*".

Amend section 1, page 3, by deleting lines 34 through 38 and inserting:

"court in a criminal proceeding, each reporter is entitled to receive ~~[the]~~ *:*

(a) The fees set forth in paragraphs (a) and (b) of subsection 1, as appropriate ~~[. Each reporter in a criminal proceeding is entitled to receive an additional]~~ *; and*

(b) A fee equal to one-half of ~~[the fee to which he is entitled pursuant to paragraph (c) of subsection 1]~~ *$3.55 per page for the original draft and one copy, and one-half of 55 cents per page for each additional copy* for transcribing a proceeding of which the transcripts are".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 624.

Bill read second time and ordered to third reading.

Assembly Bill No. 645.

Bill read second time and ordered to third reading.

Assembly Bill No. 670.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 116.

Amend the resolution, page 2, line 1, by deleting "*incarceration*" and inserting:

"*all obligations of incarceration and restitution*".

Amend the title of the resolution, third line, by deleting:

"incarceration" and inserting:

"all obligations of incarceration and restitution".

Amend the summary of the resolution, second line, by deleting:

"incarceration" and inserting:

"all obligations of incarceration and restitution".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 19.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 259.

Amend the resolution, page 2, between lines 12 and 13, by inserting:

"RESOLVED, That the Nevada Legislature strongly supports Alternative 1, the "No Action" alternative, as described in the draft Environmental Impact Statement on Surface Management Regulations and Locatable Mineral Operations, to maintain the existing 3809 Regulations without revision or modification; and be it further".

Amend the preamble of the resolution, page 1, before line 1, by inserting:

"WHEREAS, Mining is of critical importance to Nevada and its rural communities as a significant contributor to this state's economy; and

WHEREAS, The "Nevada model" of regulating the mineral industry is known and respected industrywide because it balances the global needs for natural resources with related environmental concerns and the economic needs of private business, thereby resulting in an environmentally healthy state with a viable and responsible mineral industry that uses state-of-the-art technology; and".

Amend the preamble of the resolution, page 2, line 3, after "having the" by inserting "successful".

Amend the preamble of the resolution, page 2, line 5, by deleting "lands;" and inserting:

"lands, thereby imposing significantly detrimental impacts on the mineral industry and the State of Nevada;".

Assemblywoman Segerblom moved the adoption of the amendment.

Remarks by Assemblywoman Segerblom.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 20.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 260.

Amend the resolution, page 2, by deleting lines 19 through 21 and inserting:

"RESOLVED, That if the United States Environmental Protection Agency does not remove the mining industry from the reporting requirements of the Toxic Release Inventory, the Nevada Legislature strongly urges the Agency to develop a separate form of reporting requirements that have a direct application to the processing of minerals and exclude naturally".

Amend the resolution, page 2, lines 27 and 28, by deleting:

"potentially toxic elements," and inserting "reportable chemicals,".

Amend the preamble of the resolution, pages 1 and 2, by deleting lines 3 through 19 on page 1 and lines 1 through 8 on page 2, and inserting:

"chemical hazards in their area by requiring certain businesses to report the locations and quantities of designated chemicals stored on-site to federal, state and local governments; and

WHEREAS, Section 313 of the Emergency Planning and Community Right-To-Know Act specifically requires certain manufacturers to report annually releases into the environment of more than 600 designated chemicals as part of the Toxics Release Inventory which is made available on the Internet to the public by the United States Environmental Protection Agency; and

WHEREAS, The United States Environmental Protection Agency has expanded the Inventory report to include the mining industry and other nonmanufacturing industrial sectors; and

WHEREAS, Many of the chemicals that must be reported in the Inventory are naturally occurring elements in the earth's crust and may be reportable by the mining industry in Nevada by mere virtue of handling and moving these elements in standard mining and ore processing activities; and

WHEREAS, The current reporting requirements of the Inventory were developed for application to the manufacturing industry which brings these chemicals to the manufacturing site and releases them into the environment, and are not appropriate to apply to the mining industry where the risk to public safety is very low; and".

Assemblywoman Segerblom moved the adoption of the amendment.

Remarks by Assemblywoman Segerblom.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 278.
Bill read second time and ordered to third reading.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 1:00 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 51.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 51:
YEAS—41.
NAYS—None.
EXCUSED—de Braga.
Assembly Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 74.
Bill read third time.
Remarks by Assemblymen Thomas, Koivisto, Humke, Tiffany, Bache, Von Tobel, Parks, Perkins, Segerblom, Giunchigliani, Mortenson, Beers, Williams and Anderson.
Potential conflict of interest declared by Assemblymen Koivisto, Parks, Segerblom, Williams and Anderson.
Conflict of interest declared by Assemblywoman Von Tobel.
Roll call on Assembly Bill No. 74:
YEAS—29.
NAYS—Angle, Brower, Carpenter, Cegavske, Gustavson, Hettrick, Humke, Marvel, Nolan, Tiffany—10.
NOT VOTING—Evans, Von Tobel—2.
EXCUSED—de Braga.
Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 268.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 268:

YEAS—41.
NAYS—None.
EXCUSED—de Braga.

Assembly Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 309:

YEAS—41.
NAYS—None.
EXCUSED—de Braga.

Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 311.

Bill read third time.

Remarks by Assemblymen Parks, Giunchigliani.

Roll call on Assembly Bill No. 311:

YEAS—30.
NAYS—Angle, Beers, Berman, Cegavske, Collins, Gustavson, Hettrick, Humke, Lee, Tiffany, Von Tobel—11.
EXCUSED—de Braga.

Assembly Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Joint Resolution No. 15:

YEAS—41.
NAYS—None.
EXCUSED—de Braga.

Assembly Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 5 of the 69th Session.

Resolution read third time.

Remarks by Assemblymen Price, Hettrick, Evans, Bache, Von Tobel, Collins, Giunchigliani, Manendo, Humke, Perkins and Anderson.

Assemblymen Anderson, Nolan, and Angle moved the previous question.

Motion carried.

The question being on the passage of Assembly Joint Resolution No. 5 of the 69th Session.

Roll call on Assembly Joint Resolution No. 5 of the 69th Session:

YEAS—23.

NAYS—Angle, Beers, Brower, Buckley, Carpenter, Cegavske, Claborn, Evans, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Marvel, Perkins, Thomas, Tiffany, Von Tobel—18.

EXCUSED—de Braga.

Assembly Joint Resolution No. 5 of the 69th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 113, 127, 128; Assembly Concurrent Resolutions Nos. 21, 40; Senate Bill No. 158; Senate Concurrent Resolution No. 26.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Stay, Kristyne Hughes, Harlina Hughes and Gary Wolff.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Jean Glantz, Connie Jean Waltz and Katheryne Jean Waltz Glantz.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Raina Ann Arberry and Kimberly Owens.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Woodcock.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Van Wagoner, Carolyn Edwards and Bea Soares.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Coles.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to John Sanderson.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Anson Aninao, Brian Annis, Nicole Belancio, Brian Biagi, Ross Brown, Mitch Brown, Anthony Campanaro, Erica Christensen, Melinda Cowan, Brooke Darkis, Ryan Donahue, Larisa Ediss, Laura Enos, Chelsey Galli, Elizabeth Harlow, Giselle Howard, Kimberly Jamieson, Taryn Kammerzell, Jennifer Laird, Dante Licata, Megan Long, Jordan McDermid, Trenton McElhinney, Erik McKee, Rachel Parker, Jaysen Reel, Luis Rodriguez, Lauren Salgo, Megan

Schroader, Joelle Sebaaly, Kali Williams, Sabrina Andersen, Jared Baker, Kevan Bingham, Andrea Bouweraerts, Bradley Bus, Kristine Cagney, Charles Campbell, Alex Carpenter, Rachel Christian, Mark Cukrov, Christopher Dietrich, Kristina Harvey, Natalie Kaye, Remy Lunceford, Andrew Mathis, Chelsea McCarty, Michael Nelson, John Popko, Luke Scott, Matthew Seymour, Kaitlyn Shackelton, Adam Shochat, Neiloy Sircar, Jasmine Sotoodeh, Caroline Spicer, Courtne Throgmorton, Richelle Toriyama, Steven Towell, Alexandra Vandergon, Laura Rice, Bridget Ryan, Sherri Long, Marcie Cowan, Lauren Jamieson, Janet Bowneraerts, Tammie Cagney, Mary Nelson, Tim Riley, Diana Ghio and Marlene Cate.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Jydstrup.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Jimmy Kenney and Stephen Kenney.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Slagle and Patrick Slagle.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Kenney and Tim Hughes.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Trish Rippie.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Hughes, Cassey Hughes and Todd Ellison.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Gay Ellen Kenney, Kathleen Anne Hughes and James Shawn Kenney.

Assemblyman Perkins moved that the Assembly adjourn until Friday, April 2, 1999, at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:54 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 2, 1999

Assembly called to order at 10:40 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, Rosemary Smith.

Dear Heavenly Father, we give thanks and praise to You for our many blessings. We are grateful for the freedom of government at the national, state and local level. We commend to You our leaders and representatives and all who govern. O God, we pray You will keep us close to You in our daily living. As Nevadans we are grateful for our majestic mountain peaks, our desert sands and our lush valleys. May we ever be worthy of Your blessings and love. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 107, 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE SEGERBLOM, *Vice-Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 678, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 42, 43.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 2, Amendment No. 221, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 55, Senate Amendment No. 80, and requests a conference, and appointed Senators Porter, Care and McGinness as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 183, 371; Senate Joint Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 9, 21, 22, 65, 121, 126, 301, 347, 360, 361.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 3.

Assemblyman Collins moved the adoption of the resolution.

Remarks by Assemblyman Collins.

Resolution adopted, as amended.

Senate Joint Resolution No. 7.

Assemblyman Perkins moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Assemblyman Perkins moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 9.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 21.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 22.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 65.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 121.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 126.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 183.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 301.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 347.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 360.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 361.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 371.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 64.

Bill read second time.

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

Amendment No. 283.

Amend the bill as a whole by deleting sections 1 through 65 and adding new sections designated sections 1 through 137, and the text of the repealed sections, following the enacting clause, to read as follows:

"Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 39, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Applicant" means a person who applies for licensure as a mortgage company pursuant to this chapter.*

Sec. 4. *"Commissioner" means the commissioner of financial institutions.*

Sec. 5. *"Depository financial institution" means a bank, savings and loan association, thrift company or credit union.*

Sec. 6. *"Division" means the division of financial institutions of the department of business and industry.*

Sec. 7. *"Licensee" means a person who is licensed as a mortgage company pursuant to this chapter.*

Sec. 8. *1. "Mortgage company" means any person who, directly or indirectly:*

(a) Holds himself out as being able to:

(1) Buy or sell notes secured by liens on real property; or

(2) Make loans secured by liens on real property using his own money; and

(b) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in section 57 of this act, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

2. For the purposes of this section, a person does not make a loan secured by a lien on real property using his own money if any portion of the money that is used to make the loan is provided by another person who acquires ownership of or a beneficial interest in the loan.

Sec. 9. *The provisions of this chapter do not:*

1. Limit any statutory or common law right of a person to bring a civil action against a mortgage company for any act or omission involved in the transaction of business by or on behalf of the mortgage company;

2. Limit the right of the state to punish a person for the violation of any law, ordinance or regulation; or

3. Establish a basis for a person to bring a civil action against the state or its officers or employees for any act or omission in carrying out the provisions of this chapter, including, without limitation, any act or omission

relating to the disclosure of information or the failure to disclose information pursuant to the provisions of this chapter.

Sec. 10. *Except as otherwise provided in section 11 of this act, the provisions of this chapter do not apply to:*

1. Any person doing business under the laws of this state, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, consumer finance companies, industrial loan companies, credit unions, thrift companies or insurance companies, unless the business conducted in this state is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this state is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law.

5. A real estate broker rendering services in the performance of his duties as a real estate broker.

6. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller and servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. Any person doing any act under an order of any court.

8. Any one natural person, or husband and wife, who provides money for investment in loans secured by a lien on real property, on his own account, unless such a person makes a loan secured by a lien on real property using his own money and assigns all or a part of his interest in the loan to another person, other than his spouse or child, within 5 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

9. Agencies of the United States and of this state and its political subdivisions, including the public employees' retirement system.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 11. *1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 or 6 of section 10 of this act must:*

(a) File a written application for a certificate of exemption with the office of the commissioner;

(b) Pay the fee required pursuant to section 14 of this act; and

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 or 6 of section 10 of this act.

2. The commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to 5, inclusive, or 7 to 10, inclusive, of section 10 of this act to:

(a) File a written application for a certificate of exemption with the office of the commissioner;

(b) Pay the fee required pursuant to section 14 of this act; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

3. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of section 10 of this act.

4. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage company or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage company, unless the person applies for and is issued:

(a) A license as a mortgage company pursuant to this chapter; or

(b) Another certificate of exemption.

5. The commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he commits, if the person:

(a) Has knowingly made or caused to be made to the commissioner any false representation of material fact;

(b) Has suppressed or withheld from the commissioner any information which the person possesses and which, if submitted by him, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

Sec. 12. *1. A person may apply to the commissioner for an exemption from the provisions of this chapter governing the making of a loan of money.*

2. The commissioner may grant the exemption if he finds that:

(a) The making of the loan would not be detrimental to the financial condition of the lender or the debtor;

(b) The lender or the debtor has established a record of sound performance, efficient management, financial responsibility and integrity;

(c) The making of the loan is likely to increase the availability of capital for a sector of the state economy; and

(d) The making of the loan is not detrimental to the public interest.

3. The commissioner:

(a) May revoke an exemption unless the loan for which the exemption was granted has been made; and

(b) Shall issue a written statement setting forth the reasons for his decision to grant, deny or revoke an exemption.

Sec. 13. *1. A person who wishes to be licensed as a mortgage company must file a written application for a license with the office of the commissioner and pay the fee required pursuant to section 14 of this act. An application for a license as a mortgage company must:*

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage company will conduct business within this state.

(c) State the name under which the applicant will conduct business as a mortgage company.

(d) If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage company as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(e) Indicate the general plan and character of the business.

(f) State the length of time the applicant has been engaged in the business of a mortgage company.

(g) Include a financial statement of the applicant.

(h) Include any other information required pursuant to the regulations adopted by the commissioner or an order of the commissioner.

2. If a mortgage company will conduct business at one or more branch offices within this state, the mortgage company must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the commissioner shall issue a license to an applicant as a mortgage company if:

(a) The application complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage company in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645B of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

Sec. 14. *1. A license issued to a mortgage company pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the commissioner on or before December 31 of each year:*

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the license pursuant to this section.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the commissioner on or before December 31 of any year, the license is canceled. The commissioner may reinstate a canceled license if the licensee submits to the commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $200.

3. Except as otherwise provided in section 11 of this act, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the commissioner on or before December 31 of any year, the certificate of exemption is canceled. Except as otherwise provided in section 11 of this act, the commissioner may reinstate a canceled certificate of exemption if the person submits to the commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) A reinstatement fee of $100.

5. A person must pay the following fees to apply for, to be issued or to renew a license as a mortgage company pursuant to this chapter:

(a) To file an original application for a license, $1,500 for the principal office and $40 for each branch office. The person must also pay such

additional expenses incurred in the process of investigation as the commissioner deems necessary. All money received by the commissioner pursuant to this paragraph must be placed in the investigative account created by NRS 232.545.

(b) To be issued a license, $1,000 for the principal office and $60 for each branch office.

(c) To renew a license, $500 for the principal office and $100 for each branch office.

6. A person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, $200.

(b) To renew a certificate of exemption, $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the state treasury for credit to the state general fund.

Sec. 15. *1. In addition to the requirements set forth in sections 13 and 14 of this act, a natural person who applies for the issuance or renewal of a license as a mortgage company shall submit to the commissioner:*

(a) In any application for issuance of a license, the social security number of the applicant and the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

(b) In any application for renewal of a license, the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the commissioner.

3. The commissioner shall not issue or renew a license as a mortgage company if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the

amount owed pursuant to the order, the commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 16. *1. A license entitles a licensee to engage only in the activities authorized by this chapter.*

2. The provisions of this chapter do not prohibit a licensee from:

(a) Holding a license as a mortgage broker pursuant to chapter 645B of NRS; or

(b) Conducting the business of a mortgage company and the business of a mortgage broker in the same office or place of business.

Sec. 17. *1. A mortgage company shall post each license in a conspicuous place in the office for which the license has been issued.*

2. A mortgage company may not transfer or assign a license to another person, unless the commissioner gives his written approval.

Sec. 18. *1. The commissioner must be notified of a transfer of 5 percent or more of the outstanding voting stock of a mortgage company and must approve a transfer of voting stock of a mortgage company which constitutes a change of control.*

2. The person who acquires stock resulting in a change of control of the mortgage company shall apply to the commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter for obtaining a license will be satisfied after the change of control. Except as otherwise provided in subsection 3, the commissioner shall conduct an investigation to determine whether those requirements will be satisfied. If, after the investigation, the commissioner denies the application, he may forbid the applicant from participating in the business of the mortgage company.

3. A mortgage company may submit a written request to the commissioner to waive an investigation pursuant to subsection 2. The commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his employment with a financial institution.

4. As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage company; or

(b) A transfer of at least 25 percent of the outstanding voting stock of a mortgage company.

Sec. 19. *1. Subject to the administrative control of the director of the department of business and industry, the commissioner shall exercise general supervision and control over mortgage companies doing business in this state.*

2. In addition to the other duties imposed upon him by law, the commissioner shall:

(a) Adopt any regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(b) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner.

(c) Conduct an annual examination of each mortgage company doing business in this state.

(d) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary and proper for the efficient administration of the laws of this state regarding mortgage companies.

(e) Classify as confidential certain records and information obtained by the division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by the legislative auditor.

(f) Conduct such examinations and investigations as are necessary to ensure that mortgage companies meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage company shall pay a fee based on the rate established pursuant to NRS 658.101.

Sec. 20. *Each mortgage company shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.*

Sec. 21. *1. In the conduct of any examination, periodic or special audit, investigation or hearing, the commissioner may:*

(a) Compel the attendance of any person by subpoena.

(b) Administer oaths.

(c) Examine any person under oath concerning the business and conduct of affairs of any person subject to the provisions of this chapter and in connection therewith require the production of any books, records or papers relevant to the inquiry.

2. Any person subpoenaed under the provisions of this section who willfully refuses or willfully neglects to appear at the time and place named in the subpoena or to produce books, records or papers required by the commissioner, or who refuses to be sworn or answer as a witness, is guilty of a misdemeanor.

3. The commissioner may assess against and collect from a person all costs, including, without limitation, reasonable attorney's fees, that are attributable to any examination, periodic or special audit, investigation or hearing that is conducted to examine or investigate the conduct, activities or business of the person pursuant to this chapter.

Sec. 22. *1. Each mortgage company shall keep and maintain at all times at each location where the mortgage company conducts business in this state complete and suitable records of all mortgage transactions made by the*

mortgage company at that location. Each mortgage company shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage company.

2. Each mortgage company shall submit to the commissioner each month a report of the mortgage company's activity for the previous month. The report must:

(a) Specify the volume of loans made by the mortgage company for the month or state that no loans were made in that month;

(b) Include any information required pursuant to the regulations adopted by the commissioner; and

(c) Be submitted to the commissioner by the 15th day of the month following the month for which the report is made.

3. The commissioner may adopt regulations prescribing accounting procedures for mortgage companies handling trust accounts and the requirements for keeping records relating to such accounts.

Sec. 23. *1. Except as otherwise provided in this section, not later than 60 days after the last day of each fiscal year for a mortgage company, the mortgage company shall submit to the commissioner a financial statement that:*

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage company by an independent public accountant who holds a permit to engage in the practice of public accounting in this state that has not been revoked or suspended.

2. The commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage company requests such an extension before the date on which the financial statement is due.

3. If a mortgage company maintains any accounts described in section 26 of this act, the financial statement submitted pursuant to this section must be audited. The public accountant who prepares the report of an audit shall submit a copy of the report to the commissioner at the same time that he submits the report to the mortgage company.

4. The commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 24. *1. Except as otherwise provided in this section or by specific statute, all papers, documents, reports and other written instruments filed with the commissioner pursuant to this chapter are open to public inspection.*

2. The commissioner may withhold from public inspection or refuse to disclose to a person, for such time as the commissioner considers necessary, any information that, in his judgment, would:

(a) Impede or otherwise interfere with an investigation that is currently pending against a mortgage company; or

(b) Have an undesirable effect on the welfare of the public or the welfare of any mortgage company.

Sec. 25. *1. Except as otherwise provided in subsection 3, the amount of any advance fee, salary, deposit or money paid to any mortgage company or other person to obtain a loan secured by a lien on real property must be placed in escrow pending completion of the loan or a commitment for the loan.*

2. The amount held in escrow pursuant to subsection 1 must be released:

(a) Upon completion of the loan or commitment for the loan, to the mortgage company or other person to whom the advance fee, salary, deposit or money was paid.

(b) If the loan or commitment for the loan fails, to the person who made the payment.

3. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsections 1 and 2 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in section 39 of this act.

Sec. 26. *1. All money paid to a mortgage company for payment of taxes or insurance premiums on real property which secures any loan made by the mortgage company must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage company. Such money, when deposited, is to be designated as an "impound trust account" or under some other appropriate name indicating that the accounts are not the money of the mortgage company.*

2. The mortgage company has a fiduciary duty to each debtor with respect to the money in an impound trust account.

3. The mortgage company shall, upon reasonable notice, account to any debtor whose real property secures a loan made by the mortgage company for any money which that person has paid to the mortgage company for the payment of taxes or insurance premiums on the real property.

4. The mortgage company shall, upon reasonable notice, account to the commissioner for all money in an impound trust account.

5. A mortgage company shall:

(a) Require contributions to an impound trust account in an amount reasonably necessary to pay the obligations as they become due.

(b) Within 30 days after the completion of the annual review of an impound trust account, notify the debtor:

(1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(2) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage company shall maintain the excess money in the account.

This subsection does not prohibit a mortgage company from requiring additional amounts to be paid into an impound trust account to recover a deficiency that exists in the account.

6. A mortgage company shall not make payments from an impound trust account in a manner that causes a policy of insurance to be canceled or causes property taxes or similar payments to become delinquent.

Sec. 27. *1. Money in an impound trust account is not subject to execution or attachment on any claim against the mortgage company.*

2. It is unlawful for a mortgage company knowingly to keep or cause to be kept any money in a depository financial institution under the heading of "impound trust account" or any other name designating such money as belonging to the debtors of the mortgage company, unless the money has been paid to the mortgage company by a debtor pursuant to section 26 of this act and is being held in trust by the mortgage company pursuant to the provisions of that section.

Sec. 28. *1. If a person is required to make a payment to a mortgage company pursuant to the terms of a loan secured by a lien on real property, the mortgage company may not charge the person a late fee, an additional amount of interest or any other penalty in connection with that payment if the payment is delivered to the mortgage company before 5 p.m. on:*

(a) The day that the payment is due pursuant to the terms of the loan, if an office of the mortgage company is open to customers until 5 p.m. on that day; or

(b) The next day that an office of the mortgage company is open to customers until 5 p.m., if the provisions of paragraph (a) do not otherwise apply.

2. A person and a mortgage company may not agree to alter or waive the provisions of this section by contract or other agreement, and any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

Sec. 29. *1. Whether or not a complaint has been filed, the commissioner may investigate a mortgage company or other person if, for any reason, it appears that:*

(a) The mortgage company is conducting business in an unsafe and injurious manner or in violation of any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner;

(b) The person is offering or providing any of the services of a mortgage company or otherwise engaging in, carrying on or holding himself out as engaging in or carrying on the business of a mortgage company without being licensed or exempt from licensing pursuant to the provisions of this chapter; or

(c) The person is violating any other provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner.

2. If, upon investigation, the commissioner has reasonable cause to believe that the mortgage company or other person has engaged in any conduct or committed any violation described in subsection 1, the commissioner may:

(a) Advise the district attorney of the county in which the conduct or violation occurred, and the district attorney shall cause the appropriate legal action to be taken against the mortgage company or other person to enjoin the conduct or the operation of the business or prosecute the violation; and

(b) Bring a civil action to:

(1) Enjoin the mortgage company or other person from engaging in the conduct, operating the business or committing the violation; and

(2) Enjoin any other person who has encouraged, facilitated, aided or participated in the conduct, the operation of the business or the commission of the violation, or who is likely to engage in such acts, from engaging in or continuing to engage in such acts.

3. If the commissioner brings a civil action pursuant to subsection 2, the district court of any county of this state is hereby vested with the jurisdiction in equity to enjoin the conduct, the operation of the business or the commission of the violation and may grant any injunctions that are necessary to prevent and restrain the conduct, the operation of the business or the commission of the violation. During the pendency of the proceedings before the district court:

(a) The court may issue any temporary restraining orders as may appear to be just and proper;

(b) The findings of the commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the ex parte issuance of a temporary restraining order; and

(c) The commissioner may apply for and on due showing is entitled to have issued the court's subpoena requiring forthwith the appearance of any person to:

(1) Produce any documents, books and records as may appear necessary for the hearing of the petition; and

(2) Testify and give evidence concerning the conduct complained of in the petition.

Sec. 30. *1. In addition to any other action that is permitted pursuant to this chapter, if the commissioner has reasonable cause to believe that:*

(a) The assets or capital of a mortgage company are impaired; or

(b) A mortgage company is conducting business in an unsafe and injurious manner that may result in danger to the public,

the commissioner may immediately take possession of all the property, business and assets of the mortgage company that are located in this state and retain possession of them pending further proceedings provided for in this chapter.

2. If the licensee, the board of directors or any officer or person in charge of the offices of the mortgage company refuses to permit the commissioner to take possession of the property of the mortgage company pursuant to subsection 1:

(a) The commissioner shall notify the attorney general; and

(b) The attorney general shall immediately bring such proceedings as may be necessary to place the commissioner in immediate possession of the property of the mortgage company.

3. If the commissioner takes possession of the property of the mortgage company, the commissioner shall:

(a) Make or have made an inventory of the assets and known liabilities of the mortgage company; and

(b) File one copy of the inventory in his office and one copy in the office of the clerk of the district court of the county in which the principal office of the mortgage company is located and shall mail one copy to each stockholder, partner, officer, director or associate of the mortgage company at his last known address.

4. The clerk of the court with which the copy of the inventory is filed shall file it as any other case or proceeding pending in the court and shall give it a docket number.

Sec. 31. *1. If the commissioner takes possession of the property of a mortgage company pursuant to section 30 of this act, the licensee, officers, directors, partners, associates or stockholders of the mortgage company may, within 60 days after the date on which the commissioner takes possession of the property, make good any deficit in the assets or capital of the mortgage company or remedy any unsafe and injurious conditions or practices of the mortgage company.*

2. At the expiration of the 60-day period, if the deficiency in assets or capital has not been made good or the unsafe and injurious conditions or practices remedied, the commissioner may apply to the court to be appointed receiver and proceed to liquidate the assets of the mortgage company which are located in this state in the same manner as now provided by law for liquidation of a private corporation in receivership.

3. No other person may be appointed receiver by any court without first giving the commissioner ample notice of his application.

4. The inventory made by the commissioner and all claims filed by creditors are open at all reasonable times for inspection, and any action taken by the receiver upon any of the claims is subject to the approval of the court before which the cause is pending.

5. The expenses of the receiver and compensation of counsel, as well as all expenditures required in the liquidation proceedings, must be fixed by the commissioner subject to the approval of the court and, upon certification of the commissioner, must be paid out of the money in his hands as the receiver.

Sec. 32. *1. For each violation committed by an applicant, whether or not he is issued a license, the commissioner may impose upon the applicant an administrative fine of not more than $10,000, if the applicant:*

(a) Has knowingly made or caused to be made to the commissioner any false representation of material fact;

(b) Has suppressed or withheld from the commissioner any information which the applicant possesses and which, if submitted by him, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. For each violation committed by a licensee, the commissioner may impose upon the licensee an administrative fine of not more than $10,000, may suspend, revoke or place conditions upon his license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner;

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the commissioner any false representation of material fact or has suppressed or withheld from the commissioner any information which the licensee possesses and which, if submitted by him, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use; or

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

Sec. 33. *1. If the commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a mortgage company, the commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The commissioner shall reinstate a license as a mortgage company that has been suspended by a district court pursuant to NRS 425.540 if the commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 34. *If a person is a partnership, corporation or unincorporated association, the commissioner may take any disciplinary action set forth in this chapter against the person if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for taking such disciplinary action against a natural person.*

Sec. 35. *1. If the commissioner enters an order taking any disciplinary action against a person or denying a person's application for a license, the commissioner shall cause written notice of the order to be served personally or sent by certified mail or telegraph to the person.*

2. Unless a hearing has already been conducted concerning the matter, the person, upon application, is entitled to a hearing. If the person does not make such an application within 20 days after the date of the initial order, the commissioner shall enter a final order concerning the matter.

3. A person may appeal a final order of the commissioner in accordance with the provisions of chapter 233B of NRS that apply to a contested case.

Sec. 36. *It is unlawful for any person to offer or provide any of the services of a mortgage company or otherwise to engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage company without first obtaining a license as a mortgage company pursuant to this chapter, unless the person:*

1. Is exempt from the provisions of this chapter; and

2. Complies with the requirements for that exemption.

Sec. 37. *It is unlawful for any foreign corporation, association or business trust to conduct any business as a mortgage company within this state, unless it:*

1. Qualifies under chapter 80 of NRS; and

2. Complies with the provisions of this chapter or, if it claims an exemption from the provisions of this chapter, complies with the requirements for that exemption.

Sec. 38. *Except as otherwise provided in section 39 of this act, a person, or any general partner, director, officer, agent or employee of a person, who violates any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner is guilty of a misdemeanor.*

Sec. 39. *A person, or any general partner, director, officer, agent or employee of a person, who violates any provision of section 25, 26 or 27 of this act is guilty of:*

1. A misdemeanor if the amount involved is less than $250;

2. A gross misdemeanor if the amount involved is $250 or more but less than $1,000; or

3. A category D felony if the amount involved is $1,000 or more, and shall be punished as provided in NRS 193.130.

Sec. 40. Chapter 627 of NRS is hereby amended by adding thereto a new section to read as follows:

1. As a substitute for the surety bond required by NRS 627.180, a construction control may, in accordance with the provisions of this section, deposit with any bank or trust company authorized to do business in this state, in a form approved by the state contractors' board:

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this state;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this state or any city, county, town, township, school district or other instrumentality of this state, or guaranteed by this state.

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond. With the approval of the state contractors' board, the depositor may substitute other suitable obligations for those deposited which must be assigned to the State of Nevada and are negotiable only upon approval by the state contractors' board.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be in an amount at least equal to the required surety bond and must state that the amount may not be withdrawn except by direct and sole order of the state contractors' board. The value of any item deposited pursuant to this section must be based upon principal amount or market value, whichever is lower.

Sec. 41. NRS 627.180 is hereby amended to read as follows:

627.180 1. ~~[Except for savings]~~ *The provisions of this section do not apply to:*

(a) Savings and loan associations, state banks and national banking associations ~~[,]~~ licensed to do business in the State of Nevada, under the laws of the State of Nevada or under the laws of the United States . ~~[, title]~~

(b) Title insurers or underwritten title insurance companies authorized to do business in the State of Nevada . ~~[, or lenders]~~

(c) Lenders of construction loan money for dwelling units who are approved by the Federal Housing Administration or Department of Veterans Affairs and who have been licensed and authorized to do business in the State of Nevada . ~~[,]~~

2. Except as otherwise provided in subsection 1 and section 40 of this act, every construction control , *before* doing business in the State of Nevada , shall ~~[, within 30 days immediately following July 1, 1965,]~~ file with the state contractors' board a *surety* bond, executed by some corporation authorized to issue surety bonds in this state, in ~~[a penal sum equal to 1 1/4 times]~~ the amount of ~~[capital in the business but in no event less than $20,000, and such]~~ *$250,000. The surety* bond must be kept in full force and effect or replaced by a like *surety* bond *or a substitute form of security authorized by section 40 of this act* as a condition to continuing to do business as a construction control in the State of Nevada.

~~[2.]~~ *3.* The form of the *surety* bond required is as follows:

BOND NO.

CONSTRUCTION CONTROL BOND

KNOW ALL MEN BY THESE PRESENTS:

That I, ..., having a principal place of business in ....., Nevada, as principal, and ....., a corporation licensed to execute surety bonds under the provisions of the Nevada Insurance Code, as surety, are held and firmly bound to the State of Nevada, for the use of any person by whom funds are entrusted to the principal or to whom funds are payable by the principal, in the sum of ..... Dollars, lawful money of the United States of America, to be paid to the State of Nevada, for which payment well and truly to be made we bind ourselves, our heirs, executors and successors, jointly and severally, firmly by these presents:

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT:

WHEREAS, Under the Construction Control Law, certain duties, obligations and requirements are imposed upon all persons, copartnerships, associations or corporations acting as construction controls;

NOW, THEREFORE, If the principal and its agents and employees shall faithfully and in all respects conduct business as a construction control in accordance with the provisions of the Construction Control Law, this obligation shall be void, otherwise to remain in full force and effect;

PROVIDED, HOWEVER, That the surety or sureties may cancel this bond and be relieved of further liability hereunder by delivering 30 days' written notice of cancellation to the principal; however, such cancellation shall not affect any liability incurred or accrued hereunder prior to the termination of such 30-day period;

PROVIDED FURTHER, That the total aggregate liability of the surety or sureties herein for all claims which may arise under this bond shall be limited to the payment of ..... Dollars.

IN WITNESS WHEREOF, The principal and surety have hereunto set their hands this ..... day of ....., 19...

By
Principal
(SURETY)
By
Attorney

Sec. 42. NRS 645A.030 is hereby amended to read as follows:

645A.030 1. Except as otherwise ~~[authorized by]~~ *provided in* NRS 645A.031, ~~[at the time of filing an application for a license as]~~ an escrow agency ~~[, the applicant]~~ shall deposit with the commissioner a corporate surety bond payable to the State of Nevada, in the amount of ~~[$50,000,]~~ *$250,000, which is* executed by a corporate surety satisfactory to the commissioner ~~[, and naming]~~ *and which names* as principals the ~~[applicant]~~ *escrow agency* and all escrow agents employed by or associated with the ~~[applicant.]~~ *escrow agency.*

2. At the time of filing an application for a license as an escrow agent, the applicant shall file with the commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the commissioner by the escrow agency with whom he is associated or employed.

3. The bond must be in substantially the following form:

Know All Men by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645A of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, *and that* we bind ourselves, our

heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the principal has ~~[made an application to]~~ *been issued a license as an escrow agency or escrow agent by* the commissioner of financial institutions of the department of business and industry of the State of Nevada ~~[for a license as an escrow agent or agency]~~ and is required to furnish a bond in the amount of ~~[$50,000]~~ *$250,000* conditioned as set forth in this bond:

Now, therefore, if the principal, his agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 645A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the ..... day of ....., 19..., and remains in force until the surety is released from liability by the commissioner of financial institutions or until this bond is canceled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the commissioner of financial institutions of the department of business and industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this ..... day of ....., 19...

(Seal)
Principal
(Seal)
Surety
By
Attorney in fact

Licensed resident agent

Sec. 43. NRS 645A.031 is hereby amended to read as follows:

645A.031 1. As a substitute for the surety bond required by NRS 645A.030, ~~[an applicant for a license as]~~ an escrow agency may , *in accordance with the provisions of this section,* deposit with any bank or trust company authorized to do business in this state, in a form approved by the commissioner:

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this state;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this state or any city, county, town, township, school district or other instrumentality of this state , or guaranteed by this state . ~~[, in an aggregate amount, based upon principal amount or market value, whichever is lower.]~~

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond. With the approval of the commissioner, the depositor may substitute other suitable obligations for those deposited which must be assigned to the State of Nevada and are negotiable only upon approval by the commissioner.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be in an amount at least equal to the required surety bond and must state that the amount may not be withdrawn except by direct and sole order of the commissioner. *The value of any item deposited pursuant to this section must be based upon principal amount or market value, whichever is lower.*

Sec. 44. NRS 645A.037 is hereby amended to read as follows:

645A.037 1. Except as otherwise provided in subsection 2, ~~[no]~~ *a* licensee may *not* conduct the business of administering escrows for compensation within any office, suite, room or place of business in which any other business is solicited or engaged in, except a notary public, or in association or conjunction with any other business, unless authority to do so is given by the commissioner.

2. A licensee may conduct the business of administering escrows pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage company ~~[is]~~ *:*

(1) Is licensed by this state *pursuant to sections 2 to 39, inclusive, of this act;* and ~~[does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.]~~

(2) Does not conduct any business as a mortgage broker licensed pursuant to chapter 645B of NRS in the office or place of business.

Sec. 45. Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections 46 to 83, inclusive, of this act.

Sec. 46. *"Applicant" means a person who applies for licensure as a mortgage broker or mortgage agent pursuant to this chapter.*

Sec. 47. *"Commissioner" means the commissioner of financial institutions.*

Sec. 48. *"Construction control" has the meaning ascribed to it in NRS 627.050.*

Sec. 49. *"Depository financial institution" means a bank, savings and loan association, thrift company or credit union.*

Sec. 50. *"Division" means the division of financial institutions of the department of business and industry.*

Sec. 51. *"Escrow agency" has the meaning ascribed to it in NRS 645A.010.*

Sec. 52. *"Escrow agent" has the meaning ascribed to it in NRS 645A.010.*

Sec. 53. *"Escrow officer" has the meaning ascribed to it in NRS 692A.028.*

Sec. 54. *"Investor" means a person who wants to acquire or who acquires ownership of or a beneficial interest in a loan secured by a lien on real property.*

Sec. 55. *"Licensee" means a person who is licensed as a mortgage broker or mortgage agent pursuant to this chapter.*

Sec. 56. *1. "Mortgage agent" means a natural person who:*

(a) Is an employee or independent contractor of a mortgage broker who is required to be licensed pursuant to this chapter; and

(b) Is authorized by the mortgage broker to engage in, on behalf of the mortgage broker, any activity that would require the person, if he were not an employee or independent contractor of the mortgage broker, to be licensed as a mortgage broker pursuant to this chapter.

2. The term does not include a person who:

(a) Is licensed as a mortgage broker;

(b) Is a general partner, officer or director of a mortgage broker; or

(c) Performs only clerical or ministerial tasks for a mortgage broker.

Sec. 57. *1. "Mortgage broker" means any person who, directly or indirectly:*

(a) Holds himself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;

(b) Holds himself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(c) Holds himself out as being able to make loans secured by liens on real property;

(d) Holds himself out as being able to buy or sell notes secured by liens on real property; or

(e) Offers for sale in this state any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.

2. The term does not include a person who is licensed as a mortgage company, as defined in section 8 of this act, unless the person is also licensed as a mortgage broker pursuant to this chapter.

Sec. 58. *"Policy of title insurance" has the meaning ascribed to it in NRS 692A.035.*

Sec. 59. *"Relative" means a spouse or any other person who is related within the second degree by blood or marriage.*

Sec. 60. *"Title agent" has the meaning ascribed to it in NRS 692A.060.*

Sec. 61. *"Title insurer" has the meaning ascribed to it in NRS 692A.070.*

Sec. 62. *Except as otherwise provided in section 78 of this act:*

1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 or 6 of NRS 645B.015 must:

(a) File a written application for a certificate of exemption with the office of the commissioner;

(b) Pay the fee required pursuant to NRS 645B.050; and

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 or 6 of NRS 645B.015.

2. The commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to 5, inclusive, or 7 to 10, inclusive, of NRS 645B.015 to:

(a) File a written application for a certificate of exemption with the office of the commissioner;

(b) Pay the fee required pursuant to NRS 645B.050; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

3. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645B.015.

4. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage broker or mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage broker or mortgage agent, unless the person applies for and is issued:

(a) A license as a mortgage broker or mortgage agent pursuant to this chapter; or

(b) Another certificate of exemption.

5. The commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he commits, if the person:

(a) Has knowingly made or caused to be made to the commissioner any false representation of material fact;

(b) Has suppressed or withheld from the commissioner any information which the person possesses and which, if submitted by him, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

Sec. 63. *If a person is a partnership, corporation or unincorporated association, the person:*

1. May not be licensed as a mortgage agent; and

2. Shall not engage in any act or transaction that would require the person, if it were a natural person, to be licensed as a mortgage agent pursuant to this chapter.

Sec. 64. *1. If an applicant is a natural person, the commissioner may refuse to issue a license to the applicant if the commissioner has reasonable cause to believe that the applicant would be subject to control by a relative who would be ineligible to be licensed pursuant to this chapter.*

2. If an applicant is a partnership, corporation or unincorporated association, the commissioner may refuse to issue a license to the applicant if:

(a) Any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person; or

(b) The commissioner has reasonable cause to believe that any member of the partnership or any officer or director of the corporation or unincorporated association would be subject to control by a relative who would be ineligible to be licensed pursuant to this chapter.

Sec. 65. *A mortgage broker shall:*

1. Teach his mortgage agents the fundamentals of mortgage lending and the ethics of the profession; and

2. Supervise the activities of his mortgage agents and the operation of his business.

Sec. 66. *1. If a mortgage agent terminates his association or employment with a mortgage broker for any reason, the mortgage broker shall, not later than the end of the next business day following the date of termination:*

(a) Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises him that his license is being delivered or mailed to the division; and

(b) Deliver or send by certified mail to the division:

(1) The license of the mortgage agent;

(2) A written statement of the circumstances surrounding the termination; and

(3) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).

2. A mortgage agent who terminates his association or employment with a mortgage broker shall not, on or after the date on which the division receives his license from the mortgage broker, engage in any activity, directly or indirectly, for which a license as a mortgage agent is required pursuant to this chapter, unless the mortgage agent is specifically authorized by the commissioner to transfer his license to another mortgage broker or he otherwise obtains a new license pursuant to this chapter.

Sec. 67. *1. A license entitles a licensee to engage only in the activities authorized by this chapter.*

2. The provisions of this chapter do not prohibit a licensee who is licensed as a mortgage broker from:

(a) Holding a license as a mortgage company pursuant to sections 2 to 39, inclusive, of this act; or

(b) Conducting the business of a mortgage company and the business of a mortgage broker in the same office or place of business.

Sec. 68. *1. If a licensee or a relative of the licensee is licensed as, conducts business as or holds a controlling interest or position in:*

(a) A construction control;

(b) An escrow agency or escrow agent; or

(c) A title agent, a title insurer or an escrow officer of a title agent or title insurer,

the licensee shall not act as, transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer with respect to any act or transaction that involves, directly or indirectly, any money of an investor who owns a beneficial interest in a loan secured by a lien on real property that was arranged by the licensee.

2. For the purposes of this section, a person shall be deemed to hold a controlling interest or position if the person:

(a) Owns or controls a majority of the voting stock or holds any other controlling interest, directly or indirectly, that gives him the power to direct management or determine policy; or

(b) Is a partner, officer, director or trustee.

3. As used in this section, "licensee" means:

(a) A person who is licensed as a mortgage broker pursuant to this chapter;

(b) Any general partner, officer or director of such a person; and

(c) Any mortgage agent associated with or employed by such a person.

Sec. 69. *1. Except as otherwise provided in this section, if a mortgage broker:*

(a) Is required to maintain any accounts described in NRS 645B.175, the mortgage broker and his mortgage agents shall not engage in any activity that is authorized pursuant to this chapter, unless the mortgage broker maintains continuously a net worth of at least $250,000.

(b) Is not required to maintain any accounts described in NRS 645B.175, the mortgage broker and his mortgage agents shall not engage in any activity that is authorized pursuant to this chapter, unless the mortgage broker maintains continuously:

(1) Beginning on October 1, 1999, through September 30, 2000, inclusive, a net worth of at least $25,000;

(2) Beginning on October 1, 2000, through September 30, 2001, inclusive, a net worth of at least $50,000;

(3) Beginning on October 1, 2001, through September 30, 2002, inclusive, a net worth of at least $75,000; and

(4) On or after October 1, 2002, a net worth of at least $100,000.

2. If a mortgage broker cannot maintain continuously the net worth required pursuant to subsection 1, the commissioner may allow the mortgage broker and his mortgage agents to engage in activities that are authorized pursuant to this chapter if the mortgage broker remedies the deficiency in his net worth by depositing with the commissioner cash, a corporate surety bond or an irrevocable letter of credit, or any combination thereof, in an aggregate amount that is equal to or exceeds the deficiency in the net worth of the mortgage broker.

3. If requested by the commissioner, a mortgage broker and his mortgage agents shall submit to the commissioner or allow the commissioner to examine any documentation or other evidence that is related to determining the net worth of the mortgage broker.

4. The commissioner:

(a) Shall adopt regulations prescribing standards for determining the net worth of a mortgage broker; and

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.

Sec. 70. *1. Except as otherwise provided in this section, not later than 60 days after the last day of each fiscal year for a mortgage broker, the mortgage broker shall submit to the commissioner a financial statement that:*

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage broker by an independent public accountant who holds a permit to engage in the practice of public accounting in this state that has not been revoked or suspended.

2. The commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage broker requests such an extension before the date on which the financial statement is due.

3. If a mortgage broker maintains any accounts described in subsection 1 of NRS 645B.175, the financial statement submitted pursuant to this section must be audited. If a mortgage broker maintains any accounts described in subsection 4 of NRS 645B.175, those accounts must be audited. The public accountant who prepares the report of an audit shall submit a copy of the

report to the commissioner at the same time that he submits the report to the mortgage broker.

4. The commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 71. *1. Except as otherwise provided in subsection 4, a mortgage broker or mortgage agent shall not accept money from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property, unless the mortgage broker has obtained a written appraisal of the real property securing the loan.*

2. The written appraisal of the real property:

(a) Must be performed by an appraiser who is authorized to perform appraisals in this state; and

(b) Must not be performed by the mortgage broker or a mortgage agent, unless the mortgage broker or mortgage agent is certified or licensed to perform such an appraisal pursuant to chapter 645C of NRS.

3. A copy of the written appraisal of the real property must be:

(a) Maintained at each office of the mortgage broker where money is accepted from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on the real property; and

(b) Made available during normal business hours for inspection by each such investor and the commissioner.

4. A mortgage broker is not required to obtain a written appraisal of the real property pursuant to this section if the mortgage broker obtains a written waiver of the appraisal from each investor who acquires ownership of or a beneficial interest in a loan secured by a lien on the real property. A mortgage broker or mortgage agent shall not act as the attorney in fact or the agent of an investor with respect to the giving of a written waiver pursuant to this subsection.

5. As used in this section, "appraisal" has the meaning ascribed to it in NRS 645C.030.

Sec. 72. *1. If money from an investor is released to a debtor or his designee pursuant to subsection 2 of NRS 645B.175 upon completion of a loan secured by a lien on real property, the mortgage broker that arranged the loan shall, not later than 3 business days after the date on which the mortgage broker receives a copy of the recorded deed of trust, mail to the last known address of each investor who owns a beneficial interest in the loan a copy of the recorded deed of trust.*

2. If a deed of trust is recorded in connection with a loan that has been funded, in whole or in part, by money from an investor, the mortgage broker that arranged the loan and his mortgage agents shall not engage in any act or transaction that subordinates the priority of the deed of trust, as recorded, unless the mortgage broker, before such an act or transaction:

(a) Obtains written approval for the subordination from each investor who owns a beneficial interest in the loan; and

(b) Submits a copy of each such written approval to the commissioner.

3. A mortgage broker or mortgage agent shall not act as the attorney in fact or the agent of an investor with respect to the giving of written approval pursuant to subsection 2. An investor and a mortgage broker or mortgage agent may not agree to alter or waive the provisions of subsection 2 by contract or other agreement. Any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of subsection 2.

Sec. 73. *If a mortgage broker maintains any accounts described in subsection 4 of NRS 645B.175 in which the mortgage broker deposits payments from a debtor on a loan secured by a lien on real property and, on the last day of any month, the debtor has failed to make two or more consecutive payments in accordance with the terms of the loan, the mortgage broker shall:*

1. Include in the report that the mortgage broker submits to the commissioner pursuant to subsection 2 of NRS 645B.080:

(a) The name, address and telephone number of the debtor;

(b) The total number of months and days that the debtor has failed to make a payment;

(c) The outstanding balance of the loan and any accrued interest on the last day of the month for which the report is submitted;

(d) A statement of whether the loan has been declared to be in default and, if so, the nature of any actions that have been taken because of the default; and

(e) Any other information required pursuant to the regulations adopted by the commissioner;

2. Not later than 15 days after the last day of each such month, mail a notice containing the information set forth in subsection 1 to the last known address of each investor who owns a beneficial interest in the loan; and

3. Comply with the provisions of this section each month on a continuing basis until:

(a) The debtor or his designee remedies the delinquency in payments and any default; or

(b) The lien securing the loan is extinguished.

Sec. 74. *1. If a person is required to make a payment to a mortgage broker pursuant to the terms of a loan secured by a lien on real property, the mortgage broker may not charge the person a late fee, an additional amount of interest or any other penalty in connection with that payment if the payment is delivered to the mortgage broker before 5 p.m. on:*

(a) The day that the payment is due pursuant to the terms of the loan, if an office of the mortgage broker is open to customers until 5 p.m. on that day; or

(b) The next day that an office of the mortgage broker is open to customers until 5 p.m., if the provisions of paragraph (a) do not otherwise apply.

2. A person and a mortgage broker or mortgage agent may not agree to alter or waive the provisions of this section by contract or other agreement, and any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

Sec. 75. *1. A mortgage broker or mortgage agent shall not engage in any act or transaction on behalf of an investor pursuant to a power of attorney unless:*

(a) The power of attorney is executed for the sole purpose of providing services for not more than one loan in which the investor owns a beneficial interest; and

(b) The provisions of the power of attorney:

(1) Have been approved by the commissioner; and

(2) Expressly prohibit the mortgage broker and his mortgage agents from using or releasing any money in which the investor owns a beneficial interest with regard to that loan for a purpose that is not directly related to providing services for the loan or in any manner that violates the provisions of NRS 645B.175.

2. A power of attorney which designates a mortgage broker or mortgage agent as the attorney in fact or the agent of an investor and which violates the provisions of this section is void and must not be given effect with regard to any act or transaction that occurs on or after October 1, 1999, whether or not the power of attorney is or has been executed by the investor before, on or after October 1, 1999.

Sec. 76. *1. A person may, in accordance with the regulations adopted pursuant to subsection 2, file a complaint with the commissioner, alleging that another person has violated a provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner.*

2. The commissioner shall adopt regulations prescribing:

(a) The form that such a complaint must take;

(b) The information that must be included in such a complaint; and

(c) The procedures that a person must follow to file such a complaint.

Sec. 77. *1. If a person properly files a complaint with the commissioner pursuant to section 76 of this act, the commissioner shall investigate each violation alleged in the complaint, unless the commissioner has previously investigated the alleged violation.*

2. Except as otherwise provided in subsection 2 of NRS 645B.090, if the commissioner does not conduct an investigation of an alleged violation pursuant to subsection 1 because he previously has investigated the alleged violation, the commissioner shall provide to the person who filed the complaint a written summary of the previous investigation and the nature of any disciplinary action that was taken as a result of the previous investigation.

3. If the commissioner conducts an investigation of an alleged violation pursuant to subsection 1, the commissioner shall determine from the

investigation whether there is reasonable cause to believe that the person committed the alleged violation.

4. If, upon investigation, the commissioner determines that there is not reasonable cause to believe that the person committed the alleged violation, the commissioner shall provide the reason for his determination, in writing, to the person who filed the complaint and to the person alleged to have committed the violation.

5. Except as otherwise provided in subsection 6, if, upon investigation, the commissioner determines that there is reasonable cause to believe that the person committed the alleged violation, the commissioner shall:

(a) Schedule a hearing concerning the alleged violation;

(b) Mail to the last known address of the person who filed the complaint written notice that must include, without limitation:

(1) The date, time and place of the hearing; and

(2) A statement of each alleged violation that will be considered at the hearing; and

(c) By personal service in accordance with the Nevada Rules of Civil Procedure and any applicable provision of NRS, serve written notice of the hearing to the person alleged to have committed the violation. The written notice that is served pursuant to this paragraph must include, without limitation:

(1) The date, time and place of the hearing;

(2) A copy of the complaint and a statement of each alleged violation that will be considered at the hearing; and

(3) A statement informing the person that, pursuant to section 81 of this act, if he fails to appear, without reasonable cause, at the hearing:

(I) He is guilty of a misdemeanor; and

(II) The commissioner is authorized to conduct the hearing in his absence, draw any conclusions that the commissioner deems appropriate from his failure to appear and render a decision concerning each alleged violation.

6. The commissioner is not required to schedule or conduct a hearing concerning an alleged violation pursuant to subsection 5 if the commissioner and the person alleged to have committed the violation enter into a written consent agreement settling or resolving the alleged violation. If such a written consent agreement is executed, the commissioner shall provide a copy of the written consent agreement to the person who filed the complaint.

7. The commissioner may:

(a) Investigate and conduct a hearing concerning any alleged violation, whether or not a complaint has been filed.

(b) Hear and consider more than one alleged violation against a person at the same hearing.

Sec. 78. *1. If a person offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or*

holds himself out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license; or

(b) The person's license was suspended or revoked pursuant to this chapter,

the commissioner shall impose upon the person an administrative fine of not more than $10,000 for each violation and, if the person has a license, the commissioner shall revoke it.

2. If a person is exempt from the provisions of this chapter pursuant to subsection 6 of NRS 645B.015 and the person, while exempt, maintains, offers to maintain or holds himself out as maintaining any accounts described in subsection 1 of NRS 645B.175 or otherwise engages in, offers to engage in or holds himself out as engaging in any activity that would remove the person from the exemption set forth in subsection 6 of NRS 645B.015, the commissioner shall impose upon the person an administrative fine of not more than $10,000 for each violation and the commissioner shall revoke the person's exemption. If the commissioner revokes an exemption pursuant to this subsection, the person may not again be granted the same or a similar exemption from the provisions of this chapter. The person may apply for a license pursuant to this chapter unless otherwise prohibited by specific statute.

3. If a mortgage broker or mortgage agent violates any provision of NRS 645B.175, the commissioner shall impose upon the mortgage broker or mortgage agent, or both, an administrative fine of not more than $10,000 for each violation and, in addition, the commissioner may suspend, revoke or place conditions upon the license of the mortgage broker or mortgage agent, or both.

4. If a mortgage broker or mortgage agent violates any provision of subsection 1 of NRS 645B.080 and the mortgage broker or mortgage agent fails, without reasonable cause, to remedy the violation within 10 days after being ordered by the commissioner to do so, or if the commissioner orders a mortgage broker or mortgage agent to provide information, make a report or permit an examination of his books or affairs pursuant to this chapter and the mortgage broker or mortgage agent fails, without reasonable cause, to comply with the order within 10 days:

(a) The commissioner shall impose upon the mortgage broker or mortgage agent, or both, an administrative fine of not more than $10,000 for each violation and the commissioner shall suspend or revoke the license of the mortgage broker or mortgage agent, or both; and

(b) If the violation is committed by a mortgage broker, the mortgage broker shall be deemed to be conducting business in an unsafe and injurious manner that may result in danger to the public, and the commissioner shall immediately take possession of the property of the mortgage broker pursuant to NRS 645B.150.

5. For each violation that may be committed by a person pursuant to this chapter or the regulations adopted pursuant to this chapter, other than a violation described in this section, the commissioner shall adopt regulations:

(a) Categorizing the violation as a major violation or a minor violation; and

(b) Specifying the disciplinary action that will be taken by the commissioner pursuant to this chapter against a person who commits:

(1) A major violation. The disciplinary action taken by the commissioner for a major violation must include, without limitation, suspension or revocation of the person's license.

(2) More than two minor violations. The commissioner may establish graduated sanctions for a person who commits more than two minor violations based upon the number, the frequency and the severity of the minor violations and whether the person previously has committed any major violations.

Sec. 79. *If a person is a partnership, corporation or unincorporated association, the commissioner shall take the disciplinary action set forth in section 78 of this act and may take any other disciplinary action set forth in this chapter against the person if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for taking such disciplinary action against a natural person.*

Sec. 80. *Before conducting a hearing, the commissioner may, to the fullest extent permitted by the Constitution of the United States and the constitution of this state:*

1. Order a summary suspension of a license pursuant to subsection 3 of NRS 233B.127; and

2. Take any other action against a licensee or other person that is necessary to protect the health, safety or welfare of the public.

Sec. 81. *If a person is alleged to have engaged in any conduct or committed any violation that is described in NRS 645B.100, 645B.120 or 645B.150 or section 78 of this act or is alleged to have committed a violation of any other provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner, and the person fails to appear, without reasonable cause, at a hearing before the commissioner concerning the alleged conduct or violation:*

1. The commissioner shall notify the attorney general that the person failed to appear;

2. The person is guilty of a misdemeanor and shall be punished as provided in NRS 645B.230; and

3. The commissioner may conduct the hearing in the person's absence, draw any conclusions that the commissioner deems appropriate from his failure to appear and render a decision concerning the alleged conduct or violation.

Sec. 82. *1. The attorney general has primary jurisdiction for the enforcement of this chapter. The attorney general shall, if appropriate, investigate and prosecute a person who violates:*

(a) Any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner, including, without limitation, a violation of any provision of NRS 645B.100 or 645B.120 or section 78 of this act; or

(b) Any other law or regulation if the violation is committed by the person in the course of committing a violation described in paragraph (a).

2. The attorney general shall, if appropriate, investigate and prosecute a person who is alleged to have committed a violation described in subsection 1 whether or not:

(a) The commissioner notifies the attorney general of the alleged violation;

(b) The commissioner takes any disciplinary action against the person alleged to have committed the violation;

(c) Any other person files a complaint against the person alleged to have committed the violation; or

(d) A civil action is commenced against the person alleged to have committed the violation.

3. When acting pursuant to this section, the attorney general may commence his investigation and file a criminal action without leave of court, and the attorney general has exclusive charge of the conduct of the prosecution.

4. Except as otherwise provided by the Constitution of the United States, the constitution of this state or a specific statute, a person shall, if requested, provide the attorney general with information that would assist in the prosecution of any other person who is alleged to have committed a violation described in subsection 1. If a person fails, without reasonable cause, to provide the attorney general with such information upon request, the person is guilty of a misdemeanor and shall be punished as provided in NRS 645B.230.

Sec. 83. *1. The attorney general may bring any appropriate civil action against a person to enforce any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner, including, without limitation, an order of the commissioner:*

(a) Imposing an administrative fine; or

(b) Suspending, revoking or placing conditions upon a license.

2. If the attorney general prevails in any civil action brought pursuant to this chapter, the court shall order the person against whom the civil action was brought to pay:

(a) Court costs; and

(b) Reasonable costs of the investigation and prosecution of the civil action.

3. Whether or not the attorney general brings a civil action against a person pursuant to this chapter, the attorney general may prosecute the person for a criminal violation pursuant to this chapter.

Sec. 84. NRS 645B.010 is hereby amended to read as follows:

645B.010 As used in this chapter, unless the context otherwise requires ~~[:~~

~~1. "Commissioner" means the commissioner of financial institutions.~~

~~2. "Division" means the division of financial institutions of the department of business and industry.~~

~~3. "Depository financial institution" means a bank, savings and loan association, thrift company or credit union.~~

~~4. "Mortgage company" means any person who, directly or indirectly:~~

~~(a) Holds himself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;~~

~~(b) Holds himself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;~~

~~(c) Holds himself out as being able to make loans secured by liens on real property, unless the loans are made pursuant to subsection 8 or 10 of NRS 645B.015;~~

~~(d) Holds himself out as being able to buy or sell notes secured by liens on real property; or~~

~~(e) Offers for sale in this state any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.]~~ *, the words and terms defined in sections 46 to 61, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 85. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in ~~[subsection 5 of NRS 645B.020,]~~ *section 62 of this act,* the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this state, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, consumer finance companies, industrial loan companies, credit unions, thrift companies or insurance companies, unless the business conducted in this state is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this state is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law.

5. A real estate broker rendering services in the performance of his duties as a real estate broker.

6. Except as otherwise provided in this subsection ~~[,]~~ *and section 78 of this act,* any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller and servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

A firm or corporation is not exempt from the provisions of this chapter pursuant to this subsection if it maintains any accounts described in subsection 1 of NRS 645B.175 or *if it* offers for sale in this state any unregistered security under state or federal law and purports to make investments in promissory notes secured by liens on real property. A firm or corporation which is exempted pursuant to this subsection must submit annually as a condition of its continued exemption a certified statement by an independent certified public accountant that the firm or corporation does not maintain any such accounts. This subsection does not prohibit an exempt firm or corporation from maintaining accounts described in NRS 645B.170 and subsection ~~[3]~~ *4* of NRS 645B.175.

7. Any person doing any act under an order of any court.

8. Any one natural person, or husband and wife, who provides money for investment in loans secured by a lien on real property, on his own account ~~[,]~~ *, unless such a person makes a loan secured by a lien on real property using his own money and assigns all or a part of his interest in the loan to another person, other than his spouse or child, within 5 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.*

9. Agencies of the United States and of this state and its political subdivisions, including the public employees' retirement system.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 86. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A ~~[license]~~ *person who wishes to be licensed* as a mortgage ~~[company may be obtained by filing]~~ *broker must file* a written application ~~[in]~~ *for a license with* the office of the commissioner ~~[.~~

~~2. The]~~ *and pay the fee required pursuant to NRS 645B.050. An* application *for a license as a mortgage broker* must:

(a) Be verified.

(b) State the *name, residence address and business address of the applicant and the* location of ~~[the applicant's]~~ *each* principal office and branch ~~[offices in the]~~ *office at which the mortgage broker will conduct business within this* state.

(c) State the name under which the applicant will conduct business ~~[.]~~ *as a mortgage broker.*

(d) List the ~~[names,]~~ *name,* residence *address* and business ~~[addresses of all persons having]~~ *address of each person who will:*

(1) If the applicant is not a natural person, have an interest in the ~~[business as principals, partners, officers, trustees and directors,]~~ *mortgage broker as a principal, partner, officer, director or trustee,* specifying the capacity and title of each ~~[.]~~ *such person.*

(2) Be associated with or employed by the mortgage broker as a mortgage agent, specifying whether the person has applied for a license or is presently licensed as a mortgage agent.

(e) If the applicant is a natural person, include the social security number of the applicant.

(f) ~~[Indicate the]~~ *Include a* general *business* plan and ~~[character of the business.]~~ *a manual of policies and procedures for the mortgage broker and his mortgage agents that includes, without limitation, the underwriting standards, restrictions and other policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.*

(g) State the length of time the applicant has been engaged in the *business of a* mortgage ~~[company business.]~~ *broker.*

(h) Include a financial statement of the applicant ~~[.~~

~~(i) Include such]~~ *and satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to section 69 of this act.*

(i) Include any other information ~~[as]~~ *required pursuant to the regulations adopted by the commissioner or an order of* the commissioner . ~~[determines necessary.~~

~~3. The]~~

2. A natural person who wishes to be licensed as a mortgage agent must file a written application for a license with the office of the commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage agent must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the name under which the applicant will conduct business as a mortgage agent.

(c) State the name of the mortgage broker with whom the applicant will be associated or employed and whether the mortgage broker has applied for a license or is presently licensed.

(d) State the location of each office of the mortgage broker at which the applicant will conduct business.

(e) Include the social security number of the applicant.

(f) Include a financial statement of the applicant.

(g) Include any other information required pursuant to the regulations adopted by the commissioner or an order of the commissioner.

3. If a mortgage broker will conduct business at one or more branch offices within this state, the mortgage broker must apply for a license for each such branch office. If a mortgage agent will conduct business from more than one office of the mortgage broker with whom he is associated or employed, the mortgage agent must apply for a license for each such office.

4. Except as otherwise provided in this chapter, the commissioner shall issue a license to an applicant as a mortgage ~~[company]~~ *broker or mortgage agent* if:

(a) The application complies with the requirements of ~~[subsection 2;]~~ *this chapter;*

(b) The applicant submits the statement required pursuant to NRS 645B.023, if the applicant is required to do so; and

(c) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness ~~[,]~~ *and* integrity and displays competence to transact the business of a mortgage ~~[company]~~ *broker or mortgage agent* in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter *or sections 2 to 39, inclusive, of this act* suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any ~~[of the provisions]~~ *provision* of this chapter or ~~[any]~~ *sections 2 to 39, inclusive, of this act, a* regulation adopted pursuant thereto ~~[.~~

~~4. A license entitles the holder to engage only in the activities authorized by this chapter.~~

~~5. A person who claims an exemption from the provisions of this chapter must apply to the commissioner for a certificate of exemption and pay the fee for application.]~~ *or an order of the commissioner.*

Sec. 87. NRS 645B.023 is hereby amended to read as follows:

645B.023 1. A natural person who applies for the issuance or renewal of a license as a mortgage ~~[company]~~ *broker or mortgage agent* shall submit to the commissioner the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the commissioner.

3. A license as a mortgage ~~[company]~~ *broker or mortgage agent* may not be issued or renewed by the commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 88. NRS 645B.025 is hereby amended to read as follows:

645B.025 1. A ~~[licensee]~~ *mortgage agent may not be associated with or employed by more than one mortgage broker at the same time.*

2. A mortgage broker shall not employ or pay for the services of a mortgage agent, unless the mortgage agent is licensed pursuant to this chapter and is not associated with or employed by another mortgage broker.

3. The license of a mortgage agent must be delivered or mailed to the mortgage broker with whom he is associated or employed and kept in the custody and control of the mortgage broker.

4. The license of a mortgage broker or mortgage agent must:

(a) Show the name of the licensee, the address of the office for which the license has been issued and, if the licensee is a mortgage agent, the name of the mortgage broker with whom he is associated or employed;

(b) Be imprinted with the seal of the division; and

(c) Include any other information required pursuant to the regulations adopted by the commissioner or an order of the commissioner.

5. A mortgage broker shall post each license *and the license of each of his mortgage agents* in a conspicuous place in the office ~~[to which it pertains.~~

~~2. A license]~~ *for which each license has been issued.*

6. A mortgage broker may not ~~[be transferred or assigned]~~ *transfer or assign a license to another person,* unless the commissioner gives his written approval.

7. A mortgage agent may not change the mortgage broker with whom he is associated or employed, unless the commissioner gives his written approval and the mortgage agent pays the fee required pursuant to NRS 645B.050.

Sec. 89. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A ~~[mortgage company's]~~ license *issued pursuant to this chapter* expires *each year on* June 30 ~~[next after the date of issuance if it is not renewed. A license may be renewed by filing an]~~ *, unless it is renewed. To renew a license, the licensee must submit to the commissioner on or before June 30 of each year:*

(a) An application for renewal ~~[, paying the annual fee for a license for the succeeding year and, if]~~ *;*

(b) The fee required to renew the license pursuant to this section; and

(c) If the licensee is a natural person, ~~[submitting]~~ the statement required pursuant to NRS 645B.023. ~~[The application, statement and payment must be received by the commissioner on or before June 30 next preceding the expiration date.]~~

2. If the ~~[application, statement, if required, or payment is not received by]~~ *licensee fails to submit any item required pursuant to subsection 1 to the commissioner on or before* June 30 ~~[,]~~ *of any year,* the license is canceled. The commissioner may reinstate ~~[the]~~ *a canceled* license if the licensee ~~[files an application, submits the statement, if required, pays the filing fee and pays a]~~ *submits to the commissioner:*

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) If the licensee is a natural person, the statement required pursuant to NRS 645B.023; and

(d) A reinstatement fee of $200.

~~[2. The commissioner shall require a licensee to deliver a financial statement prepared from his books and records by an independent public accountant who holds a permit to engage in the practice of public accounting in this state which has not been revoked or suspended. The financial statement must be dated not earlier than the close of the latest fiscal year of the company and must be submitted within 60 days thereafter. The commissioner may grant a reasonable extension for the submission of the financial statement if requested before the statement is due.~~

~~3. If a licensee maintains any accounts described in subsection 1 of NRS 645B.175, the financial statement submitted pursuant to this section must be audited. If the licensee maintains any accounts described in subsection 3 of NRS 645B.175, those accounts must be audited. The public accountant who prepares the report of an audit shall submit a copy of the report to the commissioner at the same time as he submits the report to the company. The commissioner shall, by regulation, prescribe the scope of audits conducted pursuant to this subsection.~~

~~4. A]~~

3. Except as otherwise provided in section 62 of this act, a certificate of exemption issued pursuant to ~~[subsection 5 of NRS 645B.020]~~ *this chapter* expires *each year on* December 31 ~~[next after the date of issuance if it is not renewed. A]~~ *, unless it is renewed. To renew a* certificate of exemption ~~[may~~

~~be renewed by filing an~~ , *a person must submit to the commissioner on or before December 31 of each year:*

(a) An application for renewal ~~and paying the annual fee for renewal of a~~ *that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and*

(b) The fee required to renew the certificate of exemption . ~~for the succeeding year. The application and payment must be received by the commissioner on or before December 31 next preceding the expiration date.~~

4. If the ~~application or payment is not received by~~ *person fails to submit any item required pursuant to subsection 3 to the commissioner on or before* December 31 ~~,~~ *of any year,* the certificate of exemption is canceled. ~~The~~ *Except as otherwise provided in section 62 of this act, the* commissioner may reinstate ~~the~~ *a canceled* certificate *of exemption* if the ~~applicant pays the filing fee and a~~ *person submits to the commissioner:*

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) A reinstatement fee of $100.

5. ~~The filing fees are:~~

~~(a) For filing~~ *A person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:*

(a) To file an original application ~~,~~ *for a license,* $1,500 for the principal office and $40 for each branch office. The ~~applicant shall~~ *person must* also pay such additional expenses incurred in the process of investigation as the commissioner deems necessary. All money received by the commissioner pursuant to this paragraph must be placed in the investigative account created by NRS 232.545.

(b) ~~If the license is approved for issuance,~~ *To be issued a license,* $1,000 for the principal office and $60 for each branch office . ~~before issuance.~~

~~(c) For filing an application for renewal,~~

(c) To renew a license, $500 for the principal office and $100 for each branch office.

~~(d) For filing~~

6. A person must pay the following fees to apply for, to be issued or to renew a license as a mortgage agent pursuant to this chapter or to change the mortgage broker with whom the person is associated or employed as a mortgage agent:

(a) To file an original application for a license, $500 for the primary office at which the person will conduct business as a mortgage agent and $40 for each additional office at which the person will conduct business as a mortgage agent. The person must also pay such additional expenses incurred in the process of investigation as the commissioner deems necessary. All money received by the commissioner pursuant to this paragraph must be placed in the investigative account created by NRS 232.545.

(b) To be issued a license, $250 for the primary office at which the person will conduct business as a mortgage agent and $40 for each additional office at which the person will conduct business as a mortgage agent.

(c) To renew a license, $150 for the primary office at which the person will conduct business as a mortgage agent and $40 for each additional office at which the person will conduct business as a mortgage agent.

(d) To change the mortgage broker with whom the person is associated or employed as a mortgage agent, $25 for the primary office at which the person will conduct business as a mortgage agent and $10 for each additional office at which the person will conduct business as a mortgage agent.

7. A person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, $200.

~~[(e) For filing an application for renewal of]~~

(b) To renew a certificate of exemption, $100.

~~[(f) For filing an application for]~~

8. To be issued a duplicate copy of any license ~~[, upon]~~ *or certificate of exemption, a person must make a* satisfactory showing of its loss ~~[, $10.~~

~~6.]~~ *and pay a fee of $10.*

9. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the state treasury for credit to the state general fund.

Sec. 90. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the director of the department of business and industry, the commissioner shall exercise general supervision and control over mortgage ~~[companies]~~ *brokers and mortgage agents* doing business in this state.

2. In addition to the other duties imposed upon him by law, the commissioner shall:

(a) Adopt ~~[reasonable regulations as may be necessary for making effective]~~ *regulations prescribing standards for determining whether a mortgage broker has maintained adequate supervision of a mortgage agent pursuant to this chapter.*

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

~~[(b)]~~ *(c)* Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter ~~[.~~

~~(c)]~~ *, a regulation adopted pursuant to this chapter or an order of the commissioner.*

(d) Conduct an annual examination of each mortgage ~~[company]~~ *broker* doing business in this state.

~~[(d)]~~ *(e)* Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary and proper for the efficient administration of the laws of this state regarding mortgage ~~[companies.~~

~~(e)~~] *brokers and mortgage agents. The commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.*

(f) Classify as confidential certain records and information obtained by the division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by the legislative auditor.

~~[(f)]~~ *(g)* Conduct such examinations and investigations as are necessary to ensure that mortgage ~~[companies]~~ *brokers and mortgage agents* meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination , a mortgage ~~[company]~~ *broker* shall pay a fee based on the rate established pursuant to NRS 658.101.

Sec. 91. NRS 645B.070 is hereby amended to read as follows:

645B.070 1. In the conduct of any examination, periodic or special audit, investigation or hearing, the commissioner may:

(a) Compel the attendance of any person by subpoena.

(b) Administer oaths.

(c) Examine any person under oath concerning the business and conduct of affairs of any person subject to the provisions of this chapter and in connection therewith require the production of any books, records or papers relevant to the inquiry.

2. ~~[Every]~~ *Any* person subpoenaed under the provisions of this section who willfully refuses or willfully neglects to appear at the time and place named in the subpoena or to produce books, records or papers required by the commissioner, or who refuses to be sworn or answer as a witness, is guilty of a misdemeanor ~~[.~~

~~3. The cost of]~~ *and shall be punished as provided in NRS 645B.230.*

3. The commissioner may assess against and collect from a person all costs, including, without limitation, reasonable attorney's fees, that are attributable to any examination, periodic or special audit, investigation or hearing *that is* conducted ~~[under]~~ *to examine or investigate the conduct, activities or business of the person pursuant to* this chapter . ~~[may be assessed to and collected from the mortgage company in question by the commissioner.]~~

Sec. 92. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. ~~[All mortgage companies]~~ *Each mortgage broker and mortgage agent* shall keep and maintain at all times ~~[in their places of]~~ *at each location where the mortgage broker or mortgage agent conducts* business in this state complete and suitable records of all mortgage transactions made by ~~[them]~~ *the mortgage broker or mortgage agent* at that location . ~~[, together with]~~ *Each mortgage broker shall also keep and maintain at all times at each such location* all original books, papers and

data, or copies thereof, clearly reflecting the financial condition of the business of ~~[such companies.]~~ *the mortgage broker.*

2. Each mortgage ~~[company]~~ *broker* shall submit to the commissioner each month a report of the ~~[company's]~~ *mortgage broker's* activity for the previous month. The report must:

(a) Specify the volume of loans arranged by the ~~[company]~~ *mortgage broker* for the month or state that no loans were arranged in that month;

(b) Include ~~[such other information as]~~ *any information required pursuant to section 73 of this act or pursuant to the regulations adopted by* the commissioner *;* ~~[by regulation requires;]~~ and

(c) Be submitted to the commissioner by the 15th day of the month following the month for which the report is made.

3. The commissioner may adopt regulations prescribing accounting procedures for mortgage ~~[companies]~~ *brokers* handling trust accounts and the requirements for keeping records relating ~~[thereto.]~~ *to such accounts.*

Sec. 93. NRS 645B.090 is hereby amended to read as follows:

645B.090 *1.* Except as otherwise provided *in this section or* by ~~[law, all]~~ *specific statute:*

(a) All papers, documents, reports and other written instruments filed with the commissioner ~~[under]~~ *pursuant to* this chapter are open to public inspection . ~~[, except that the]~~

(b) The commissioner shall disclose the following information concerning a mortgage broker or mortgage agent to any person who requests it:

(1) Information concerning any investigation that is currently pending against the mortgage broker or mortgage agent pursuant to the provisions of this chapter;

(2) The findings and results of any investigation that has been completed during the immediately preceding 5 years against the mortgage broker or mortgage agent pursuant to the provisions of this chapter; and

(3) The nature of any disciplinary action that has been taken during the immediately preceding 5 years against the mortgage broker or mortgage agent pursuant to the provisions of this chapter.

2. The commissioner may withhold from public inspection *or refuse to disclose to a person,* for such time as ~~[he]~~ *the commissioner* considers necessary , any information ~~[which]~~ *that,* in his judgment , *would:*

(a) Impede or otherwise interfere with an investigation that is currently pending against a mortgage broker or mortgage agent;

(b) Have an undesirable effect on the ~~[public]~~ welfare *of the public* or the welfare of any mortgage ~~[company requires to be so withheld.]~~ *broker; or*

(c) Give any mortgage broker a competitive advantage over any other mortgage broker.

Sec. 94. NRS 645B.095 is hereby amended to read as follows:

645B.095 1. As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage ~~[company;]~~ *broker;* or

(b) A transfer of at least 25 percent of the outstanding voting stock of a mortgage ~~[company.]~~ *broker.*

2. The commissioner must be notified of a transfer of 5 percent or more of the outstanding voting stock of a mortgage ~~[company]~~ *broker* and must approve a transfer of voting stock of a mortgage ~~[company]~~ *broker* which constitutes a change of control.

3. The person who acquires stock resulting in a change of control of the mortgage ~~[company]~~ *broker* shall apply to the commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter for obtaining a license will be satisfied after the change of control. Except as *otherwise* provided in subsection 4, the commissioner shall conduct an investigation to determine whether those requirements will be satisfied. If, after the investigation, the commissioner denies the application, he may forbid the applicant from participating in the business of the mortgage ~~[company.]~~ *broker.*

4. A mortgage ~~[company]~~ *broker* may submit a written request to the commissioner to waive an investigation pursuant to subsection 3. The commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his employment with a financial institution.

Sec. 95. NRS 645B.100 is hereby amended to read as follows:

645B.100 ~~[1.]~~ *Except as otherwise provided in section 78 of this act:*

1. For each violation committed by an applicant, whether or not he is issued a license, the commissioner may impose upon the applicant an administrative fine of not more than $10,000, if the applicant:

(a) Has knowingly made or caused to be made to the commissioner any false representation of material fact;

(b) Has suppressed or withheld from the commissioner any information which the applicant possesses and which, if submitted by him, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. The commissioner may ~~[require]~~ *impose upon* a licensee ~~[to pay]~~ *who is licensed as a mortgage broker* an administrative fine of not more than ~~[$500]~~ *$10,000* for each violation *that* he commits or suspend, revoke or place conditions upon his license, or do both, ~~[at any time]~~ if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any ~~[provisions]~~ *provision* of this chapter ~~[;]~~ *, a regulation adopted pursuant to this chapter or an order of the commissioner;*

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which ~~[he knew,]~~ *the licensee knew* or , by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the commissioner any false representation of material fact or has suppressed or withheld from the commissioner any information which the ~~[applicant or]~~ licensee possesses ~~[,]~~ and which , if submitted by him , would have rendered the ~~[applicant or]~~ licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for ~~[the impound]~~ *a* trust account;

(i) Has refused to permit an examination by the commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the commissioner pursuant to the provisions of this *chapter or a regulation adopted pursuant to this* chapter;

(j) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude;

(k) Has refused or failed to pay, within a reasonable time, ~~[those expenses assessed to the mortgage company]~~ *any fees, assessments, costs or expenses that the licensee is required to pay* pursuant to ~~[NRS 645B.050 or 645B.070;]~~ *this chapter or a regulation adopted pursuant to this chapter;*

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice; ~~[or]~~

(p) *Has repeatedly violated the policies and procedures of the mortgage broker;*

(q) Has failed to maintain adequate supervision of a mortgage agent;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker or mortgage agent, whether or not the mortgage agent commits the act; or

(s) Has not conducted verifiable business as a mortgage ~~[company]~~ *broker* for 12 consecutive months, except in the case of a new applicant. The commissioner shall determine whether a ~~[company]~~ *mortgage broker* is conducting business by examining the monthly reports of activity submitted by the licensee or by conducting an examination of the licensee.

~~[2. It is sufficient cause for refusal or revocation of a license in the case of a partnership or corporation or any unincorporated association that any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or revoking the registration of a natural person.]~~

3. The commissioner may impose upon a licensee who is licensed as a mortgage agent an administrative fine of not more than $10,000 for each violation that he commits or suspend, revoke or place conditions upon his license, or do both, if the licensee, whether or not acting as such:

(a) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(b) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner;

(c) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(d) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(e) Has knowingly made or caused to be made to the commissioner any false representation of material fact or has suppressed or withheld from the commissioner any information which the licensee possesses and which, if submitted by him, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(f) Has refused to permit an examination by the commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(g) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude;

(h) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(i) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(j) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(k) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use;

(l) Has repeatedly violated the policies and procedures of the mortgage broker with whom he is associated or employed; or

(m) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

Sec. 96. NRS 645B.105 is hereby amended to read as follows:

645B.105 1. If the commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a mortgage ~~[company,]~~ *broker or mortgage agent,* the commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The commissioner shall reinstate a license as a mortgage ~~[company]~~ *broker or mortgage agent* that has been suspended by a district court pursuant to NRS 425.540 if the commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 97. NRS 645B.110 is hereby amended to read as follows:

645B.110 1. ~~[Notice of the entry of any order of suspension or of refusing a license to any mortgage company must be given in writing,]~~ *If the commissioner enters an order taking any disciplinary action against a person or denying a person's application for a license, the commissioner shall cause written notice of the order to be* served personally or sent by certified mail or ~~[by]~~ telegraph to the ~~[company affected.~~

~~2. The company,]~~ *person.*

2. Unless a hearing has already been conducted concerning the matter, the person, upon application, is entitled to a hearing . ~~[; but if no]~~ *If the person does not make* such *an* application ~~[is made]~~ within 20 days after the ~~[entry of an order of suspension or of refusing a license of any company,]~~ *date of the initial order,* the commissioner shall enter a final order ~~[in either case.]~~ *concerning the matter.*

3. A person may appeal a final order of the commissioner in accordance with the provisions of chapter 233B of NRS that apply to a contested case.

Sec. 98. NRS 645B.120 is hereby amended to read as follows:

645B.120 1. ~~[The commissioner may investigate either upon complaint or otherwise when]~~ *Whether or not a complaint has been filed, the commissioner shall investigate a mortgage broker, mortgage agent or other person if, for any reason,* it appears that ~~[a mortgage company]~~ *:*

(a) The mortgage broker or mortgage agent is conducting ~~[its]~~ business in an unsafe and injurious manner or in violation of *any provision of* this chapter ~~[or the regulations promulgated thereunder by the commissioner, or when it appears that any]~~ *, a regulation adopted pursuant to this chapter or an order of the commissioner;*

(b) The person is *offering or providing any of the services of a mortgage broker or mortgage agent or otherwise* engaging in ~~[the mortgage company business]~~ *, carrying on or holding himself out as engaging in or carrying on the business of a mortgage broker or mortgage agent* without being licensed ~~[under]~~ *or exempt from licensing pursuant to* the provisions of ~~[those sections.]~~ *this chapter; or*

(c) The person is violating any other provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner.

2. If , upon investigation ~~[it appears that such company is so conducting its business or an unlicensed person is engaged in the mortgage company business, the commissioner may:~~

~~(a) Advise the district attorney of the county in which the business is conducted, and the district attorney shall cause the appropriate legal action to be taken to enjoin the operation of the business or prosecute the violations of this chapter; and~~

~~(b) Bring suit in the name and on behalf of the State of Nevada against such person and any other person concerned in or in any way participating in or about to participate in such unsafe or injurious practices or action in violation of this chapter or regulations thereunder to enjoin any such person from continuing such practices or engaging therein or doing any such act.~~

~~3. If the commissioner brings suit,]~~ *, the commissioner has reasonable cause to believe that the mortgage broker, mortgage agent or other person has engaged in any conduct or committed any violation described in subsection 1:*

(a) The commissioner shall notify the attorney general of the conduct or violation and, if applicable, the commissioner shall immediately take possession of the property of the mortgage broker pursuant to NRS 645B.150; and

(b) The attorney general shall, if appropriate:

(1) Investigate and prosecute the mortgage broker, mortgage agent or other person pursuant to section 82 of this act; and

(2) Bring a civil action to:

(I) Enjoin the mortgage broker, mortgage agent or other person from engaging in the conduct, operating the business or committing the violation; and

(II) Enjoin any other person who has encouraged, facilitated, aided or participated in the conduct, the operation of the business or the commission of the violation, or who is likely to engage in such acts, from engaging in or continuing to engage in such acts.

3. If the attorney general brings a civil action pursuant to subsection 2, the district court of any county of this state is hereby vested with the jurisdiction in equity to ~~[restrain unsafe, injurious or illegal practices or transactions]~~ *enjoin the conduct, the operation of the business or the commission of the violation* and may grant *any* injunctions *that are necessary* to prevent and restrain ~~[such practices or transactions. The court may, during]~~ *the conduct, the operation of the business or the commission of the violation. During* the pendency of the proceedings before ~~[it, issue such]~~ *the district court:*

(a) The court may issue any temporary restraining orders as may appear to be just and proper; ~~[and the]~~

(b) The findings of the commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the ~~[issue]~~ ex parte *issuance* of a temporary restraining order ~~[. In any such court proceedings the commissioner]~~ *; and*

(c) The attorney general may apply for and on due showing is entitled to have issued the court's subpoena requiring forthwith the appearance of any ~~[defendant and his employees and the production of]~~ *person to:*

(1) Produce any documents, books and records as may appear necessary for the hearing of the petition *;* ~~[, to testify]~~ and

(2) Testify and give evidence concerning the ~~[acts or conduct or things]~~ *conduct* complained of in the ~~[application for injunction.]~~ *petition.*

Sec. 99. NRS 645B.150 is hereby amended to read as follows:

645B.150 1. ~~[When]~~ *In addition to any other action that is required or permitted pursuant to this chapter, if* the commissioner ~~[ascertains by examination or otherwise that the]~~ *has reasonable cause to believe that:*

(a) The assets or capital of ~~[any mortgage company]~~ *a mortgage broker* are impaired *;* or ~~[that a mortgage company's affairs are in an unsafe condition which]~~

(b) A mortgage broker is conducting business in an unsafe and injurious manner that may result in danger to the public, ~~[he may]~~

the commissioner shall immediately take possession of all the property, business and assets of the ~~[company which]~~ *mortgage broker that* are located in this state and *shall* retain possession of them pending further proceedings provided for in this chapter.

2. If the *licensee, the* board of directors or any officer or person in charge of the offices of the ~~[company]~~ *mortgage broker* refuses to permit the commissioner to take possession of ~~[its property,]~~ the *property of the mortgage broker pursuant to subsection 1:*

(a) The commissioner shall ~~[communicate that fact to]~~ *notify* the attorney general ~~[. Thereupon the]~~ *; and*

(b) The attorney general shall immediately ~~[institute]~~ *bring* such proceedings as may be necessary to place the commissioner in immediate possession of the property of the ~~[company. The commissioner thereupon shall make]~~ *mortgage broker.*

3. If the commissioner takes possession of the property of the mortgage broker, the commissioner shall:

(a) Make or have made an inventory of the assets and known liabilities of the ~~[company.~~

~~3. The commissioner shall file]~~ *mortgage broker;*

(b) File one copy of the inventory in his office and one copy in the office of the clerk of the district court of the county in which the principal office of the ~~[company]~~ *mortgage broker* is located and shall mail one copy to each stockholder, partner, officer , *director* or associate of the mortgage ~~[company]~~ *broker* at his last known address ~~[.]~~ *; and*

(c) If the mortgage broker maintains any accounts described in NRS 645B.175, not later than 5 business days after the date on which the commissioner takes possession of the property of the mortgage broker, mail notice of his possession to the last known address of each person whose money is deposited in such an account or whose money was or should have been deposited in such an account during the preceding 12 months.

4. The clerk of the court with which the copy of the inventory is filed shall file it as any other case or proceeding pending in the court and shall give it a docket number.

Sec. 100. NRS 645B.160 is hereby amended to read as follows:

645B.160 1. ~~[The]~~ *If the commissioner takes possession of the property of a mortgage broker pursuant to NRS 645B.150, the licensee,* officers, directors, partners, associates or stockholders of the mortgage ~~[company]~~ *broker* may, within 60 days ~~[from the date when]~~ *after the date on which* the commissioner takes possession of the property, ~~[business and assets,]~~ make good any deficit ~~[which may exist]~~ *in the assets or capital of the mortgage broker* or remedy ~~[the unsafe condition of its affairs.]~~ *any unsafe and injurious conditions or practices of the mortgage broker.*

2. At the expiration of ~~[such time,]~~ *the 60-day period,* if the deficiency in assets or capital has not been made good or the unsafe ~~[condition]~~ *and injurious conditions or practices* remedied, the commissioner may apply to the court to be appointed receiver and proceed to liquidate the assets of the ~~[company]~~ *mortgage broker* which are located in this state in the same manner as now provided by law for liquidation of a private corporation in receivership.

3. No other person may be appointed receiver by any court without first giving the commissioner ample notice of his application.

4. The inventory made by the commissioner and all claims filed by creditors are open at all reasonable times for inspection , and any action taken by the receiver upon any of the claims is subject to the approval of the court before which the cause is pending.

5. The expenses of the receiver and compensation of counsel, as well as all expenditures required in the liquidation proceedings, must be fixed by the commissioner subject to the approval of the court ~~[,]~~ and, upon certification

of the commissioner, must be paid out of the money in his hands as the receiver.

Sec. 101. NRS 645B.165 is hereby amended to read as follows:

645B.165 1. ~~[The]~~ *Except as otherwise provided in subsection 3, the* amount of any advance fee, salary, deposit or money paid to any mortgage ~~[company]~~ *broker, mortgage agent* or other person to obtain a loan which will be secured by a lien on real property must be placed in escrow pending completion of the loan or a commitment for the loan.

2. The amount held in escrow *pursuant to subsection 1* must be released:

(a) Upon completion of the loan or commitment for the loan, to the mortgage ~~[company]~~ *broker* or other person to whom the advance fee, salary, deposit or money was paid.

(b) If the loan or commitment for the loan fails, to the person who made the payment.

3. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsections 1 and 2 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in ~~[subsection 4.~~

~~4. A person who violates the provisions of subsection 1:~~

~~(a) Is guilty of a misdemeanor if the amount is less than $250;~~

~~(b) Is guilty of a gross misdemeanor if the amount is $250 or more but less than $1000; or~~

~~(c) Is guilty of a category D felony if the amount is $1,000 or more, and shall be punished as provided in NRS 193.130.]~~ *NRS 645B.225.*

Sec. 102. NRS 645B.170 is hereby amended to read as follows:

645B.170 1. All money paid to the mortgage ~~[company]~~ *broker* for payment of taxes or insurance premiums on *real* property which secures any loan ~~[made]~~ *arranged* by the mortgage ~~[company]~~ *broker* must be deposited in ~~[a bank]~~ *an insured depository financial institution* and kept separate, distinct and apart from money belonging to the mortgage ~~[company.]~~ *broker.* Such money, when deposited, is to be designated as an "impound trust account" or under some other appropriate name indicating that the accounts are not the money of the mortgage ~~[company.]~~ *broker.*

2. The mortgage ~~[company]~~ *broker* has a fiduciary duty to ~~[its debtors]~~ *each debtor* with respect to the money in ~~[its]~~ *an* impound trust account.

3. The mortgage ~~[company]~~ *broker* shall, upon reasonable notice, account to any debtor whose *real* property secures a loan ~~[made]~~ *arranged* by the mortgage ~~[company]~~ *broker* for any money which that person has paid to the mortgage ~~[company]~~ *broker* for the payment of taxes or insurance premiums on the *real* property . ~~[in question.]~~

4. The mortgage [~~company~~] *broker* shall, upon reasonable notice, account to the commissioner for all money in [~~the company's~~] *an* impound trust account.

5. A mortgage [~~company~~] *broker* shall:

(a) Require contributions to an impound trust account in an amount reasonably necessary to pay the obligations as they become due.

(b) Within 30 days after the completion of [~~its~~] *the* annual review of an impound trust account, notify the debtor:

(1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(2) That [~~he~~] *the debtor* may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage [~~company~~] *broker* shall maintain the excess money in the account.

This subsection does not prohibit a mortgage [~~company~~] *broker* from requiring additional amounts to be paid into an impound trust account to recover a deficiency that exists in the account.

6. A mortgage [~~company~~] *broker* shall not make payments from an impound trust account in a manner that causes a policy of insurance to be canceled or causes property taxes or similar payments to become delinquent.

Sec. 103. NRS 645B.175 is hereby amended to read as follows:

645B.175 1. [~~All~~] *Except as otherwise provided in this section, all* money received by a mortgage [~~company from a person~~] *broker and his mortgage agents from an investor* to acquire ownership of or a beneficial interest in a loan secured by a lien on real property [~~,~~] must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is independent of the parties and subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage [~~company~~] *broker* in an account appropriately named to indicate that the money does not belong to the mortgage [~~company.~~] *broker.*

(2) Received pursuant to subsection [~~3.~~

~~2. The~~] *4.*

2. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 1 must be released:

(a) Upon completion of the loan, including proper recordation of the respective interests or release, or upon completion of the transfer of the ownership or beneficial interest therein, to the debtor or his designee less [~~that~~] *the* amount due the mortgage [~~company~~] *broker* for the payment of any fee or service charge;

(b) If the loan or the transfer thereof is not consummated, to [~~the person~~] *each investor* who furnished the money held in trust; or

(c) Pursuant to any instructions regarding the escrow account.

3. ~~[All]~~ *The amount held in trust pursuant to subsection 1 must not be released to the debtor or his designee unless:*

(a) The amount released is equal to the total amount of money which is being loaned to the debtor for that loan, less the amount due the mortgage broker for the payment of any fee or service charge; and

(b) The mortgage broker has provided a written instruction to a title agent or title insurer requiring that a lender's policy of title insurance or appropriate title endorsement, which names as an insured each investor who owns a beneficial interest in the loan, be issued for the real property securing the loan.

4. Except as otherwise provided in this section, all money paid to a mortgage ~~[company]~~ *broker and his mortgage agents* by a person in full or in partial payment of a loan secured by a lien on real property, must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage ~~[company]~~ *broker* in an account appropriately named to indicate that it does not belong to the mortgage ~~[company.]~~ *broker.*

(2) Received pursuant to subsection 1.

~~[4. The]~~

5. Except as otherwise provided in this section, the amount held in trust pursuant to subsection ~~[3 must]~~ *4:*

(a) Must be released, upon the deduction and payment of any ~~[fees]~~ *fee* or service charge due the mortgage ~~[company, to the owner of or the person having the]~~ *broker, to each investor who owns a* beneficial interest in the ~~[note.~~

~~5.]~~ *loan in exact proportion to the beneficial interest that he owns in the loan; and*

(b) Must not be released, in any proportion, to an investor who owns a beneficial interest in the loan, unless the amount described in paragraph (a) is also released to every other investor who owns a beneficial interest in the loan.

6. An investor may waive, in writing, the right to receive one or more payments, or portions thereof, that are released to other investors in the manner set forth in subsection 5. A mortgage broker or mortgage agent shall not act as the attorney in fact or the agent of an investor with respect to the giving of a written waiver pursuant to this subsection. Any such written waiver applies only to the payment or payments, or portions thereof, that are included in the written waiver and does not affect the right of the investor to:

(a) Receive the waived payment or payments, or portions thereof, at a later date; or

(b) Receive all other payments in full and in accordance with the provisions of subsection 5.

7. Upon reasonable notice, any mortgage ~~[company]~~ *broker* described in this section shall:

(a) Account to any *investor or* debtor ~~[or creditor upon whose behalf money has been]~~ *who has* paid to the mortgage ~~[company and]~~ *broker or his mortgage agents money that is required to be* deposited in ~~[the trust accounts as set forth in]~~ *a trust account pursuant to* this section; and

(b) Account to the commissioner for all money ~~[in]~~ *which* the mortgage ~~[company's loan proceeds or loan payments]~~ *broker and his mortgage agents have received from each investor or debtor and which the mortgage broker is required to deposit in a* trust account ~~[.~~

~~6.]~~ *pursuant to this section.*

8. Money received by a mortgage ~~[company]~~ *broker and his mortgage agents* pursuant to this section from a person who is not associated with the ~~[company]~~ *mortgage broker* may be held in trust for ~~[no]~~ *not* more than 45 days before an escrow account must be opened in connection with the loan. If, within this 45-day period, the loan or the transfer therefor is not consummated, the money must be returned within 24 hours. If the money is so returned, it may not be reinvested with the mortgage ~~[company]~~ *broker* for at least 15 days.

9. If a mortgage broker or a mortgage agent receives any money pursuant to this section, the mortgage broker or mortgage agent, after the deduction and payment of any fee or service charge due the mortgage broker, shall not release the money to:

(a) Any person who does not have a contractual or legal right to receive the money; or

(b) Any person who has a contractual right to receive the money if the mortgage broker or mortgage agent knows or, in light of all the surrounding facts and circumstances, reasonably should know that the person's contractual right to receive the money violates any provision of this chapter or a regulation adopted pursuant to this chapter.

Sec. 104. NRS 645B.180 is hereby amended to read as follows:

645B.180 1. Money in an impound trust account is not subject to execution or attachment on any claim against the mortgage ~~[company.]~~ *broker or his mortgage agents.*

2. It is unlawful for ~~[any mortgage company]~~ *a mortgage broker or his mortgage agents* knowingly to keep or cause to be kept any money in ~~[any bank]~~ *a depository financial institution* under the heading of "impound trust account" or any other name designating such money as belonging to the *investors or* debtors of the mortgage ~~[company, except]~~ *broker, unless the* money *has been* paid to the mortgage ~~[company for the payment of taxes and insurance premiums on property securing loans made by the company, and money]~~ *broker or his mortgage agents by an investor or debtor and is being* held in trust *by the mortgage broker* pursuant to NRS *645B.170 or* 645B.175.

Sec. 105. NRS 645B.185 is hereby amended to read as follows:

645B.185 1. ~~[Before a person invests money through a mortgage company licensed pursuant to this chapter, he must sign a written statement received from the company, acknowledging that:~~

~~(a) The company has explained to him the nature and risks of investing through the company, including the possibility of default in payment, the fact that payments are not guaranteed, the resulting foreclosure and the losses that may result; and~~

~~(b) He is aware that the company is not a depository financial institution.~~

~~2. The investor must sign such a statement upon his initial investment only, and not before each subsequent investment.~~

~~3. The statement must be made on a form prescribed by the commissioner.]~~ *A mortgage broker or mortgage agent shall not accept money from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property unless:*

(a) The investor and the mortgage broker or mortgage agent sign and date a disclosure form that complies with the provisions of subsection 5; and

(b) The mortgage broker or mortgage agent gives the investor the original disclosure form that has been signed and dated.

2. An investor and a mortgage broker or mortgage agent must sign and date a separate disclosure form pursuant to subsection 1 for each loan in which the investor invests his money. A mortgage broker or mortgage agent shall not act as the attorney in fact or the agent of an investor with respect to the signing or dating of any disclosure form.

3. An investor and a mortgage broker or mortgage agent may not agree to alter or waive the provisions of this section by contract or other agreement. Any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

4. A mortgage broker shall retain a copy of each disclosure form that is signed and dated pursuant to subsection 1 for the period that is prescribed in the regulations adopted by the commissioner.

5. The standard provisions for each such disclosure form must include, without limitation, statements:

(a) Explaining the risks of investing through the mortgage broker, including, without limitation:

(1) The possibility that the debtor may default on the loan;

(2) The nature of the losses that may result through foreclosure;

(3) The fact that payments of principal and interest are not guaranteed and that the investor may lose the entire amount of principal that he has invested;

(4) The fact that the mortgage broker is not a depository financial institution and that the investment is not insured by any depository insurance and is not otherwise insured or guaranteed by the federal or state government; and

(5) Any other information required pursuant to the regulations adopted by the commissioner; and

(b) Disclosing to the investor the following information if the information is known or, in light of all the surrounding facts and circumstances, reasonably should be known to the mortgage broker:

(1) Whether the real property that will secure the loan is encumbered by any other liens and, if so, the priority of each such lien, the amount of debt secured by each such lien and the current status of that debt, including, without limitation, whether the debt is being paid or is in default;

(2) Whether the mortgage broker or any general partner, officer, director or mortgage agent of the mortgage broker has any direct or indirect interest in the debtor;

(3) Whether any disciplinary action has been taken by the commissioner against the mortgage broker or any general partner, officer, director or mortgage agent of the mortgage broker within the preceding 12 months, and the nature of any such disciplinary action;

(4) Whether the mortgage broker or any general partner, officer, director or mortgage agent of the mortgage broker has been convicted within the preceding 12 months for violating any law, ordinance or regulation that involves fraud, misrepresentation or a deceitful, fraudulent or dishonest business practice; and

(5) Any other information required pursuant to the regulations adopted by the commissioner.

6. Whether or not a mortgage broker is required to disclose any information to investors through a disclosure form that complies with the provisions of subsection 5, the commissioner may order the mortgage broker to disclose to investors or to the general public any information concerning the mortgage broker, any general partner, officer, director or mortgage agent of the mortgage broker or any loan in which the mortgage broker is or has been involved, if the commissioner, in his judgment, believes that the information:

(a) Would be of material interest to a reasonable investor who is deciding whether to invest money with the mortgage broker; or

(b) Is necessary to protect the welfare of the public.

7. In carrying out the provisions of subsection 6, the commissioner may, without limitation, order a mortgage broker to include statements of disclosure prescribed by the commissioner:

(a) In the disclosure form that must be given to investors pursuant to subsection 1;

(b) In additional disclosure forms that must be given to investors before or after they have invested money through the mortgage broker; or

(c) In any advertisement that the mortgage broker uses in carrying on his business.

8. The commissioner:

(a) Shall adopt regulations prescribing the period for which a mortgage broker must retain a copy of each disclosure form that is given to investors; and

(b) May adopt any other regulations that are necessary to carry out the provisions of this section, including, without limitation, regulations specifying the size of print and any required formatting or typesetting that a mortgage broker must use in any disclosure form that is given to investors.

Sec. 106. NRS 645B.187 is hereby amended to read as follows:

645B.187 1. If *a mortgage broker or mortgage agent solicits or receives money from an investor, the mortgage broker or mortgage agent shall not:*

(a) In any advertisement; or

(b) Before, during or after solicitation or receipt of money from the investor,

make, or cause or encourage to be made, any explicit or implicit statement, representation or promise, oral or written, which a reasonable person would construe as a guarantee that the investor will be repaid the principal amount of money he invests or will earn a specific rate of return or a specific rate of interest on the principal amount of money he invests.

2. *If a mortgage broker offers to pay or pays* premium interest ~~[is paid by a mortgage company]~~ on money ~~[it]~~ *that the mortgage broker* receives from a person to acquire ownership of or a beneficial interest in a loan secured by a lien on real property or in full or partial payment of such a loan ~~[, that]~~ *:*

(a) The premium interest must be paid from the assets or income of the mortgage ~~[company and may not be guaranteed.~~

~~2. For the purposes of]~~ *broker; and*

(b) The mortgage broker or a mortgage agent shall not:

(1) In any advertisement; or

(2) Before, during or after receipt of money from such a person,

make, or cause or encourage to be made, any explicit or implicit statement, representation or promise, oral or written, which a reasonable person would construe as a guarantee that the mortgage broker will pay the premium interest.

3. *A person who violates any provision of this section is guilty of a misdemeanor and shall be punished as provided in NRS 645B.230.*

4. *As used in* this section, "premium interest" means that amount of interest a mortgage ~~[company]~~ *broker* pays to a person which exceeds the amount which is being obtained from the insured depository financial institution.

Sec. 107. NRS 645B.188 is hereby amended to read as follows:

645B.188 Each mortgage ~~[company]~~ *broker* shall pay the assessment levied pursuant to NRS 658.055 . ~~[and]~~ *Each mortgage broker and mortgage agent shall* cooperate fully with the audits and examinations performed pursuant thereto.

Sec. 108. NRS 645B.189 is hereby amended to read as follows:

645B.189 *1. Each mortgage broker shall include in each advertisement that the mortgage broker uses in carrying on his business:*

(a) A statement of disclosure in substantially the following form:

Money invested through a mortgage broker is not insured or guaranteed by the federal or state government. An investor is not guaranteed to recover or to be repaid any of the money he invests. An investor is not guaranteed to earn or to be paid any interest or other return on the money he invests. An investor may lose some or all of the money he invests.

(b) Any other statements of disclosure required pursuant to the regulations adopted by the commissioner or required pursuant to an order of the commissioner entered in accordance with subsections 6 and 7 of NRS 645B.185.

2. Each mortgage ~~[company]~~ *broker* shall submit any proposed advertisement ~~[it]~~ *that the mortgage broker* intends to use *in carrying on his business* to the commissioner for approval. ~~[The commissioner shall, within 5 working days after receiving the advertisement, approve or disapprove its use and notify the company of that decision.]~~ *If the mortgage broker is required to include any statements of disclosure in such an advertisement pursuant to subsection 1 and the statements of disclosure will be displayed in printed form:*

(a) The size of the print must be approved by the commissioner; and

(b) If displayed on television or any other video screen, monitor or device, the length of time that the statements are displayed must be approved by the commissioner.

3. In addition to the requirements set forth in this chapter, each advertisement that a mortgage broker uses in carrying on his business must comply with the requirements of:

(a) NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices; and

(b) Any applicable federal statute or regulation concerning deceptive advertising and the advertising of interest rates.

4. The commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

Sec. 109. NRS 645B.191 is hereby amended to read as follows:

645B.191 Except pursuant to a contract for the collection or servicing of a loan which is governed by the requirements established by the Government National Mortgage Association, Federal Home Loan Mortgage Corporation or Federal National Mortgage Association, ~~[no mortgage company may]~~ *a mortgage broker or mortgage agent shall not* advance payments to an investor on behalf of a person who has obtained a loan secured by a lien on real property and who has defaulted in his payments.

Sec. 110. NRS 645B.193 is hereby amended to read as follows:

645B.193 A mortgage ~~[company]~~ *broker* shall not assign all or a part of ~~[its]~~ *his* interest in a ~~[mortgage]~~ *loan secured by a lien on real property,* unless the ~~[company:]~~ *mortgage broker:*

1. Obtains *a policy of* title insurance for the ~~[mortgaged]~~ *real* property; and

2. Records the assignment in the office of the county recorder of the county in which the *real* property is located.

Sec. 111. NRS 645B.197 is hereby amended to read as follows:

645B.197 1. A person may apply to the commissioner for an exemption from the provisions of this chapter governing the making of a loan of money.

2. The commissioner may grant the exemption if he finds that:

(a) The making of the loan would not be detrimental to the financial condition of the lender, ~~[borrower]~~ *the debtor* or *the* person who is providing the money for the loan;

(b) The lender, ~~[borrower]~~ *the debtor* or *the* person who is providing the money for the loan has established a record of sound performance, efficient management, financial responsibility and integrity;

(c) The making of the loan is likely to increase the availability of capital for a sector of the state economy; and

(d) The making of the loan is not detrimental to the public interest.

3. The commissioner:

(a) May revoke an exemption unless the loan for which the exemption was granted has been made; and

(b) Shall issue a written statement setting forth the reasons for his decision to grant, deny or revoke an exemption.

Sec. 112. NRS 645B.200 is hereby amended to read as follows:

645B.200 ~~[This chapter does not limit]~~ *The provisions of this chapter do not:*

1. Limit any statutory or common law right of ~~[any]~~ *a* person to bring ~~[an action in any court]~~ *a civil action against a mortgage broker or mortgage agent* for any act *or omission* involved in the transaction of *business by or on behalf of* the mortgage ~~[company business or the]~~ *broker or mortgage agent;*

2. Limit the right of the state to punish ~~[any]~~ *a* person for ~~[any]~~ *the* violation of any law ~~[.]~~ *, ordinance or regulation; or*

3. Establish a basis for a person to bring a civil action against the state or its officers or employees for any act or omission in carrying out the provisions of this chapter, including, without limitation, any act or omission relating to the disclosure of information or the failure to disclose information pursuant to the provisions of this chapter.

Sec. 113. NRS 645B.210 is hereby amended to read as follows:

645B.210 It is unlawful for any person to *offer or* provide any of the services of a mortgage ~~[company, unless he is exempted under NRS 645B.015,]~~ *broker or mortgage agent or otherwise* to engage in , ~~[or]~~ carry on ~~[,]~~ or hold himself out as engaging in or carrying on ~~[,]~~ the business of a mortgage ~~[company]~~ *broker or mortgage agent* without first obtaining a

license as a mortgage ~~[company.]~~ *broker or mortgage agent pursuant to this chapter, unless the person:*

1. Is exempt from the provisions of this chapter; and

2. Complies with the requirements for that exemption.

Sec. 114. NRS 645B.220 is hereby amended to read as follows:

645B.220 It is unlawful for any foreign corporation, association or business trust to ~~[transact any mortgage business in]~~ *conduct any business as a mortgage broker within* this state , unless it:

1. Qualifies under chapter 80 of NRS; and

2. Complies with the provisions of this chapter ~~[unless exempted by NRS 645B.015.]~~ *or, if it claims an exemption from the provisions of this chapter, complies with the requirements for that exemption.*

Sec. 115. NRS 645B.225 is hereby amended to read as follows:

645B.225 *1.* A person *, or any general partner, director, officer, agent or employee of a person,* who violates any provision of NRS ~~[645B.170, 645B.175 or 645B.180:~~

~~1. Is~~] *645B.165 to 645B.180, inclusive, is* guilty of ~~[a]~~ *:*

(a) A misdemeanor if the amount involved is less than $250;

~~[2. Is guilty of a]~~

(b) A gross misdemeanor if the amount involved is $250 or more but less than $1,000; or

~~[3. Is guilty of a]~~

(c) A category D felony if the amount involved is $1,000 or more, and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:

(a) Court costs; and

(b) Reasonable costs of the investigation and prosecution of the violation.

Sec. 116. NRS 645B.230 is hereby amended to read as follows:

645B.230 *1.* Except as *otherwise* provided in NRS 645B.225, ~~[any]~~ *a* person, or any *general partner,* director, officer, agent or employee of a person, who violates any ~~[of the provisions]~~ *provision* of this chapter , *a regulation adopted pursuant to this chapter or an order of the commissioner* is guilty of a misdemeanor.

2. In addition to any other penalty, if a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:

(a) Court costs; and

(b) Reasonable costs of the investigation and prosecution of the violation.

Sec. 117. NRS 40.750 is hereby amended to read as follows:

40.750 1. As used in this section, "financial institution" means a bank, *mortgage broker,* mortgage company, credit union, thrift company or savings and loan association, or any subsidiary or affiliate of a bank, *mortgage broker,* mortgage company, credit union, thrift company or savings and loan

association, which is authorized to transact business in this state and which makes or acquires, in whole or in part, any loan of the kind described in subsection 2.

2. Except as otherwise provided in subsection 5, a person who, for the purpose of obtaining a loan secured by a lien on real property, knowingly conceals a material fact, or makes a false statement concerning a material fact knowing that the statement is false, is liable to any financial institution which relied upon the absence of that concealed fact or on that false statement for any damages it sustains because of the fraud.

3. In addition to its actual damages, a financial institution may recover exemplary or punitive damages in an amount not to exceed 50 percent of the actual damages awarded.

4. The cause of action provided by this section:

(a) Is not, for the purposes of NRS 40.430, an action for the recovery of any debt or an action for the enforcement of any right secured by mortgage or lien upon real estate.

(b) Is in addition to and not in substitution for any right of foreclosure existing in favor of the financial institution. Any recovery pursuant to this section does not limit the amount of a judgment awarded pursuant to NRS 40.459, but the financial institution is not entitled to recover actual damages more than once for the same loss.

5. The provisions of this section do not apply to any loan which is secured by a lien on real property used for residential purposes if:

(a) The residence is a single-family dwelling occupied by the person obtaining the loan, as represented by him in connection with his application for the loan; and

(b) The loan is for the principal amount of $150,000 or less.

Sec. 118. NRS 80.015 is hereby amended to read as follows:

80.015 1. For the purposes of this chapter, the following activities do not constitute doing business in this state:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the board of directors or stockholders or carrying on other activities concerning internal corporate affairs;

(c) Maintaining bank accounts;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the corporation's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside of this state through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside of this state and filling them by shipping goods into this state;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of Title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not doing business in this state within the meaning of this section need not qualify or comply with any provision of NRS 80.010 to 80.270, inclusive, chapter 645A or 645B of NRS , *sections 2 to 39, inclusive, of this act* or Title 55 or 56 of NRS unless he:

(a) Maintains an office in this state for the transaction of business; or

(b) Solicits or accepts deposits in the state, except pursuant to the provisions of chapter 666 or 666A of NRS.

Sec. 119. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934 , *15 U.S.C. § 78l,* and has been subject to the reporting requirements of section 13 or ~~[15(d)]~~ *15(c)* of the Securities Exchange Act of 1934 , *15 U.S.C. §§ 78m and 78o(d),* for not less than 90 days next preceding the transaction, or has filed and maintained with the administrator for not less than 90 days preceding the transaction information, in such form as the administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934 , *15 U.S.C. §§ 78l(b) and 78l(g),* were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934 , *15 U.S.C. § 78l,* and paid a fee with the filing of $150.

3. A nonissuer transaction by a sales representative licensed in this state, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the administrator by regulation or order contains the names of the issuer's officers and directors, a statement of the financial condition of

the issuer as of a date within the preceding 18 months, and a statement of income or operations for each of the last 2 years next preceding the date of the statement of financial condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the administrator, or on the National Market System of the National Association of Securities Dealers Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing his business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a transaction pursuant to an offer to sell securities of an issuer if:

(a) The transaction is part of an issue in which there are ~~[no]~~ *not* more than 25 purchasers in this state, other than those designated in subsection 10, during any 12 consecutive months;

(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;

(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this state; and

(d) One of the following conditions is satisfied:

(1) The seller reasonably believes that all the purchasers in this state, other than those designated in subsection 10, are purchasing for investment; or

(2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months.

The administrator by rule or order as to a security or transaction or a type of security or transaction, may withdraw or further condition the exemption set forth in this subsection or waive one or more of the conditions of the exemption.

12. An offer to sell or sale of a preorganization certificate or subscription if:

(a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;

(b) No public advertising or general solicitation is used in connection with the offer to sell or sale;

(c) The number of offers does not exceed 50;

(d) The number of subscribers does not exceed 10; and

(e) No payment is made by a subscriber.

13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, [~~"supervision of the organization by~~] *"under the supervision of* an official or agency" means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository institution does not obtain a grant of authority from the appropriate official or agency.

14. A transaction pursuant to an offer to sell to existing security holders of the issuer, including persons who at the time of the transaction are holders of transferable warrants exercisable within not more than 90 days after their issuance, convertible securities or nontransferable warrants, if:

(a) No commission or other similar compensation other than a standby commission, is paid or given, directly or indirectly, for soliciting a security holder in this state; or

(b) The issuer first files a notice specifying the terms of the offer to sell, together with a nonrefundable fee of $150, and the administrator does not by order disallow the exemption within the next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933 , *15 U.S.C. §§ 77a et seq.,* if:

(a) A registration or offering statement or similar document as required under the Securities Act of 1933 , *15 U.S.C. §§ 77a et seq.,* has been filed, but is not effective;

(b) A registration statement, if required, has been filed under this chapter, but is not effective; and

(c) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the administrator or the Securities and Exchange Commission, and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933 , *15 U.S.C. §§ 77a et seq.,* if:

(a) A registration statement has been filed under this chapter, but is not effective; and

(b) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the administrator and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganization to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(a) The securities to be distributed are registered under the Securities Act of 1933 , *15 U.S.C. §§ 77a et seq.,* before the consummation of the transaction; or

(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, *15 U.S.C. §§ 77a et seq.,* written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $150, are given to the administrator at least 10 days before the consummation of the transaction and the administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single

parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are originated by a depository institution and are offered and sold subject to the following conditions:

(a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;

(b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and

(c) Each purchaser may buy for his own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act , *12 U.S.C. §§ 1709 and 1715b,* and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:

(a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;

(b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and

(c) The conditions described in subsection 18 are fulfilled.

21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by ~~[a]~~ *:*

(a) A mortgage company licensed pursuant to *sections 2 to 39, inclusive, of this act to engage in those transactions; or*

(b) A mortgage broker licensed pursuant to chapter 645B of NRS to engage in those transactions.

Sec. 120. NRS 232.545 is hereby amended to read as follows:

232.545 1. An investigative account for financial institutions is hereby created in the state general fund. The account consists of money which is:

(a) Received by the department of business and industry in connection with the licensing of financial *institutions and persons associated with those* institutions; and

(b) Required by law to be placed therein.

2. The director of the department of business and industry or his designee may authorize expenditures from the investigative account to pay the expenses incurred ~~[in]~~ *:*

(a) In investigating applications for licensing of financial institutions and ~~[in]~~ *persons associated with those institutions;*

(b) In conducting special investigations relating to ~~[those institutions, and expenses incurred in]~~ *financial institutions and persons associated with those institutions; and*

(c) In connection with mergers, consolidations, conversions, receiverships and liquidations ~~[.]~~ *of financial institutions.*

3. As used in this section, "financial institution" means an institution for which licensing is required by the provisions of Titles 55 and 56 and chapters 645B and 649 of NRS ~~[.]~~ *and sections 2 to 39, inclusive, of this act.*

Sec. 121. NRS 604.090 is hereby amended to read as follows:

604.090 1. Except as otherwise provided in subsection 2, it is unlawful to operate a check-cashing or deferred deposit service without being registered with the commissioner.

2. The provisions of this chapter do not apply to:

(a) A person doing business pursuant to the authority of any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, *mortgage brokers,* mortgage companies, thrift companies, pawnbrokers or insurance companies.

(b) A person licensed to make installment loans pursuant to chapter 675 of NRS.

(c) A person who is primarily engaged in the retail sale of goods or services who:

(1) As an incident to or independently of a retail sale or service from time to time cashes checks for a fee or other consideration of not more than $2; and

(2) Does not hold himself out as a check-cashing service.

(d) A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

(e) A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

(f) A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

(g) A corporation organized pursuant to the laws of this state that has been continuously and exclusively engaged in a check-cashing service in this state since July 1, 1973.

Sec. 122. NRS 657.120 is hereby amended to read as follows:

657.120 1. A financial institution may impose and collect a fee or charge, not to exceed an amount specified in or limited by specific statute, for any service it provides to a customer, if the fee or charge is clearly and conspicuously disclosed in writing to the customer before the customer receives the service. A financial institution must provide a customer with written notice of any increase in the fee or charge at least 10 days before the increase becomes effective.

2. A fee or charge for the presentation for payment, on a single business day, of multiple checks drawn by a customer on an account for which there is an insufficient balance to pay all ~~[of]~~ the checks, must be determined as if the checks drawn in a single series or class were presented in order of ascending amounts, the check for the smallest sum being presented first.

3. As used in this section, "financial institution" means an institution licensed pursuant to the provisions of Title 55 or 56 or chapter 645B or 649 of NRS ~~[,]~~ *or sections 2 to 39, inclusive, of this act,* or a similar institution chartered or licensed pursuant to federal law.

Sec. 123. NRS 657.130 is hereby amended to read as follows:

657.130 1. As used in this section, unless the context otherwise requires:

(a) "Committee to review compliance" means one or more persons assigned or engaged by a financial institution to test, review or evaluate its conduct, transactions or potential transactions, policies or procedures for the purpose of monitoring and improving or enforcing compliance with state and federal statutes and regulations requiring safe, sound and fair lending practices, including, without limitation, acts concerning equal credit opportunity, fair housing, fair lending, flood zone protection, housing and financial discrimination, truth in lending and financial reporting to federal or state regulatory agencies.

(b) "Financial institution" means an institution licensed pursuant to the provisions of this Title or Title 56 or chapter 645B of NRS ~~[,]~~ *or sections 2 to 39, inclusive, of this act,* or a similar institution chartered or licensed pursuant to federal law . ~~[and]~~ *The term* includes , *without limitation,* a holding company, affiliate or subsidiary of such an institution.

2. Except as otherwise voluntarily authorized by the financial institution:

(a) A document prepared for or created by a committee to review compliance is confidential and privileged, and is not subject to discovery or admissible in evidence in a civil action of this state, even if it has been submitted to a governmental or regulatory agency of this state, the United States or a foreign government.

(b) A member of a committee to review compliance or a person who acted under the direction of the committee cannot be required to testify in a civil action concerning the contents of a document described in paragraph (a) or concerning the discussions or conclusions of, or the actions taken by, the committee.

Sec. 124. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. A person doing business under the authority of any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, *mortgage brokers,* mortgage companies, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

Sec. 125. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in subsection 2, ~~[no]~~ *a* licensee may *not* conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage company ~~[is]~~ *:*

(1) Is licensed by this state *pursuant to sections 2 to 39, inclusive, of this act;* and ~~[does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.]~~

(2) Does not conduct any business as a mortgage broker licensed pursuant to chapter 645B of NRS in the office or place of business.

Sec. 126. Chapter 692A of NRS is hereby amended by adding thereto the provisions set forth as sections 127 to 130, inclusive, of this act.

Sec. 127. *1. In addition to all other requirements set forth in this Title and except as otherwise provided in subsection 3 and section 128 of this act, a title agent or title insurer shall deposit with the commissioner a corporate*

surety bond payable to the State of Nevada, in the amount of $250,000, which is executed by a corporate surety satisfactory to the commissioner and which names as principals the title agency or title insurer and all escrow officers employed by or associated with the title agent or title insurer.

2. The bond must be in substantially the following form:

Know All Men by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 692A of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the commissioner of insurance of the department of business and industry of the State of Nevada has issued the principal a license or certificate of authority as a title agent or title insurer, and the principal is required to furnish a bond, in the amount of $250,000, which is conditioned as set forth in this bond:

Now, therefore, if the principal, his agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 692A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 692A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 692A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the .....(day) of .....(month) of...(year), and remains in force until the surety is released from liability by the commissioner of insurance or until this bond is canceled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the commissioner of insurance of the department of business and industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this .....(day) of .....(month) of ...(year).

(Seal)
Principal
(Seal)
Surety
By
Attorney in fact

Licensed resident agent

3. A title agent or title insurer may offset or reduce the amount of the surety bond that the title agent or title insurer is required to deposit with the commissioner pursuant to this section by the amount of any of the following:

(a) Cash or securities deposited with the commissioner pursuant to NRS 680A.140.

(b) Reserves against unpaid losses and loss expenses maintained pursuant to NRS 692A.150 or 692A.170.

(c) Unearned premium reserves maintained pursuant to NRS 692A.160 or 692A.170.

(d) Fidelity bonds maintained by the title agent or title insurer.

(e) Policies of insurance maintained by the title agent or title insurer covering liability for errors or omissions.

(f) Other bonds or policies of insurance maintained by the title agent or title insurer covering liability for economic losses to customers caused by the title agent or title insurer.

Sec. 128. *1. As a substitute for the surety bond required by section 127 of this act, a title agent or title insurer may, in accordance with the provisions of this section, deposit with any bank or trust company authorized to do business in this state, in a form approved by the commissioner:*

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this state;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this state or any city, county, town, township, school district or other instrumentality of this state, or guaranteed by this state.

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond. With the approval of the commissioner, the depositor may substitute other suitable obligations for those deposited which must be assigned to the State of Nevada and are negotiable only upon approval by the commissioner.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be in an amount at least equal to the required surety bond and must state that the amount may not be withdrawn except by direct and sole order of the commissioner. The value of any item deposited pursuant to this section must be based upon principal amount or market value, whichever is lower.

Sec. 129. *1. The surety may cancel a bond upon giving 60 days' notice to the commissioner by certified mail. Upon receipt by the commissioner of such a notice, the commissioner immediately shall notify the title agent or title insurer who is the principal on the bond of the effective date of cancellation of the bond, and that his license or certificate of authority will be revoked unless he furnishes an equivalent bond or a substitute form of*

security authorized by section 128 of this act before the effective date of the cancellation. The notice must be sent to the title agent or title insurer by certified mail to his last address of record filed in the office of the division.

2. If the title agent or title insurer does not comply with the requirements set out in the notice from the commissioner, his license or certificate of authority must be revoked on the date the bond is canceled.

Sec. 130. *1. Any person claiming against a bond may bring an action in a court of competent jurisdiction on the bond for damages to the extent covered by the bond. A person who brings an action on a bond shall notify the commissioner in writing upon filing the action. An action may not be commenced after the expiration of 3 years following the commission of the act on which the action is based.*

2. Upon receiving a request from a person for whose benefit a bond is required, the commissioner shall notify him:

(a) That a bond is in effect and the amount of the bond; and

(b) If there is an action against the bond, the title, court and case number of the action and the amount sought by the plaintiff.

3. If a surety wishes to make payment without awaiting action by a court, the amount of the bond must be reduced to the extent of any payment made by the surety in good faith under the bond. Any payment must be based on written claims received by the surety before any action is taken by a court.

4. The surety may bring an action for interpleader against all claimants upon the bond. If it does so, it shall publish notice of the action at least once each week for 2 weeks in every issue of a newspaper of general circulation in the county where the title agent or title insurer has its principal place of business. The surety may deduct its costs of the action, including attorney's fees and publication, from its liability under the bond.

5. Claims against a bond have equal priority, and if the bond is insufficient to pay all claims in full, they must be paid on a pro rata basis. Partial payment of claims is not full payment, and any claimant may bring an action against the title agent or title insurer for the unpaid balance.

Sec. 131. NRS 645B.130 and 645B.140 are hereby repealed.

Sec. 132. The amendatory provisions of sections 28 and 74 of this act do not apply to a written contract or agreement that is executed before October 1, 1999, if the contract or agreement includes a provision that expressly establishes a specific time before which a payment must be delivered to the mortgage company or mortgage broker on the day that it is due to avoid being charged a late fee, an additional amount of interest or any other penalty.

Sec. 133. The amendatory provisions of this act do not apply to offenses that were committed before October 1, 1999.

Sec. 134. 1. If, on October 1, 1999, a person:

(a) Holds a valid license that was issued by the commissioner of financial institutions pursuant to chapter 645B of NRS before October 1, 1999; and

(b) Meets the definition of a "mortgage company," as set forth in the amendatory provisions of section 8 of this act,

the person shall be deemed to be licensed as a mortgage company pursuant to the amendatory provisions of sections 2 to 39, inclusive, of this act and the person's license as a mortgage company expires on December 31, 1999, unless it is renewed in accordance with the amendatory provisions of section 14 of this act.

2. Notwithstanding the provisions of subsection 1 and the amendatory provisions of section 14 of this act, for each person described in subsection 1, the commissioner shall reduce the fee that the person is required to pay to renew his license as a mortgage company on or before December 31, 1999, by an amount equal to one-half the fee that the person paid to renew his license as a mortgage company on or before June 30, 1999.

3. The provisions of this section do not prohibit a person described in subsection 1 from applying for a license as a mortgage broker on or after October 1, 1999, in accordance with the amendatory provisions of sections 46 to 116, inclusive, of this act.

Sec. 135. 1. If, on October 1, 1999, a person:

(a) Holds a valid license that was issued by the commissioner of financial institutions pursuant to chapter 645B of NRS before October 1, 1999; and

(b) Meets the definition of a "mortgage broker," as set forth in the amendatory provisions of section 57 of this act,

the person shall be deemed to be licensed as a mortgage broker pursuant to the amendatory provisions of sections 46 to 116, inclusive, of this act and the person's license as a mortgage broker expires on June 30, 2000, unless it is renewed in accordance with the amendatory provisions of section 89 of this act.

2. The provisions of this section do not prohibit a person described in subsection 1 from applying for a license as a mortgage company on or after October 1, 1999, in accordance with the amendatory provisions of sections 2 to 39, inclusive, of this act.

Sec. 136. A person who, on or after October 1, 1999, offers or provides any of the services of a mortgage agent or otherwise engages in, carries on or holds himself out as engaging in or carrying on the business of a mortgage agent:

1. Is not required to be licensed before July 1, 2000, notwithstanding the amendatory provisions of section 113 of this act; and

2. Is subject to all other amendatory provisions of sections 46 to 116, inclusive, of this act, whether or not he is licensed before July 1, 2000.

Sec. 137. 1. This act becomes effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and on October 1, 1999, for all other purposes.

2. Sections 15 and 33 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to

restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

645B.130 Procedure for appeal of final orders.

1. An appeal may be taken by any person interested from any final decision of the commissioner to the district court in the county in which the party adversely affected by the decision resides or has his place of business by serving upon the commissioner within 10 days after notice of the entry of the order a written notice of the appeal, stating the grounds upon which a reversal of the final order is sought and accompanied by a demand in writing for a certified transcript of the record and of all papers on file in the office of the commissioner affecting or relating to the decision, and all the evidence taken on the hearing, and paying not more than 25 cents for each folio of the transcript and $1 for the certification thereof. The commissioner shall within 30 days make and certify the transcript.

2. The appellant shall, within 5 days after receiving the transcript, file with the clerk of the court:

(a) The transcript and the notice of appeal; and

(b) A petition for review of the commissioner's decision, setting forth in specific detail the grounds for the appeal, including any errors which the appellant contends were made by the commissioner at the administrative hearing.

3. An appeal from an order of the commissioner must be treated as a proceeding in equity. In the proceeding before the court, the appellant has the burden of proof.

4. Any order of the commissioner which finally limits or adversely determines the rights of any interested person is a final administrative decision as to that person.

645B.140 Procedures following decision on appeal.

1. If the order of the commissioner is reversed, the court shall by its mandate specifically direct the commissioner as to his further action in the matter including the making and entering of any order in connection therewith and the conditions, limitations or restrictions to be therein contained; but the commissioner is not thereby barred from thereafter revoking or altering the order for any proper cause which may thereafter accrue or be discovered.

2. If the order is affirmed, the appellant is not barred after 30 days from filing a new application if the application is not otherwise barred or limited.

3. The appeal does not suspend the operation of the order appealed from during the pendency of the appeal except upon proper order of the court.

4. An appeal may be taken from the judgment of the district court on the same terms and conditions as an appeal is taken in civil actions.".

Amend the title of the bill to read as follows:

"AN ACT relating to real property; revising the provisions relating to certain loans secured by liens on real property; revising the provisions relating to the licensing and the operation of certain mortgage companies and mortgage brokers; requiring certain mortgage brokers to maintain a minimum net worth; establishing licensing requirements for mortgage agents and requiring such agents to pay certain fees; prohibiting various acts by mortgage companies, mortgage brokers and mortgage agents; providing for administrative sanctions and criminal penalties; requiring certain construction controls, escrow agencies, title agents and title insurers to maintain a surety bond; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Assemblywoman Buckley moved that Assembly Bill No. 64 be re-referred to the Committee on Commerce and Labor.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Commerce and Labor.

Assembly Bill No. 72.

Bill read second time and ordered to third reading.

Assembly Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 202.

Amend section 1, page 1, line 4, by deleting "character." and inserting:

"character [.] , *as determined in accordance with criteria set forth in regulations adopted by the department.*".

Amend sec. 2, page 2, line 22, by deleting "character;" and inserting:

"character [;] , *as determined in accordance with criteria set forth in regulations adopted by the department;*".

Amend the title, first line, after "education;" by inserting:

"revising provisions governing the requirements for licensure as an operator of or instructor for a school for training drivers;".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 119.

Amend section 1, page 2, by deleting lines 23 through 25 and inserting:

"Association of Schools and Colleges ~~[.]~~ *;*

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this state; or

(6) Sponsor programs of apprenticeship in this state through a trust created pursuant to 29 U.S.C. § 186.".

Amend section 2, page 3, by deleting lines 33 through 35 and inserting:

"Association of Schools and Colleges ~~[.]~~ *;*

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this state; or

(6) Sponsor programs of apprenticeship in this state through a trust created pursuant to 29 U.S.C. § 186.".

Amend the title of the bill, second line, after "committee" by inserting:

"or an organization that sponsors programs of apprenticeship".

Amend the summary of the bill, first line, after "committee" by inserting:

"or organization that sponsors programs of apprenticeship".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 120.

Amend section 1, page 1, by deleting lines 2 through 9 and inserting:

"361.106 1. Except as otherwise provided in subsection 2, the real and personal property of an apprenticeship program ~~[owned]~~ *is exempt from taxation if the property is:*

(a) Held in a trust created pursuant to 29 U.S.C. § 186; or

(b) Owned by a local or state apprenticeship committee ~~[is exempt from taxation if]~~ *and* the *apprenticeship* program is:

~~[(a)]~~ *(1)* Operated by an organization which is qualified pursuant to 26 U.S.C. § 501 (c)(3) or (5); and

~~[(b)]~~ *(2)* Registered and approved by the state apprenticeship council pursuant to chapter 610 of NRS.".

Amend section 1, page 2, by deleting lines 1 through 4.

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; revising the provisions governing the exemption of the property of apprenticeship programs from property taxes; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 299.

Amend section 1, page 1, line 3, by deleting "28,985,515" and inserting "$17,900,000".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 418.

Bill read second time and ordered to third reading.

Assembly Bill No. 459.

Bill read second time and ordered to third reading.

Assembly Bill No. 460.

Bill read second time.

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

Amendment No. 213.

Amend the bill as a whole by renumbering sections 1 through 21 as sections 4 through 24 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 378.0086 is hereby amended to read as follows:

378.0086 The director:

1. Is appointed by and responsible to the governor, and serves at the pleasure of the governor.

2. Is in the unclassified service of the state.

3. Shall not engage in any other gainful employment or occupation.

4. Must be selected with special reference to training, experience, capacity and interest in cultural resources, arts or library or archive management, or any combination thereof. *His knowledge and abilities must include, without limitation:*

(a) A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his administrative direction;

(b) The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject matters;

(c) The ability to organize and present oral and written communications to the governor, the legislature and other pertinent officials or persons; and

(d) The ability to oversee the carrying out of the statutory responsibilities of the department and of the policies, rules and regulations of the department.

5. Must have demonstrated ability and 4 years of experience administering a major public agency ~~[in the field of museums, libraries or arts, or a related agency.]~~ *or in business administration.*

6. Must have ~~[an advanced degree in the humanities, history, science, the arts, library science, or a related field, or in public administration.]~~ *a degree from an accredited 4-year college or university.*

Sec. 2. NRS 378.010 is hereby amended to read as follows:

378.010 The state library and archives administrator:

1. Is appointed by ~~[and]~~ *, is* responsible to ~~[the director and he]~~ *, and* serves at the pleasure of the director.

2. Must be appointed on the basis of merit.

3. Is in the ~~[classified service, except for the purposes of removal.]~~ *unclassified service of the state.*

Sec. 3. NRS 381.005 is hereby amended to read as follows:

381.005 1. The administrator is appointed by *, is responsible to, and serves at the pleasure of* the director. The director shall consult with the board before making the appointment.

2. To be qualified for appointment, the administrator must have a degree in history or science and experience in public administration.

3. The administrator is in the unclassified service of the state.

4. The administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his duties.".

Amend sec. 11, page 3, line 31, by deleting:

"12 and 13" and inserting:

"15 and 16".

Amend sec. 14, page 3, line 39, by deleting:

"*12 and 13*" and inserting:

"*15 and 16*".

Amend the bill as a whole by renumbering sec. 22 as sec. 28 and adding new sections designated sections 25 through 27, following sec. 21, to read as follows:

"Sec. 25. NRS 383.031 is hereby amended to read as follows:

383.031 The administrator of the office:

1. Must be selected by the director with special reference to his training, experience, capacity and interest in historic preservation or archeology, or both.

2. Must have an advanced degree in history, archeology, architectural history, historic preservation or a related field or in public administration with course work and experience in one of the fields of historic preservation and archeology.

3. Is appointed by, is responsible to, and serves at the pleasure of the director.

4. Is in the unclassified service of the state.

Sec. 26. NRS 233C.080 is hereby amended to read as follows:

233C.080 ~~[1. The director]~~ *The administrator* of the council ~~[must]~~ :

1. Must be selected by the director of the department of museums, library and arts with special reference to his training, experience, capacity and interest in the arts . ~~[from a list of three candidates submitted by the council.~~

~~2. The director of the council must]~~ *The director shall consult with the council before making the appointment.*

2. Must have a degree in the arts or a related field or in public administration with course work and experience in at least one of the arts.

3. Is appointed by, is responsible to, and serves at the pleasure of the director.

4. Is in the unclassified service of the state.

Sec. 27. NRS 233C.094 is hereby amended to read as follows:

233C.094 1. The account for license plates for the support of the education of children in the arts is hereby created in the state general fund. The ~~[director]~~ *administrator* of the council shall administer the account.

2. The money in the account does not lapse to the state general fund at the end of any fiscal year.

3. The money in the account must be used only for the support of programs for the education of children in the arts and must not be used to replace or supplant funding available from other sources.".

Amend the title of the bill to read as follows:

"AN ACT relating to the department of museums, library and arts; revising the qualifications of the director of the department; requiring the administrator of the division of museums and history of the department to appoint the director of the Nevada state museum; removing certain obsolete provisions; revising the titles and classification of certain employees of the department; authorizing the board of museums and history of the department to establish reasonable fees for certain services; and providing other matters property relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 460 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 489.

Bill read second time and ordered to third reading.

Assembly Bill No. 530.

Bill read second time.

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

Amendment No. 306.

Amend section 1, page 1, line 3, by deleting "six" and inserting "~~[six]~~ *eight*".

Amend section 1, page 1, by deleting lines 9 through 12 and inserting:

"3. Meetings of the veteran's services commission ~~[must alternate between the city in which the office of the executive director is located and Las Vegas.]~~ *may be held at any location deemed appropriate by the chairman. The chairman shall arrange for the videoconferencing of meetings when practicable.*".

Amend the title of the bill to read as follows:

"AN ACT relating to veteran affairs; authorizing the Nevada veterans' services commission to hold additional meetings; expanding the permissible locations at which meetings of the commission may be held; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 588.

Bill read second time and ordered to third reading.

Assembly Bill No. 626.

Bill read second time.

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

Amendment No. 308.

Amend sec. 6, page 3, by deleting lines 34 and 35 and inserting:

"4. The chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated".

Amend sec. 6, page 3, line 37, after "industry" by inserting:

", volunteer organizations".

Amend sec. 6, page 3, line 38, by deleting "developing" and inserting "adopting".

Amend sec. 6, page 3, line 39, by deleting "may suggest" and inserting "shall conduct".

Amend sec. 6, page 4, line 7, after "(c)" by inserting:

"Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(d)".

Amend sec. 6, page 4, line 10, by deleting "(d)" and inserting "(e)".

Assemblyman Bache moved the adoption of the amendment.
Remarks by Assemblyman Bache.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 630.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that Assembly Bill No. 179 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 271 be taken from the General File and re-referred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 183 be taken from the Chief Clerk's desk and re-referred to the Committee on Transportation.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 28.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 28:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.
Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 50.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 50:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.
Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 59.
Bill read third time.
Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 59:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.

Assembly Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblymen Lee and Buckley.

Roll call on Assembly Bill No. 95:
YEAS—33.
NAYS—Beers, Buckley, Carpenter, Gibbons, Giunchigliani, Goldwater, Leslie, Parnell—8.
EXCUSED—Nolan.

Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 109:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.

Assembly Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 167:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.

Assembly Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblywoman Tiffany.

Roll call on Assembly Bill No. 169:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.

Assembly Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 188:

YEAS—41.

NAYS—None.

EXCUSED—Nolan.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 202:

YEAS—41.

NAYS—None.

EXCUSED—Nolan.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 250:

YEAS—41.

NAYS—None.

EXCUSED—Nolan.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 252:

YEAS—41.

NAYS—None.

EXCUSED—Nolan.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 289:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.
Assembly Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 296.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 296:
YEAS—39.
NAYS—Anderson.
EXCUSED—Nolan, Williams—2.
Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 303.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 303:
YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.
Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 339.
Bill read third time.
Remarks by Assemblywoman Evans.
Roll call on Assembly Bill No. 339:
YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.
Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 375.
Bill read third time.
Remarks by Assemblyman Lee.
Roll call on Assembly Bill No. 375:

YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 444:

YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 452:

YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.

Assembly Bill No. 452 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Remarks by Assemblymen Hettrick and de Braga.

Roll call on Assembly Bill No. 481:

YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblywomen Segerblom and Giunchigliani.

Roll call on Assembly Bill No. 518:

YEAS—38.
NAYS—Buckley, Cegavske—2.
EXCUSED—Nolan, Williams—2.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 545.
Bill read third time.
Remarks by Assemblyman Brower.
Roll call on Assembly Bill No. 545:
YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.
Assembly Bill No. 545 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 624.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Assembly Bill No. 624:
YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.
Assembly Bill No. 624 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 645.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 645:
YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.
Assembly Bill No. 645 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 670.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 670:
YEAS—40.
NAYS—None.
EXCUSED—Nolan, Williams—2.
Assembly Bill No. 670 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Joint Resolution No. 6 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 19.

Resolution read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Joint Resolution No. 19:

YEAS—39.

NAYS—None.

NOT VOTING—Angle.

EXCUSED—Nolan, Williams—2.

Assembly Joint Resolution No. 19 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 20.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Joint Resolution No. 20:

YEAS—40.

NAYS—None.

EXCUSED—Nolan, Williams—2.

Assembly Joint Resolution No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 278.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 278:

YEAS—37.

NAYS—Carpenter, Cegavske, Gustavson—3.

EXCUSED—Nolan, Williams—2.

Senate Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Carpenter and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 55.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 174; Assembly Concurrent Resolution No. 41; Assembly Joint Resolution No. 14; Senate Concurrent Resolution No. 27.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to John Rhodes.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Perry Lockwood.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Jydstrup.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Knight and Tayesa Yacenda.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Rosemary Smith, Franklin Anaya, Jennifer Atchian, Stephanie Benitz, Mats Boehnke, Ashley Brock, Caitlyn Carr, Kristin Charles, Ryan Eichenberger, Bradley Heidelberger, Stephen Hein, Zachary Hughes, Grant Jeppson, Megan Kilty, Dustin Knutson, Clifford McCraw, Bethany Perez, Mayra Rios, Anthony Roberts, Luis Rodriguez, Carey Smith, Casey Smith, Jennifer Sullivan, Shonna Thompson, Brenna Wakefield, Michael Warren, Danielle Williams, Ryan Baden, Ayla Bender, Dallas Colodny, Shannon Emmans, Christopher Fuchslin, Crystal Gordy, Samantha Gray, Caitlin Gunn, Yohannes Habtemicael, Beau Hughes, Danielle Judge, Sara Linsday, Jason Mather, Daniel Neiman, Karol Ann Osborn, Brent Petterson, Veronica Peck, Abigail Pitts, Christopher Powell, Geoffrey Rodriguez, S. Schwartzenberger, Amanda Senn, Justin Shinn, Jaren Taylor, Tyler Thompson, Makala Tronson, Alex Updegrove, Jamie Wiest, Mrs. Spofford and Mr. Soderstrom.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 6, 1999, at 1:00 p.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 6, 1999

Assembly called to order at 1:12 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Mortenson, who was excused.

Prayer by the Chaplain, Minister Tom Rahme.

Dear Heavenly Father, last weekend most of us celebrated the resurrection of Your Son and through that resurrection were reminded of a renewed hope—a hope of life; a hope of renewed freedom; and a hope for peace. Lord, I pray today that Your presence would be with the leaders of our great nation and also with this Assembly as they prepare to represent its citizens. Lord, we ask that You would be with them and that You would guide them and that their decisions would be acceptable in Your sight. We pray this in Your Son's Most Precious Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

SPECIAL ORDERS OF THE DAY

The hour of 1:15 p.m. having arrived, vetoed Assembly Bill No. 105 of the 70th Session was considered.

Vetoed Assembly Bill No. 105 of the 70th Session.

Governor's message stating his objections was read.

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA , March 30, 1999

THE HONORABLE JOSEPH E. DINI, JR., SPEAKER OF THE ASSEMBLY, Nevada Legislature,
Legislative Building, Carson City, Nevada 89701

DEAR SPEAKER DINI:

Attached herewith is Assembly Bill 105 of the 1999 legislative session, which I am returning to you within the five-day limit without my signature and without approval. I am vetoing the bill because it violates an earlier pledge I made to Nevada voters.

On January 18, 1999 during the State of the State, I promised the people of Nevada that this state, under my administration, would live within its means and that I would present a balanced budget that includes no new taxes. Assembly Bill 105 authorizes the Real Estate Division to impose two fees, each in the amount of $50, for accreditation of certain courses of real estate education. There is also a separate fee authorized for examinations of sales agents. These fees go to the general fund for support of state government. Although the amount of these fees may seem inconsequential, I believe it violates my pledge to the people of Nevada. Because this bill was introduced by an executive branch agency, I bear responsibility for its content, making it even more critical that this bill not become law.

To reiterate my position, I will not approve new taxes that inure to the benefit of the general fund or support the general government to the state. It is the sense of responsibility I feel to the people of Nevada to respect my pledge that leaves me no choice but to veto this bill.

Sincerely,
Kenny C. Guinn
Governor

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblywoman Buckley.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 105:

YEAS—1.

NAYS—Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Segerblom, Thomas, Tiffany, Von Tobel, Williams—40.

EXCUSED—Mortenson.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gustavson, Angle, Anderson, Humke, Brower, Leslie, Freeman, Gibbons, Evans, Arberry, Bache, Beers, Berman, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Giunchigliani, Goldwater, Hettrick, Koivisto, Lee, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Townsend, Washington, Jacobsen, Raggio, Mathews, Amodei, Care, Carlton, Coffin, James, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus and Wiener:

Assembly Concurrent Resolution No. 44—Commending Sheriff Richard Kirkland and the employees of the Washoe County Consolidated Jail for the innovative management philosophy applied at the Washoe County Consolidated Jail.

WHEREAS, In January 1995, Richard Kirkland was sworn into office as the new Sheriff of Washoe County and thereupon assumed the responsibility for the operation of the Washoe County Consolidated Jail; and

WHEREAS, At the time Sheriff Kirkland began his term of office, the management and operation of the Washoe County Consolidated Jail reflected a nationwide management philosophy that adopted a soft approach to the treatment of criminal offenders based on appeasing inmates with high levels of benefits; and

WHEREAS, Sheriff Kirkland envisioned a radical departure from the flawed national philosophy and quickly undertook to overhaul the system of managing the inmates of the Jail; and

WHEREAS, Sheriff Kirkland's bold new philosophy was premised on the belief that inmates should be held accountable for their actions, experience meaningful punishment and repay their debts to society; and

WHEREAS, Sheriff Kirkland enlisted the support of the employees of the Jail by outlining the basic approach of the innovative plan and allowing the employees to help establish the details and methods for carrying out the plan; and

WHEREAS, The result of these consolidated efforts on the part of Sheriff Kirkland and the employees of the Jail was an Inmate Management Plan, the basic premise of which is that inmates should be treated humanely and fairly while being held accountable for their actions; and

WHEREAS, As part of the Inmate Management Plan, an inmate enters the system with the lowest level of benefits and rights that is constitutionally permissible such as two visitors per month, no television time, limits on time spent outside of the cell per day and consumption of meals in the cell; and

WHEREAS, The inmate is soon given the option to participate in the Plan by voluntarily agreeing to adhere strictly to all rules and regulations of the Jail and to work on various community service projects, such as cleaning roads, painting schools and maintaining the Jail facility; and

WHEREAS, Those inmates who volunteer to participate in the Plan earn such additional privileges as two visitors per week, selected time to watch television, increased out-of-cell time, consumption of meals in the group's dayroom with other inmates, access to counseling and other self-improvement programs; and

WHEREAS, A participating inmate who chooses to violate a rule or regulation is held accountable for that behavior and reverts to the non-participating status, including the loss of all privileges; and

WHEREAS, Inmates of the Jail are also given the opportunity to participate in an aggressive Boot Camp Program, which is called the "Highly Intensive Supervision Training & Education Program"; and

WHEREAS, The Program is designed to give an inmate the opportunity to choose to change his or her lifestyle by progressing through various levels of the Program which include:

1. Physical and mental conditioning;
2. Educational programs such as instruction regarding résumé preparation and interviewing techniques for job applicants and classes geared toward preparing inmates to take tests of general educational development;
3. Training for and participation in the jail industry programs;
4. Work in the industry for which the inmate has been trained; and
5. Participation in the work-release program; and

WHEREAS, Under strict supervision, participating work crews from the Jail manned sandbag lines around the clock in 12-hour shifts during the severe flooding of the Truckee River in January of 1997 and more recently these work crews participated in a massive river clean-up project along the section of the Truckee River that runs through Reno and Sparks for a combined work effort of 279,570 hours of labor; and

WHEREAS, The combined result of the Inmate Management Plan and the Highly Intensive Supervision Training & Education Program so boldly instituted by Sheriff Kirkland and carried out by the employees of the Washoe County Consolidated Jail is an opportunity for a sense of appreciation and increased self-worth by participating inmates that increases the likelihood that the inmates will leave the Jail well-equipped to be productive members of society, thereby resulting in a reduction in the rate of criminal recidivism; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature recognizes and commends the outstanding foresight, extraordinary perseverance and innovative efforts of Sheriff Richard Kirkland and the employees of the Washoe County Consolidated Jail in developing and carrying out a truly effective system to manage inmates at the Washoe County Consolidated Jail; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Sheriff Richard Kirkland.

Assemblyman Gustavson moved the adoption of the resolution.

Remarks by Assemblymen Gustavson, Angle, Gibbons, Nolan and Humke.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 44 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Dini, Gibbons, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Joint Resolution No. 23—Commending and expressing support for the United States servicemen captured in the Yugoslavian armed conflict.

WHEREAS, The history of the United States of America reveals that our peaceful tranquility and pursuit of happiness have often been threatened or interrupted by the enemies of freedom; and

WHEREAS, Millions of Americans have defended our nation and defended people from other countries who have been downtrodden and persecuted in an effort to preserve the cause of freedom and the human rights of all mankind; and

WHEREAS, The most unselfish contribution that a person can make toward the good of a democratic society is to agree to serve as a soldier and risk being placed in harm's way; and

WHEREAS, On Wednesday, March 31, 1999, three United States servicemen who were attached to the 4th Cavalry of the Army's 1st Infantry Division, based in Germany, were captured while acting as lookouts for a contingent of NATO's peacekeeping force in Macedonia; and

WHEREAS, These brave soldiers have been identified as Specialist Steven M. Gonzales, 21, of Huntsville, Texas, Staff Sergeant Andrew A. Ramirez, 24, of Los Angeles, California, and Staff Sergeant Christopher J. Stone, 25, of Smiths Creek, Michigan; and

WHEREAS, Specialist Steven Gonzales, described as a likable, bright athlete, graduated from Palestine High School in 1995 in the top 10 percent of his class and won a scholarship to Texas A&M which he attended for 1 year before leaving to pursue his dream of joining an elite Army corps; and

WHEREAS, Staff Sergeant Andrew Ramirez, known as an "all-American kid," graduated from high school in 1992 and shortly thereafter joined the Army to follow in the footsteps of his hero, older brother Steven, an Army veteran, who is now a Los Angeles police detective; and

WHEREAS, Staff Sergeant Christopher J. Stone has a wife, Tricia, and a 4-year-old son, Ryan, and graduated from Capac High School in 1991 where he was described as friendly and well-liked by both students and teachers; and

WHEREAS, These three Americans have demonstrated courage and bravery for which all Americans can truly be proud; and

WHEREAS, In the captured soldiers' hometowns, friends and family members have strung yellow ribbons all around their communities as symbols of families waiting for soldiers to return from war; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature do hereby commend and praise Specialist Steven M. Gonzales, Staff Sergeant Andrew A. Ramirez and Staff Sergeant Christopher J. Stone, for their undaunted spirit and courage upon being taken captive in Yugoslavia; and be it further

RESOLVED, That this legislative body encourages the residents of the State of Nevada to demonstrate their feelings of concern and support for these brave young men by stringing yellow ribbons at appropriate locations within their communities; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the families of Specialist Steven M. Gonzales, Staff Sergeant Andrew A. Ramirez and Staff Sergeant Christopher J. Stone; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblywoman Gibbons moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, and that Assembly Joint Resolution No. 23 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 23.

Resolution read third time.

Remarks by Assemblymen Gibbons, Perkins, Anderson and Angle.

Roll call on Assembly Joint Resolution No. 23:

YEAS—40.

NAYS—None

EXCUSED—Mortenson, Arberry—2.

Assembly Joint Resolution No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assemblyman Perkins moved that all rules be suspended and that Assembly Joint Resolution No. 23 be immediately transmitted to the Senate.

Motion carried unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 57, 159, 284, 343, 344, 367, 377, 383, 424, 453, 454, 456; Assembly Joint Resolution No. 10; Senate Joint Resolutions Nos. 19, 20.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 15, 41, 74, 80, 108, 177, 191, 227, 274; Senate Joint Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 6.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 6, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 28.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 28.
Assemblywoman Giunchigliani moved the adoption of the resolution.
Remarks by Assemblywoman Giunchigliani.
Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 611, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 425, 539, 606, 637, 640, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 295, 599, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 178, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass, as amended, and re-refer to the Committee on Ways and Means.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

Also, your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 648, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

Also your Committee on Judiciary, to which were referred Assembly Bills Nos. 18, 154, 221, 400, 407, 409, 456, 644, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 437, 438, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 138, 358, 450; Assembly Joint Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 423, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

MORSE ARBERRY JR., *Chairman*

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA , April 2, 1999

THE HONORABLE SENATOR WILLIAM J. RAGGIO, *Majority Leader*, THE HONORABLE JOSEPH E. DINI, JR., *Speaker*

Nevada Legislature, Legislative Building, Carson City, Nevada 89701

DEAR MAJORITY LEADER RAGGIO AND SPEAKER DINI:

In the message that accompanied the return of Assembly Bill 105 of this session, I stated that I would not approve new taxes or fees that inure to the benefit of the general fund or support the general government of the state. Although this statement captures my overall position, I have been asked by various legislators to provide additional guidelines concerning which bills are subject to gubernatorial veto as a fee or tax increase. I respectfully submit to you the following criteria that I will use in making that determination:

Bills that would *not* automatically be subject to veto as a fee or tax increase would include voluntary fees (for example, for a special license plate); fees requested or supported by the group subject to the fee; fees or taxes that have been previously approved by the state legislature and are included in the state budget; or local fees or taxes that have been approved by the people or their representatives. In addition, a fee that is actually a penalty for breaking a law would not be subject to veto as a fee increase.

Please understand that these are guidelines only; there may be taxes or fees whose pertinence in a particular category may not be readily apparent. Accordingly, I invite you to contact me or my staff regarding any bill about which you have concerns or would like to know my position.

Respectfully yours,
Kenny C. Guinn
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 12.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 19.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Joint Resolution No. 20.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Assemblyman Perkins moved that the reading of the history on Senate Bills upon introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 15.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 41.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 57.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 74.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 80.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 108.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 159.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 177.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 191.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 227.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 274.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 284.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 343.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 344.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 367.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 377.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 383.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 424.

Assemblywoman Buckley moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 453.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 454.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 456.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 87.

Amend the bill as a whole by deleting sections 1 through 20 and adding new sections designated sections 1 through 394 and the leadlines of repealed sections, following the enacting clause, to read as follows:

"Section 1. NRS 232.510 is hereby amended to read as follows:

232.510 1. The department of business and industry is hereby created.

2. The department consists of a director and the following:

(a) Consumer affairs division.

(b) Division of financial institutions.

(c) Housing division.

(d) Manufactured housing division.

(e) Real estate division.

(f) Division of unclaimed property.

(g) ~~[Division of agriculture.~~

~~(h) Division of minerals.~~

~~(i)]~~ Division of insurance.

~~[(j)]~~ *(h)* Division of industrial relations.

~~[(k)]~~ *(i)* Office of labor commissioner.

~~[(l)]~~ *(j)* Taxicab authority.

~~[(m)]~~ *(k)* Nevada athletic commission.

~~[(n)]~~ *(l)* Office of the Nevada attorney for injured workers.

~~[(o) State predatory animal and rodent committee.~~

~~(p)]~~ *(m)* Transportation services authority.

~~[(q)]~~ *(n)* Any other office, commission, board, agency or entity created or placed within the department pursuant to a specific statute, the budget approved by the legislature or an executive order, or an entity whose budget or activities have been placed within the control of the department by a specific statute.

Sec. 2. NRS 232.520 is hereby amended to read as follows:

232.520 The director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the department, if any. The chief of the consumer affairs division is the commissioner of consumer affairs, the chief of the division of financial institutions is the commissioner of financial institutions, the chief of the housing division is the administrator of the housing division, the chief of the manufactured housing division is the administrator of the manufactured housing division, the chief of the real estate division is the real estate administrator, the chief of the division of unclaimed property is the administrator of unclaimed property, the chief of the division of ~~[agriculture is the administrator of the division of agriculture, the chief of the division of minerals is the administrator of the division of minerals, the chief of the~~

~~division of~~] insurance is the ~~[insurance commissioner,]~~ *commissioner of insurance,* the chief of the division of industrial relations is the administrator of the division of industrial relations, the chief of the office of labor commissioner is the labor commissioner, the chief of the taxicab authority is the taxicab administrator, the chief of the transportation services authority is the chairman of the authority and the chief of any other entity of the department has the title specified by the director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the department. The director may, if he deems it necessary to carry out his administrative responsibilities, be considered as a member of the staff of any division or other entity of the department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the director pursuant to this subsection. ~~[Nothing contained in]~~ *The provisions of* this subsection ~~[may be construed as allowing]~~ *do not authorize* the director to preempt any authority or jurisdiction granted by statute to any division or other entity within the department or ~~[as allowing]~~ *authorize* the director to act or take on a function that would ~~[be in contravention of]~~ *contravene* a rule of court or a statute.

3. ~~[Has authority to:]~~ *May:*

(a) Establish uniform policies for the department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the department.

(b) Provide coordination among the divisions and other entities within the department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or ~~[utilize]~~ *use* office space.

(c) Define the responsibilities of any person designated to carry out the duties of the director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to him, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the department.

5. For any bonds which he is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by him pursuant to chapters 348A and 349 of NRS. Except as ~~[so]~~ *otherwise* provided, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the department to perform any of the duties or responsibilities, or exercise any of the authority, of the director on his behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the director or the department.

9. May establish a trust account in the state treasury for ~~[the purpose of]~~ depositing and accounting for money that is held in escrow or is on deposit with the department for the payment of any direct expenses incurred by the director in connection with any bond programs administered by the director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the director ~~[pertaining to such]~~ *relating to those* bond programs.

Sec. 3. NRS 235.012 is hereby amended to read as follows:

235.012 1. The director, after consulting with the executive director of the commission on tourism, the administrator of the division of museums and history of the department of museums, library and arts and the administrator of the division of minerals of the ~~[department of business and industry,]~~ *commission on mineral resources,* may contract with a mint to produce medallions made of gold, silver, platinum or nonprecious metals and bars made of gold, silver or platinum.

2. The decision of the director to award a contract to a particular mint must be based on the ability of the mint to:

(a) Provide a product of the highest quality;

(b) Advertise and market the product properly, including the promotion of museums and tourism in this state; and

(c) Comply with the requirements of the contract.

3. The director shall award the contract to the lowest responsible bidder, except that if in his judgment no satisfactory bid has been received, he may reject all bids.

4. All bids for the contract must be solicited in the manner prescribed in NRS 333.310 and comply with the provisions of NRS 333.330.

Sec. 4. NRS 235.014 is hereby amended to read as follows:

235.014 1. The ore used to produce a medallion or bar must be mined in Nevada, if the ore is available. If it is not available, ore newly mined in the United States may be used. Each medallion or bar made of gold, silver or platinum must be 0.999 fine. Additional series of medallions made of gold, silver or platinum at degrees of fineness of 0.900 or greater may be approved by the director with the concurrence of the interim finance committee. The degree of fineness of the materials used must be clearly indicated on each medallion.

2. Medallions may be minted in weights of 1 ounce, 0.5 ounce, 0.25 ounce and 0.1 ounce.

3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and 100 ounces.

4. Each medallion must bear on its obverse The Great Seal of the State of Nevada and on its reverse a design selected by the director, in consultation with the executive director of the commission on tourism, the administrator of the division of museums and history of the department of museums, library and arts and the administrator of the division of minerals of the ~~[department of business and industry.]~~ *commission on mineral resources.*

Sec. 5. NRS 235.016 is hereby amended to read as follows:

235.016 1. The director shall set and collect a royalty for the use of The Great Seal of the State of Nevada from the mint which produces the medallions or bars. The amount of the royalty must be:

(a) Based on the usual and customary fee charged as a commission by dealers of similar medallions or bars; and

(b) Adjusted at least once each year to ensure it is competitive with the usual and customary fee.

2. The director shall report every 6 months to the legislature, if it is in session, or to the interim finance committee, if the legislature is not in session. The report must contain:

(a) The amount of the royalties being charged; and

(b) The information used to determine the usual and customary fee charged by dealers.

3. The money collected pursuant to this section must be deposited in the account for the division of minerals ~~[of the department of business and industry]~~ created pursuant to NRS 513.103.

Sec. 6. NRS 244.327 is hereby amended to read as follows:

244.327 The ~~[board]~~ *boards* of county commissioners ~~[have power and jurisdiction]~~ *may* in their respective counties *:* ~~[to:]~~

1. Execute contracts or agreements with the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ pursuant to the provisions of NRS 561.245; and

2. Make money and contributions available to the ~~[division]~~ *state department* of agriculture pursuant to the provisions of NRS 561.255.

Sec. 7. NRS 244.361 is hereby amended to read as follows:

244.361 1. Except as *otherwise* provided in subsection 3, the boards of county commissioners of the ~~[various]~~ counties of this state ~~[are granted the power and authority,]~~ *may,* by ordinance regularly enacted, ~~[to]~~ regulate, control and prohibit, as a public nuisance, the excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases within the boundaries of the county.

2. If an ordinance adopted pursuant to subsection 1 involves or affects agricultural operations, any plan or program to ~~[effectuate]~~ *carry out* that ordinance must allow for customarily accepted agricultural practices to occur on agricultural land. A governmental entity which is considering the adoption of such a plan or program shall consult with the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ or local conservation districts to determine ~~[what]~~ *the* customarily accepted agricultural practices *that* may be affected by the proposed plan or program.

3. ~~[No]~~ *An* existing compliance schedule, variance order or other enforcement action relating to air pollution by fossil fuel-fired steam generating facilities, with a capacity greater than 1,000 megawatts, may *not* be enforced until July 1, 1977.

Sec. 8. NRS 268.410 is hereby amended to read as follows:

268.410 1. Except as *otherwise* provided in subsection 3, and in addition to any authority ~~[or power]~~ provided by the charter of any incorporated city in this state, whether incorporated by general or special act, or otherwise, there is granted to the governing body of each of the cities incorporated under any law of this state the ~~[power and]~~ authority, by ordinance regularly enacted, to regulate, control and prohibit, as a public nuisance, the excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases within the corporate limits of the city.

2. If an ordinance adopted pursuant to subsection 1 involves or affects agricultural operations, any plan or program to ~~[effectuate]~~ *carry out* that ordinance must allow for customarily accepted agricultural practices to occur on agricultural land. A governmental entity which is considering the adoption of such a plan or program shall consult with the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ or local conservation districts to determine ~~[what]~~ *the* customarily accepted agricultural practices *that* may be affected by the proposed plan or program.

3. ~~[No]~~ *An* existing compliance schedule, variance order or other enforcement action relating to air pollution by fossil fuel-fired steam generating facilities, with a capacity greater than 1,000 megawatts, may *not* be enforced until July 1, 1977.

Sec. 9. NRS 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 has the powers of *a* peace ~~[officers]~~ *officer* to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop the movement of livestock and carcasses for ~~[purposes]~~ *the purpose* of inspection.

2. An inspector of the state board of sheep commissioners and his deputies have the powers of a peace officer.

3. An officer appointed by the Nevada junior livestock show board pursuant to NRS 563.120 has the powers of a peace officer for the preservation of order and peace on the grounds and in the buildings and the approaches thereto of the livestock shows and exhibitions that the board conducts.

4. In carrying out the provisions of chapter 565 of NRS, an inspector of the ~~[division]~~ *state department* of agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure. ~~[This subsection does]~~ *The provisions of this subsection do* not authorize any inspector to retire under the public employees' retirement system before having attained the minimum service age of 60 years.

Sec. 10. NRS 321.5967 is hereby amended to read as follows:

321.5967 1. There is hereby created a board of review composed of:

(a) The director of the state department of conservation and natural resources;

(b) The administrator of the division of environmental protection of the state department of conservation and natural resources;

(c) The administrator of the division of minerals of the ~~[department of business and industry;]~~ *commission on mineral resources;*

(d) The administrator of the division of state parks of the state department of conservation and natural resources;

(e) The state engineer;

(f) The state forester firewarden;

(g) The chairman of the state environmental commission;

(h) The ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture *;* ~~[of the department of business and industry;]~~

(i) The chairman of the board of wildlife commissioners; and

(j) The administrator of the office of historic preservation of the department of museums, library and arts.

2. The chairman of the state environmental commission ~~[shall serve]~~ *serves* as chairman of the board.

3. The board shall meet at such times and places as are specified by a call of the chairman. Six members of the board constitute a quorum. The affirmative vote of a majority of the board members present is sufficient for any action of the board.

4. Except as otherwise provided in this subsection, the members of the board serve without compensation. The chairman of the state environmental commission and the chairman of the board of wildlife commissioners are entitled to receive a salary of not more than $80, as fixed by the board, for each day's attendance at a meeting of the board.

5. While engaged in the business of the board, each member and employee of the board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. The board:

(a) Shall review and approve or disapprove all regulations proposed by the state land registrar pursuant to NRS 321.597.

(b) May review any decision of the state land registrar made pursuant to NRS 321.596 to 321.599, inclusive, if an appeal is taken pursuant to NRS 321.5987, and affirm, modify or reverse the decision.

(c) Shall review any plan or statement of policy concerning the use of lands in Nevada under federal management which is submitted by the state land use planning agency.

Sec. 11. NRS 445B.200 is hereby amended to read as follows:

445B.200 1. The state environmental commission is hereby created ~~[in]~~ *within* the state department of conservation and natural resources. The commission consists of:

(a) The administrator of the division of wildlife of the department;

(b) The state forester firewarden;

(c) The state engineer;

(d) The ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture *;* ~~[of the department of business and industry;]~~

(e) The administrator of the division of minerals of the ~~[department of business and industry;]~~ *commission on mineral resources;*

(f) A member of the state board of health to be designated by that board; and

(g) Five members appointed by the governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The governor shall appoint the chairman of the commission from among the members ~~[.]~~ *of the commission.*

3. A majority of the members constitutes a quorum , and a majority of those present must concur in any decision.

4. Each member who is appointed by the governor is entitled to receive a salary of not more than $80, as fixed by the commission, for each day's attendance at a meeting of the commission.

5. While engaged in the business of the commission, each member and employee of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has *received* during the previous 2 years ~~[received]~~ a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the commission. ~~[This subsection does]~~ *The provisions of this subsection do* not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of state government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The state department of conservation and natural resources shall provide technical advice, support and assistance to the commission. All state officers, departments, commissions and agencies, including the department of transportation, the department of human resources, the University and Community College System of Nevada, the state public works board, the department of motor vehicles and public safety, the public utilities commission of Nevada, the transportation services authority and the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ may also provide technical advice, support and assistance to the commission.

Sec. 12. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as *otherwise* limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the ~~[division]~~ *state department* of agriculture *;* ~~[of the department of business and industry;]~~

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; or

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only those beverages which are in sealed containers.

Sec. 13. NRS 455.030 is hereby amended to read as follows:

455.030 1. ~~[Whenever]~~ *If* a board of county commissioners receives information from the division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* that there is in the county a dangerous condition that results from mining practices which took place at a mine that is no longer operating, if the information identifies a person responsible for the condition, the board shall transmit this information to the sheriff or the constable of the township where the condition exists.

2. Upon receipt of information pursuant to subsection 1 or upon the filing of the notice, as provided for in NRS 455.020, the sheriff or constable shall serve a notice, in the same manner and form as a summons, upon each person identified as owner or otherwise responsible.

Sec. 14. NRS 455.060 is hereby amended to read as follows:

455.060 1. If the notice states that the excavation, shaft or hole has been abandoned, and no person claims the ownership thereof, the sheriff or constable shall notify the board of county commissioners of the county, or any member of the board of county commissioners, of its location. Upon receipt of ~~[this]~~ *the* notice, or of information from the division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* that there is in the county a dangerous condition resulting from mining practices which took place at a mine that is no longer operating, if the information does not identify any person responsible for the dangerous condition, the board shall, as soon as possible thereafter, decide whether it should be ~~[so]~~ fenced or otherwise guarded ~~[as]~~ to prevent accidents to persons or animals.

2. All expenses thus incurred must be paid first out of the judgments collected in accordance with the provisions of NRS 455.010 to 455.180, inclusive, in the same manner as other county expenses.

Sec. 15. NRS 482.368 is hereby amended to read as follows:

482.368 1. Except as otherwise provided in subsection 2, the department shall provide suitable distinguishing license plates for exempt vehicles. These plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance of the plates is $5. Any license plates authorized by this section must be immediately returned to the department when the vehicle for which they were issued ceases to be used exclusively for the purpose for which it was exempted from the privilege tax.

2. License plates furnished for:

(a) Those vehicles which are maintained for and used by the governor or under the authority and direction of the chief parole and probation officer, the state contractors' board and auditors, the state fire marshal, the investigation division of the department and any authorized federal law enforcement agency or law enforcement agency from another state;

(b) One vehicle used by the department of prisons, three vehicles used by the division of wildlife of the state department of conservation and natural

resources, two vehicles used by the Caliente youth center and four vehicles used by the Nevada youth training center;

(c) Vehicles of a city, county or the state, if authorized by the department for *the* purposes of law enforcement or work related thereto or such other purposes as are approved upon proper application and justification; and

(d) Vehicles maintained for and used by investigators of the following:

(1) The state gaming control board;

(2) The ~~[division]~~ *state department* of agriculture *;* ~~[of the department of business and industry;]~~

(3) The attorney general;

(4) City or county juvenile officers;

(5) District attorneys' offices;

(6) Public administrators' offices;

(7) Public guardians' offices;

(8) Sheriffs' offices;

(9) Police departments in the state; and

(10) The securities division of the office of the secretary of state,

must not bear any distinguishing mark which would serve to identify the vehicles as owned by the state, county or city. These license plates must be issued annually for $12 per plate or, if issued in sets, per set.

3. The director may enter into agreements with departments of motor vehicles of other states providing for exchanges of license plates of regular series for vehicles maintained for and used by investigators of the law enforcement agencies enumerated in paragraph (d) of subsection 2, subject to all of the requirements imposed by that paragraph, except that the fee required by that paragraph must not be charged.

4. Applications for the licenses must be made through the head of the department, board, bureau, commission, school district or irrigation district, or through the chairman of the board of county commissioners of the county or town or through the mayor of the city, owning or controlling the vehicles, and no plate or plates may be issued until a certificate has been filed with the department showing that the name of the department, board, bureau, commission, county, city, town, school district or irrigation district, as the case may be, and the words "For Official Use Only" have been permanently and legibly affixed to each side of the vehicle, except those vehicles enumerated in subsection 2.

5. As used in this section, "exempt vehicle" means a vehicle exempt from the privilege tax, except ~~[one]~~ *a vehicle* owned by the United States.

6. The department shall adopt regulations governing the use of all license plates provided for in this section. Upon a finding by the department of any violation of its regulations, it may revoke the violator's privilege of registering vehicles pursuant to this section.

Sec. 16. NRS 501.352 is hereby amended to read as follows:

501.352 The administrator shall require the personnel of the division to report to him as soon as practicable any reasonable suspicion that a

communicable disease may be present in wildlife in Nevada. The administrator shall, as soon as possible, inform the ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ of any reasonable suspicion ~~[so]~~ reported to him. Any sample collected by the personnel of the division in evaluating such a suspicion must be forwarded to the ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture as soon as practicable.

Sec. 17. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or any other devices which do not, or are not designed to, cause immediate death to the mammals, shall, ~~[when]~~ *if* the traps, snares or devices are placed or set ~~[for the purpose of taking]~~ *to take* mammals, visit or cause to be visited at least once each 96 hours each trap, snare or other device during all of the time the trap, snare or device is placed, set or used ~~[in the taking of]~~ *to take* wild mammals, and remove therefrom any mammals caught therein.

2. The provisions ~~[in]~~ *of* subsection 1 do not apply to employees of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ or the United States Department of Agriculture when acting in their official capacities.

Sec. 18. Chapter 513 of NRS is hereby amended by adding thereto a new section to read as follows:

The commission consists of:

1. The members of the commission appointed pursuant to NRS 513.023; and

2. The division.

Sec. 19. NRS 513.011 is hereby amended to read as follows:

513.011 As used in this chapter, unless the context requires otherwise:

1. "Administrator" means the administrator of the division.

2. "Commission" means the commission on mineral resources.

3. "Division" means the division of minerals of the ~~[department of business and industry.]~~ *commission.*

Sec. 20. NRS 513.063 is hereby amended to read as follows:

513.063 The commission shall:

1. Keep itself informed of and interested in the entire field of legislation and administration charged to the ~~[department.]~~ *division.*

2. Report to the governor and the legislature on all matters which it may deem pertinent to the ~~[department,]~~ *division,* and concerning any specific matters previously requested by the governor.

3. Advise and make recommendations to the governor and the legislature concerning the policy of this state relating to minerals.

4. Formulate the administrative policies of the ~~[department and its various divisions.]~~ *division.*

5. Adopt regulations necessary for carrying out the duties of the commission and the ~~[department.]~~ *division.*

Sec. 21. NRS 513.083 is hereby amended to read as follows:

513.083 1. The chief administrative officer of the division is the administrator, who must be appointed by the ~~[director of the department of business and industry from a list of three nominees selected by the]~~ commission.

2. The administrator of the division:

(a) Must be a graduate of an accredited college or university and have substantial experience as an administrator or at least 5 years' experience in the exploration for or the production or conservation of minerals.

(b) Is in the unclassified service of the state.

(c) Except as otherwise provided in NRS 284.143, shall devote his entire time and attention to his duties as a public officer and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 22. NRS 513.094 is hereby amended to read as follows:

513.094 1. An additional fee ~~[of $1 per]~~ *, established by the commission for each* claim *,* is imposed upon all filings to which NRS 517.185 applies. Each county recorder shall collect and pay over the additional fee, and the additional fee must be deposited in the same manner as provided in that section.

2. The administrator shall, within the limits of the money provided by this fee, establish a program to discover dangerous conditions that result from mining practices which took place at a mine that is no longer operating, identify if feasible the owner or other person responsible for the condition, and rank the conditions found in descending order of danger. ~~[He]~~ *The administrator* shall annually during the month of January, or more often if the danger discovered warrants, inform each board of county commissioners concerning the dangerous conditions found in the respective counties, including their degree of danger relative to one another and to ~~[such]~~ *those* conditions found in the state as a whole. ~~[He]~~ *The administrator* shall further work to educate the public to recognize and avoid those hazards resulting from mining practices which took place at a mine that is no longer operating.

3. To carry out this program and these duties, the administrator shall employ a qualified assistant, who must be in the unclassified service of the state and whose position is in addition to the unclassified positions otherwise authorized in the division by statute.

4. The commission shall provide by regulation:

(a) Standards for determining ~~[which]~~ *the* conditions created by the abandonment of a former mine or its associated works *that* constitute a danger to persons or animals and for determining the relative degree of danger. A condition whose existence violates a federal or state statute or regulation intended to protect public health or safety is a danger ~~[by virtue]~~ *because* of that violation.

(b) Standards for abating the kinds of dangers usually found, including, but not limited to, standards for excluding persons and animals from dangerous open excavations.

Sec. 23. Chapter 517 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, "division" means the division of minerals of the commission on mineral resources.

Sec. 24. NRS 517.040 is hereby amended to read as follows:

517.040 1. Within 90 days after posting the notice of location , the locator of a lode mining claim shall prepare two copies of a map of the claim on a scale of not less than 500 feet to the inch, which sets forth the position of the monuments in relation to each other and establishes numbers of the boundary monuments. ~~[Where]~~ *If* the land has been surveyed by the United States, the description must be connected by courses and distances to an official corner of the public land survey. ~~[Where]~~ *If* the land has not been surveyed by the United States or ~~[where]~~ *if* official corners cannot be found through the exercise of due diligence, the description must be tied by courses and distance to a natural landmark or a readily identifiable artificial landmark which is customarily shown on a map, including, without limitation, a bench mark or the point at which two roads intersect. The description must also state the township and range, and ~~[where]~~ *if* the lands are surveyed lands, the quarter section and section in which the landmark and the mining claim are situated. The locator ~~[need not]~~ *is not required to* employ a professional surveyor or engineer, but each locator shall prepare a map which is in accordance with his abilities to map and properly set forth the boundaries and location of his claim. The size of each sheet must be ~~[either]~~ 8 1/2 by 14 inches or 24 by 36 inches. Any 8 1/2- by 14-inch sheet must be capable of being photocopied. Any 24- by 36-inch sheet must be a mylar print or other material capable of being reproduced by standard means.

2. Within 90 days after the posting of the notice of location, the locator shall file both copies of the map with the county recorder in the county in which the claim is located together with a filing fee of $15 for each claim whose boundaries and location are set forth on the map.

3. Using the proceeds of these filing fees, the county:

(a) Shall establish and maintain, in accordance with the regulations of the division , ~~[of minerals of the department of business and industry,]~~ a map of the mining claims in the county that must accurately record the location of all mining claims filed after July 1, 1971;

(b) Shall purchase and maintain the necessary equipment used in establishing, maintaining and duplicating the map; and

(c) May use any remaining money for any purpose determined by the county recorder.

The map is a public record.

4. The county recorder shall not refuse to accept a map submitted by a locator unless he can affirmatively show that the map submitted does not accurately reflect the location of all the claims.

5. The county recorder shall send one copy of the locator's map and one copy of the certificate of location to the county surveyor as soon as practicable after its receipt.

Sec. 25. NRS 517.100 is hereby amended to read as follows:

517.100 Within 90 days after posting the notice of location of a placer claim, the locator shall *:* ~~[perform the following:]~~

1. Prepare two copies of a map of the claim which must be of a scale of not less than 500 feet to the inch. ~~[Where]~~ *If* the United States survey has been extended over the land embraced in the location, the claim may be taken and described on the map by legal subdivisions as provided in NRS 517.090. ~~[Where]~~ *If* the land has not been surveyed by the United States or ~~[where]~~ *if* official corners cannot be found through the exercise of due diligence, the map must set forth the position of the monuments in relation to each other ~~[,]~~ *and* establish numbers of monuments, and the descriptions must be tied to a natural landmark or a readily identifiable artificial landmark as provided in NRS 517.040.

2. File the maps with the county recorder in the county in which the claim is located together with a filing fee of $1 per acre. One-half of the filing fee must be ~~[utilized]~~ *used* by the county to establish and maintain, in accordance with the regulations of the division , ~~[of minerals of the department of business and industry,]~~ a map of the mining claims in the county that must accurately record the location of all mining claims filed after July 1, 1971, which is a public record. The remaining part of the fee may be used for the same purposes as any other general revenue of the county.

Sec. 26. NRS 517.185 is hereby amended to read as follows:

517.185 In addition to any recording fee, each filing pursuant to NRS 517.050, 517.080, 517.110, 517.140, 517.170, 517.200 and 517.230 must be submitted with a fee ~~[of $1.50 per claim.]~~ *for each claim that is established by the commission on mineral resources.* The county recorder shall collect the fee and, on or before the fifth working day of each month, deposit with the county treasurer all such fees collected during the preceding month. The county treasurer shall quarterly pay the money collected to the division . ~~[of minerals of the department of business and industry.]~~ The division shall deposit with the state treasurer, for credit to the account for the division of minerals ~~[,]~~ *created pursuant to NRS 513.103,* all money received pursuant to this section.

Sec. 27. NRS 519A.140 is hereby amended to read as follows:

519A.140 The division shall:

1. Administer and enforce the provisions of NRS 519A.010 to 519A.280, inclusive, and the regulations adopted by the commission pursuant to NRS 519A.160.

2. Employ persons who are experienced and qualified in the area of reclamation.

3. Enter into a memorandum of understanding with ~~[both]~~ the United States Bureau of Land Management and the United States Forest Service concerning the adoption by those agencies of plans of reclamation that:

(a) Apply to mining operations or exploration projects that are conducted on a site which includes ~~[both]~~ public land administered by a federal agency and privately owned land; and

(b) Substantially provide for the reclamation and security required by this chapter.

4. Develop and offer to operators on a regular basis educational workshops that include and emphasize reclamation training and techniques suitable for small exploration projects and mining operations.

5. Offer advice and technical assistance to operators.

6. Approve, reject or impose conditions upon the approval of any plan for reclamation for an exploration project or mining operation.

7. Provide the division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* with a copy of any conditions imposed upon an approved plan and the security required, on the same day that information is sent to the operator.

Sec. 28. NRS 519A.210 is hereby amended to read as follows:

519A.210 A person who desires to engage in a mining operation must:

1. File with the division, upon a form approved by it, an application for a permit for each location at which he will conduct operations. The application must include:

(a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its resident agent for service of process;

(b) A completed checklist developed by the division pursuant to NRS 519A.220; and

(c) Any other information required by the regulations adopted by the commission pursuant to NRS 519A.160.

2. Pay to the division the application fee established in the regulations adopted by the commission pursuant to NRS 519A.160.

3. Agree in writing to assume responsibility for the reclamation of any land damaged as a result of the mining operation.

4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.

5. File with the division a bond or other surety in a form and amount required by *the* regulations adopted by the commission pursuant to NRS 519A.160.

6. File with the division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* a copy of the plan for reclamation which is filed with the application pursuant to subsection 1, on the same day the application is filed with the division.

Sec. 29. NRS 519A.250 is hereby amended to read as follows:

519A.250 1. An operator who is required by federal law to file a plan of operation or an amended plan of operation with the United States Bureau of Land Management or the United States Forest Service for operations relating to mining or exploration on public land administered by a federal agency, shall, not later than 30 days after *the* approval of the plan or amended plan, provide the division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* with a copy of the filing and pay to the division of minerals a fee ~~[of $20]~~ *established by the commission on mineral resources* for each acre or part of an acre of land to be disturbed by mining included in the plan or incremental acres to be disturbed pursuant to an amended plan.

2. The division of minerals shall adopt by regulation a method of refunding a portion of the fee required by this section if a plan of operation is amended to reduce the number of acres or part of an acre to be disturbed pursuant to the amended plan. The refund must be based on the reduced number of acres or part of an acre to be disturbed.

3. All money received by the division of minerals pursuant to subsection 1 must be accounted for separately and used by the division of minerals to create and administer programs for:

(a) The abatement of hazardous conditions existing at abandoned mine sites which have been identified and ranked pursuant to the degree of hazard established by regulations adopted by the division of minerals; and

(b) The education of the *members of the general* public concerning the dangers of the hazardous conditions described in paragraph (a).

All interest and income earned on the money in the account, after deducting applicable charges, must be deposited in the account for the division of minerals ~~[.]~~ *created pursuant to NRS 513.103.*

4. On or before February 1 of each odd-numbered year, the division of minerals shall file a report with the governor and the legislature describing its activities, total revenues and expenditures pursuant to this section.

Sec. 30. NRS 519A.290 is hereby amended to read as follows:

519A.290 1. The division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* shall develop and administer a program providing for the pooling of reclamation performance bonds to assist:

(a) An operator to comply with the bonding and surety requirements of this chapter;

(b) A person who engages in small mining operations or small exploration projects to comply with the requirements for financial guarantees set forth in the regulations adopted pursuant to 43 U.S.C. § 1740; or

(c) A person who engages in mining operations, small mining operations, exploration projects or small exploration projects to comply with the bonding requirements imposed pursuant to an ordinance adopted by a county in this state.

2. The program must:

(a) Be designed to reduce the financial burden of obtaining a reclamation performance bond for mining operations, small mining operations, exploration projects or small exploration projects;

(b) Require each operator or any other person who participates in the program to:

(1) Pay an amount into the pool each year which annually is actuarially determined to enable the program to be self-sustaining;

(2) Execute an agreement of indemnity on a form provided by the division of minerals; and

(3) Provide collateral or other security approved by the administrator of the division of minerals if the administrator considers it necessary to ensure against the forfeiture of a reclamation performance bond;

(c) Use the money in the pool to cover the bonded liability of the operators and any other persons who participate in the program;

(d) Provide a limit on the total bonded liability of any person who may be covered under the program; and

(e) Provide conditions for the release and forfeiture of bonds.

3. The division of minerals shall adopt regulations relating to the development and administration of the program.

4. If the reclamation performance bond of an operator or any other person who participates in the program is forfeited, the attorney general may bring an action in the name of the State of Nevada in any court of competent jurisdiction against the operator or such other person to recover the costs incurred by the program in the reclamation of the land.

Sec. 31. NRS 522.023 is hereby amended to read as follows:

522.023 "Division" means the division of minerals of the ~~[department of business and industry.]~~ *commission on mineral resources.*

Sec. 32. NRS 522.050 is hereby amended to read as follows:

522.050 A person desiring to drill a well in search of oil or gas shall notify the division of that intent on a form prescribed by the division and shall pay a fee ~~[of $50]~~ *established by the commission on mineral resources* for a permit for each well. Upon receipt of *the* notification and fee, the division shall promptly issue ~~[such a]~~ *to the* person a permit to drill, unless the drilling of the well is contrary to law or a regulation or order of the division. The drilling of a well is prohibited until a permit to drill is obtained in accordance with the provisions of this chapter.

Sec. 33. NRS 522.150 is hereby amended to read as follows:

522.150 1. Any expenses in connection with Nevada's affiliation with the Interstate Oil Compact Commission must be paid from the account for the division of minerals ~~[.]~~ *created pursuant to NRS 513.103.*

2. To pay the expenses of the division, every producer of oil or natural gas in this state shall , on or before the last day of each month , report to the division and ~~[to]~~ the state treasurer his production in this state of oil in barrels and of natural gas in thousands of cubic feet during the preceding month, and at the same time shall pay to the division ~~[an administrative fee on]~~ *a fee*

established by the commission on mineral resources for each barrel of oil and ~~[on every]~~ *each* 50,000 cubic feet of natural gas produced and marketed by him during the preceding month. The division shall deposit with the state treasurer, for credit to the account for the division of minerals, all money received pursuant to this subsection. Every person purchasing such oil or natural gas is liable for the payment of the ~~[administrative fee per]~~ *fee for each* barrel of oil or ~~[per]~~ *each* 50,000 cubic feet of natural gas, unless it has been paid by the producer. ~~[The administrative fee is 50 mills per barrel of oil or per 50,000 cubic feet of natural gas.]~~

Sec. 34. NRS 527.220 is hereby amended to read as follows:

527.220 The state forester, subject to the approval of the director of the state department of conservation and natural resources, may:

1. Cooperate with the United States or any agency thereof, agencies of the state, county or municipal governments, agencies of neighboring states or other public or private organizations or persons.

2. ~~[Utilize]~~ *Use* when available personnel, control equipment, supplies or services of the ~~[division]~~ *state department* of agriculture , ~~[of the department of business and industry,]~~ and accept money, equipment, supplies or services, including prison labor, from other cooperators as he may deem appropriate.

3. Enter into agreements with the United States or its agencies for the matching of federal money as required under the laws of the United States relating to forest pests.

Sec. 35. NRS 534A.031 is hereby amended to read as follows:

534A.031 ~~[Exploration]~~ *Any exploration* and subsurface information obtained as a result of a geothermal project must be filed with the division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* within 30 days after it is accumulated. The information is confidential for ~~[a period of]~~ 5 years after the date of filing and may not be disclosed during that time without the express written consent of the operator of the project, except that it must be made available by the division to the state engineer or any other agency of the state upon request. The state engineer or other agency shall keep the information confidential.

Sec. 36. NRS 534A.060 is hereby amended to read as follows:

534A.060 1. ~~[No]~~ *A* person may *not* drill or operate a geothermal well or drill an exploratory well without ~~[first]~~ obtaining a permit from the administrator of the division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* and complying with the conditions of the permit.

2. An application must ~~[contain]~~ *set forth* such information as the administrator requires by regulation.

Sec. 37. NRS 534A.070 is hereby amended to read as follows:

534A.070 1. The administrator of the division of minerals of the ~~[department of business and industry]~~ *commission on mineral resources* shall approve or reject an application for a permit to drill an exploratory well within 10 days after he receives the application in proper form. ~~[Such a]~~ *The*

permit must not be effective for more than 2 years, but may be extended by the administrator.

2. Upon receipt of an application for a permit to drill or operate a geothermal well, the administrator of the division of minerals shall transmit copies of the application to the state engineer, the administrator of the division of environmental protection of the state department of conservation and natural resources and the administrator of the division of wildlife of the state department of conservation and natural resources. After consultation with the state engineer and each of the administrators, the administrator of the division of minerals may issue a permit to drill or operate a geothermal well if it is determined that issuance of a permit is consistent with:

(a) The policies specified in NRS 445A.305 and 445B.100;

(b) The purposes of chapters 533 and 534 of NRS; and

(c) The purposes specified in chapter 501 of NRS.

3. The administrator of the division of minerals shall approve or reject the application to drill or operate a geothermal well within 90 days after he receives it in proper form, unless it is determined that a conflict exists pursuant to subsection 2 or a public hearing is necessary pursuant to subsection 4. Notice of the conflict or need for a public hearing must be provided to the applicant within the 90-day period.

4. The state engineer and the administrator of the division of minerals may hold public hearings jointly or separately to gather such evidence or information as they deem necessary for a full understanding of all the rights involved and to guard properly the public interest.

5. A permit issued pursuant to this section must include any conditions:

(a) Deemed necessary by the administrator of the division of minerals to carry out the purposes of this section; and

(b) Imposed by the state engineer consistent with *the provisions of* chapters 533 and 534 of NRS.

Sec. 38. NRS 547.050 is hereby amended to read as follows:

547.050 When any district board of agriculture is classified and organized as provided in NRS 547.040, the secretary of the board shall report such classification and organization to:

1. The ~~[division]~~ *state department* of agriculture *;* ~~[of the department of business and industry;]~~ and

2. Its appointing authority.

Sec. 39. NRS 548.120 is hereby amended to read as follows:

548.120 1. The following shall serve, ex officio, as members of the state conservation commission:

(a) The dean of the Max C. Fleischmann College of Agriculture of the University of Nevada, Reno.

(b) The ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

2. The ex officio members may appoint, in writing, alternates to attend any meeting of the commission. Ex officio members or their alternates ~~[shall]~~ have full voting powers.

3. An ex officio member of the commission shall serve on the commission as long as he retains the office by virtue of which he is serving on the commission.

Sec. 40. Chapter 552 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. *"Department" means the state department of agriculture.*

Sec. 42. *"Director" means the director of the department.*

Sec. 43. NRS 552.085 is hereby amended to read as follows:

552.085 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[552.08505]~~ *552.0851* to 552.0863, inclusive, *and sections 41 and 42 of this act* have the meanings ascribed to them in those sections.

Sec. 44. NRS 552.0861 is hereby amended to read as follows:

552.0861 "Inspector" means any person authorized by the ~~[division]~~ *department* to enforce the provisions of this chapter.

Sec. 45. NRS 552.090 is hereby amended to read as follows:

552.090 1. The ~~[division]~~ *department* has control of all matters pertaining to the apiary industry.

2. The ~~[administrator]~~ *director* may adopt such regulations as are necessary to carry out the provisions of this chapter.

3. The ~~[administrator]~~ *director* may, after notice and an opportunity for a hearing, impose a civil penalty of not more than $500 for each violation of this chapter.

4. Any civil penalty collected pursuant to this section must be deposited in the state general fund.

Sec. 46. NRS 552.155 is hereby amended to read as follows:

552.155 1. Every person who is the owner or in possession of an apiary located within this state shall, on or before May 1 of each year, and within 10 days after obtaining possession of an apiary, apply to the ~~[division]~~ *department* for registration, stating the number of colonies therein and the location thereof.

2. The application must be accompanied by a registration fee of $5.

3. If the beekeeper owns or possesses 11 or more colonies, the application must also be accompanied by the annual fee for each colony in excess of 10.

4. The fees imposed by this section must be paid within 30 days after May 1 or within 30 days after obtaining possession of the colonies. The penalty for late payment is 50 percent of the amount due.

5. Upon receipt of the application and the required fees, the ~~[division]~~ *department* shall issue a registration number to the beekeeper. The number must be displayed in a conspicuous place in the apiary.

6. It is unlawful for any person to maintain or locate an apiary within this state without registering it as provided in this section.

7. Unregistered apiaries or colonies of bees shall be deemed abandoned and are subject to abatement.

Sec. 47. NRS 552.157 is hereby amended to read as follows:

552.157 Every person who owns or possesses 11 or more colonies of bees shall pay to the ~~[division]~~ *department* an annual fee for each colony in excess of 10. The state board of agriculture shall set the amount of the fee, which may not exceed $1 per colony, after consultation with representatives of the state's beekeepers.

Sec. 48. NRS 552.160 is hereby amended to read as follows:

552.160 1. The ~~[division]~~ *department* may order the inspection of any or all apiaries and all buildings used in connection with ~~[such]~~ *those* apiaries in any district or districts of the state annually, or ~~[oftener]~~ *more often* if deemed necessary, or upon report to it that there is *a* reason to believe that any apiary ~~[or apiaries]~~ may be infected with any disease, or that any honey, honeycombs or beeswax ~~[are]~~ *is* exposed to robber bees.

2. If ~~[such]~~ *the* inspection discloses any disease, the ~~[division]~~ *department* may:

(a) Order the owner or any person in possession of the apiary to destroy the diseased bees, hives and appliances at the expense of the owner;

(b) Order the owner or any person in possession of the apiary to treat the hives and appliances at the expense of the owner, if, in the opinion of the inspector, the nuisance can be abated by treatment rather than destruction; or

(c) Proclaim a quarantine in accordance with *the provisions of* chapter 554 of NRS.

3. If inspection discloses the existence of American foulbrood, the order for destruction or treatment must require compliance within not less than 24 hours nor more than 72 hours. Any other order must specify a reasonable time with reference to the nature of the disease.

4. If ~~[such]~~ *the* inspection discloses honey, honeycombs or beeswax exposed to robber bees, the ~~[division]~~ *department* may order the abatement of ~~[such]~~ *the* nuisance in a manner appropriate to the circumstances.

5. The order must be served upon the owner or person in possession of the apiary personally or by registered or certified mail, or, if ~~[such]~~ *the* person cannot be located, by posting the order in a conspicuous place at the apiary.

Sec. 49. NRS 552.170 is hereby amended to read as follows:

552.170 If the owner or person in possession of an apiary neglects or refuses to comply with an order issued under NRS 552.160, the ~~[division]~~ *department* may refer the facts to the appropriate district attorney for prosecution under NRS ~~[552.310,]~~ *552.300,* and may authorize the inspector or other agent to abate the nuisance by the method prescribed in the order.

Sec. 50. NRS 552.200 is hereby amended to read as follows:

552.200 1. It is unlawful for any person to transport or move in any manner ~~[whatever]~~ from any point within the State of Nevada or otherwise any established apiary, bees, hives, combs ~~[,]~~ or any other used apiary supplies, and set up, establish or deposit them at any point in the State of Nevada without first obtaining a temporary or seasonal written permit from the ~~[division]~~ *department* to do so.

2. The ~~[division]~~ *department* shall issue a temporary or seasonal permit only after the apiary, bees, hives, combs ~~[,]~~ or other used apiary supplies to be moved are free from any disease liable to injure any ~~[already]~~ established apiary.

3. It is unlawful for any person having a seasonal permit to transport or move bees anywhere within the State of Nevada unless he files with the ~~[division,]~~ *department,* within 5 days after the date of moving, a statement of the number of colonies of bees which have been moved and the number of colonies of bees which have been left at the point of origin, stating the definite point both of origin and destination to which such bees have been moved.

4. If any emergency requires the immediate removal of bees, the owner shall notify the ~~[division]~~ *department* of the emergency and secure permission for moving, but if ~~[verbal]~~ *oral* permission is requested and obtained , the applicant shall further file a written request within 5 days after the date of moving as provided in subsection 3.

5. ~~[Whenever the division]~~ *If the department* finds that American foulbrood disease exists in more than 1 percent of the colonies in any apiary of 100 or more colonies, or in one or more colonies in any apiary of less than 100 colonies, it shall quarantine the apiary, giving notice thereof to the owner or bailee and posting a copy of the notice in a conspicuous place in the apiary.

6. When any such notice has been given as provided in subsection 5, it is unlawful, except as *otherwise* provided in NRS 552.280, to move the apiary, or any part thereof, or any other bee equipment from the location until the disease has been eradicated.

7. When , in the opinion of the ~~[division]~~ *department,* the disease has been eradicated, ~~[it]~~ *the department* shall issue a permit releasing the apiary.

Sec. 51. NRS 552.205 is hereby amended to read as follows:

552.205 The ~~[division]~~ *department* may, if the demand for pollination service is found by the ~~[division]~~ *department* to warrant such action:

1. Establish standards of colony strength based upon:

(a) The number of bees per hive;

(b) The number of cells containing brood per hive;

(c) The health of the bees and brood; and

(d) Any other factors which reasonably relate to the ability of the colony to pollinize horticultural and agricultural crops.

2. Appoint qualified inspectors to determine colony strength.

3. Certify hives of bees used in commercial pollinization on the basis of colony strength.

4. Establish reasonable fees to cover the cost of colony strength inspection and certification.

Sec. 52. NRS 552.210 is hereby amended to read as follows:

552.210 1. A person shall not ship or transport into this state any bees, used beehives, honeycombs or appliances, except queens or bees in screened cages without comb, unless he first obtains a permit for entry issued by the ~~[division.]~~ *department.*

2. The ~~[division]~~ *department* may issue a permit for the importation of bees on comb and hives containing comb into this state from another state if the applicant:

(a) Submits an application, on a form supplied by the ~~[division,]~~ *department,* stating:

(1) The name, address and telephone number of the owner or shipper and the state and county of origin.

(2) The address and telephone number of the owner or shipper in this state, if applicable.

(3) The number of colonies containing bees and a complete listing of all beekeeping equipment and appliances to be brought into this state.

(4) A legal description and the exact geographical location of the site for each apiary at its destination in this state.

(b) Except as otherwise provided in subsection 3 and in NRS 552.214, submits with the application, a certificate of inspection from an authorized officer of the state of origin certifying:

(1) That all bees intended for shipment and owned or controlled by the applicant have been inspected within 60 days before shipment and at a time when the bees are actively rearing their brood.

(2) That 1 percent or less *of* American foulbrood disease has been found during the preceding 2 years in any apiaries intended for shipment by the applicant, and that all disease found during that period has been destroyed.

(3) The date on which the last inspection of the apiaries, bees, comb and used hives and equipment was made at their place of origin.

(4) The total number of colonies in the apiary at the time of the inspection and the number of colonies found to be diseased.

(5) The total number of colonies of bees, hives, used equipment and appliances to be shipped into this state.

(6) The shipper's full name, the name under which he is doing business, if applicable, and his address.

(7) The identification numbers or letters, or both, used by the shipper to identify his beekeeping equipment.

(c) Submits with the application a fee set by the state board of agriculture which does not exceed $1 for each colony.

3. An applicant for a permit for entry may submit a certificate of inspection issued by the ~~[division. Such a]~~ *department. The* certificate

authorizes reentry into the state for 1 year after the date the inspection was performed.

4. Each shipment must be accompanied by a copy of the permit of entry issued by the ~~[division]~~ *department* and a copy of the certificate of inspection required by this section.

5. If any bees, used hives, honeycombs or appliances entering this state are found to be diseased at the time of inspection in this state, the shipment must be quarantined in the same manner as provided in NRS 552.200, and must be destroyed or shipped out of the state at the option and expense of the owner or person in possession, unless the ~~[division]~~ *department* finds that the disease can be eradicated by treatment rather than destruction.

6. All honeycombs transported from a point outside this state through this state in interstate commerce must be covered by the person in possession in a manner which will prevent access of bees.

7. All bees, used hives, honeycombs or appliances entering this state in violation of the provisions of this chapter must be destroyed or shipped out of this state at the option and expense of the owner or person in possession, or sold by the ~~[division,]~~ *department,* after notice to the owner or person by the ~~[division.]~~ *department.* If the owner does not comply with the requirements of the notice or cannot be located, the ~~[division]~~ *department* may destroy the bees, used hives, honeycombs or appliances at ~~[his expense]~~ *the expense of the owner* or offer them for sale. The terms of any such sale must include an agreement by the purchaser to comply with all provisions of this chapter, and the proceeds of the sale must be deposited with the state treasurer for credit to the apiary inspection account.

Sec. 53. NRS 552.212 is hereby amended to read as follows:

552.212 1. A person shall not ship or transport into this state any queens or other bees in screened cages without comb unless the shipment is accompanied by a certificate of an authorized officer of the state of origin certifying that all bees intended for shipment:

(a) Were inspected within 60 days before the date of shipment; and

(b) Were found to be free from disease and pests.

2. The ~~[division]~~ *department* shall hold a shipment which is not accompanied by the certificate of inspection and notify the person who owns or controls the bees that they will be destroyed after 48 hours ~~[from]~~ *after* the time of the notice unless a proper certificate of inspection is supplied. If the certificate is not supplied within that time, the bees may be destroyed.

Sec. 54. NRS 552.214 is hereby amended to read as follows:

552.214 1. If the ~~[division]~~ *department* finds that after diligent search sufficient bees for pollination purposes are not reasonably available with a 2-year disease-free history as provided in subsection 2 of NRS 552.210 and the regulations adopted pursuant thereto, the ~~[division]~~ *department* may accept a certificate of inspection from the point of origin stating that the applicant has received an inspection from the authorized state authority in the state of origin finding that the bees covered by the certificate meet the colony

strength required by ~~[Nevada regulation]~~ *the regulations adopted by the department* and have been 100 percent inspected within the past 60 days and have been found free of American foulbrood disease.

2. ~~[Such]~~ *Those* bees are subject to inspection upon arrival in this state and , if found not to be ~~[disease]~~ free *from disease,* will be ordered removed to the point of origin within 24 hours.

Sec. 55. NRS 552.215 is hereby amended to read as follows:

552.215 ~~[When]~~ *If* an inspection is requested by any person for the purpose of obtaining a certificate of inspection for bees or appliances, the applicant for ~~[such]~~ *the* certificate shall pay a reasonable fee as prescribed by the ~~[division]~~ *department* to pay the expenses of the inspection.

Sec. 56. NRS 552.270 is hereby amended to read as follows:

552.270 Any person engaged in the rearing and distribution of queen bees ~~[shall]~~ *must* have his queen-rearing apiary ~~[or apiaries]~~ inspected at least each 60 days during shipping season and , on discovery of any disease which is infectious or contagious in its nature and injurious to bees in their egg, larval, pupal or adult stages, ~~[such a]~~ *the* person shall at once cease to distribute queen bees from the diseased apiary until the ~~[division]~~ *department* declares the apiary ~~[or apiaries]~~ free from all disease by the issuance of a certificate of inspection.

Sec. 57. NRS 552.300 is hereby amended to read as follows:

552.300 1. Upon presentation of satisfactory evidence by the state quarantine officer, the chief inspector or any deputy inspector of the violation of any of the provisions of this chapter, any district attorney shall, without delay, prosecute the person ~~[so violating]~~ *who has violated* any of the provisions of this chapter.

2. The ~~[division may, at its discretion,]~~ *department may* employ counsel to assist in the prosecution of any person charged with the violation of any of the provisions of this chapter and compensate the counsel so employed ~~[out of]~~ *from* the apiary inspection account.

Sec. 58. NRS 555.005 is hereby amended to read as follows:

555.005 As used in this chapter, unless the context requires otherwise:

1. ~~["Administrator" means the administrator of the division.~~

~~2. "Division"]~~ *"Department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

2. "Director" means the director of the department.

3. "Noxious weed" means any species of plant which is, or is likely to be, detrimental or destructive and difficult to control or eradicate.

4. "Vertebrate pest" means any animal of the subphylum Vertebrata, except predatory animals, which is normally considered to be a pest, ~~[such as]~~ *including* a gopher, ground squirrel, rat, mouse, starling ~~[or blackbird, or]~~ *, blackbird and any other animal* which the ~~[administrator]~~ *director* may declare to be a pest.

Sec. 59. NRS 555.010 is hereby amended to read as follows:

555.010 Within the limits of any appropriation made by law, the ~~[administrator]~~ *director* may:

1. Investigate the prevalence of; and
2. Take the necessary action to control,

vertebrate and invertebrate pests of plants and animals, plant diseases, physiological plant disorders and noxious weeds for the protection of the crops, livestock, public health, wildlife, water quality and beneficial uses of land in the State of Nevada.

Sec. 60. NRS 555.021 is hereby amended to read as follows:

555.021 The ~~[administrator]~~ *director* may cooperate, financially or otherwise, with any federal agency or department, any other state agency or department, any county, city, public district or political subdivision of this state, any public or private corporation, and any natural person or group of ~~[such]~~ *natural* persons in suppressing vertebrate pests injurious to the state agricultural interests and in suppressing vertebrate pest vectors of diseases transmissible and injurious to humans.

Sec. 61. NRS 555.100 is hereby amended to read as follows:

555.100 1. The ~~[division]~~ *department* shall, whenever necessary or whenever a complaint is made to the ~~[division,]~~ *department,* cause an inspection to be made of any premises within the jurisdiction of the ~~[division,]~~ *department,* and if found infested with infectious diseases, insects, weeds or other pests injurious to agriculture, the ~~[division]~~ *department* may, in writing, notify the owner or occupant of the premises that the ~~[same]~~ *premises* are infested or infected with ~~[such]~~ *those* diseases, insects, weeds or other pests. The ~~[division]~~ *department* may require the owner or occupant to control or eradicate ~~[such]~~ *those* diseases, insects, weeds or other pests within a certain ~~[time]~~ *period* to be specified in the notice.

2. Notices may be served upon the owner or occupant by an officer or employee of the ~~[division,]~~ *department,* and must be served in writing, ~~[either]~~ by certified mail ~~[,]~~ or personally , with receipt given therefor.

Sec. 62. NRS 555.110 is hereby amended to read as follows:

555.110 1. All such premises so infected or infested are hereby adjudged and declared to be a public nuisance, and ~~[whenever]~~ *if* any such nuisance exists at any place within the jurisdiction of the ~~[division]~~ *department* and the owner or occupant thereof, after ~~[due]~~ notification, refuses or neglects to abate the ~~[same]~~ *nuisance* within the ~~[time]~~ *period* specified, the ~~[division]~~ *department* shall cause the nuisance to be abated at once by eradicating or controlling ~~[such]~~ *those* diseases, insects, weeds or other pests in a manner to be determined by the ~~[division.]~~ *department.*

2. The expense thereof must be paid from any money made available to the ~~[division]~~ *department* by direct legislative appropriation or otherwise.

Sec. 63. NRS 555.120 is hereby amended to read as follows:

555.120 1. All sums paid by the ~~[division]~~ *department* constitute a lien on the property and premises from which the nuisance has been removed or

abated ~~[in pursuance of]~~ *pursuant to* NRS 555.100 and 555.110, and may be recovered by an action against ~~[such]~~ *that* property and premises.

2. A notice of lien must be filed and recorded in the office of the county recorder of the county in which the property and premises are situated within 30 days after the right to liens has accrued.

3. An action to foreclose a lien may be commenced at any time within 1 year after the filing and recording of the notice of lien, which action must be brought in the proper court by the district attorney of the county in the name and for the benefit of the ~~[division.~~

~~4. When]~~ *department.*

4. If the property is sold, enough of the proceeds must be paid to the ~~[division]~~ *department* to satisfy the lien and costs, and the overplus, if ~~[there is]~~ any, must be paid to the owner of the property if he is known, and if not, into the court for his use when ascertained. All sales under the provisions of NRS 555.100 ~~[to 555.120, inclusive,]~~ *, 555.110 and 555.120* must be made in the same manner and upon the same notice as sales of real property under execution from a justice's court.

Sec. 64. NRS 555.125 is hereby amended to read as follows:

555.125 1. ~~[When]~~ *If* it appears that an area has or is likely to become infested with a pest which cannot be practically eradicated or controlled except by the means provided in this section, the ~~[division]~~ *department* shall hold a public hearing to determine the necessity of declaring a time ~~[limit]~~ during which or an area in which plants capable of acting as hosts for ~~[such]~~ *the* pest may not be planted, grown, cultivated, maintained or allowed to exist.

2. Notice of the hearing must be given to all growers of ~~[such]~~ *the* host plants within the area and must specify:

(a) The time and place of the hearing.

(b) The host plant.

(c) The pest.

(d) The purpose of the hearing.

3. If, after the hearing, the ~~[division]~~ *department* determines that ~~[such]~~ *the* pest cannot otherwise be practically eradicated or controlled, the ~~[division]~~ *department* shall issue an order prescribing a time ~~[limit]~~ during which or an area in which ~~[such]~~ *the* host plants may not be planted, grown, cultivated, maintained or allowed to exist, and requiring owners or occupiers of property upon which ~~[such]~~ *the* host plants exist to eradicate ~~[such]~~ *the* plants.

4. If ~~[such an]~~ *the* owner or occupant neglects or refuses to eradicate ~~[such]~~ *the* plants, the ~~[division]~~ *department* may do so in the manner prescribed by NRS ~~[555.120.]~~ *555.110.*

5. Any person violating such an order is guilty of a misdemeanor.

Sec. 65. NRS 555.160 is hereby amended to read as follows:

555.160 1. The state quarantine officer shall make or ~~[have]~~ *cause to be* made a careful examination and investigation of the spread, development

and growth of noxious weeds in this state. Upon the discovery of ~~[such]~~ *those* weeds he shall ascertain the name of the owner or occupant of the land and the description of the land where the weeds are found. ~~[He]~~ *The state quarantine officer* may serve notice in writing upon the owner or occupant of the land to cut, eradicate or destroy ~~[such]~~ *the* weeds within such time and in such manner as designated and described in the notice. One such notice shall be deemed sufficient for the entire season of weed growth during that year.

2. Notices may be served upon the owner or occupant by an officer or employee of the ~~[division,]~~ *department,* and must be served in writing, personally or by certified mail, with receipt given therefor.

Sec. 66. NRS 555.235 is hereby amended to read as follows:

555.235 As used in NRS 555.235 to 555.249, inclusive:

1. "Agent" means any person who:

(a) Acts upon the authority of another person possessing a valid nursery license in this state; and

(b) Solicits for the sale of nursery stock.

2. "Container" means any receptacle in which nursery stock is packed for shipment, storage or sale.

3. "Inspecting officer" means a person authorized by the ~~[division]~~ *department* to inspect nursery stock.

4. "Licensee" means any person licensed under the provisions of NRS 555.235 to 555.249, inclusive.

5. "Nursery" means any ground or place where nursery stock is grown, stored, packed, treated, fumigated or offered for sale.

6. "Nursery stock" means any plant for planting, propagation or ornamentation, and includes parts of plants, trees, shrubs, vines, vegetables, bulbs, stolons, tubers, corms, pips, rhizomes, scions, buds and grafts.

7. "Peddler" means any person who sells, solicits or offers for sale nursery stock to the ultimate customer and who does not have an established permanent place of business in the state. The term does not include nurserymen who wholesale stock to retail nurserymen in this state.

8. "Pest" means:

(a) Any form of animal life detrimental to the nursery industry of the state.

(b) Any form of vegetable life detrimental to the nursery industry of the state.

9. "Pest disease" means any infectious, transmissible or contagious disease of plants, or any disorder of plants which manifests symptoms or behavior which the director, after investigation, determines to be characteristic of an infectious, transmissible or contagious disease.

10. "Place of business" means any location used to propagate, grow, maintain, hold, sell or distribute nursery stock . ~~[and]~~ *The term* includes , but is not limited to , established permanent places of business, registered places of business, established sales yards, store yards, store ~~[or]~~ *and* sales locations ~~[or]~~ *and* similar outlets for which the minimum nursery license fee has been paid.

11. "Sell" means exchange, offer for sale, expose for sale, have in possession for sale or solicit for sale.

Sec. 67. NRS 555.236 is hereby amended to read as follows:

555.236 1. Every person who engages in the commercial production, holding, distribution, collection or selling of nursery stock shall obtain a license from the ~~[administrator,]~~ *director,* except:

(a) Retail florists or other persons who sell potted, ornamental plants intended for indoor decorative purposes.

(b) A person *who is* not engaged in the nursery business ~~[, raising]~~ *and raises* nursery stock as a hobby in this state, from which he makes occasional sales, if the person reports to the ~~[administrator]~~ *director* his intention to make ~~[such]~~ *those* sales and does not advertise or solicit for the sale of ~~[such]~~ *that* nursery stock.

(c) Persons engaged in agriculture and field-growing vegetable plants intended for sale for use in agricultural production.

(d) That the ~~[administrator]~~ *director* may, to relieve hardships imposed by the licensing requirements of NRS 555.235 to 555.249, inclusive, upon persons residing in sparsely settled areas of the state ~~[in which there exist]~~ *where* no licensed nurseries ~~[, waive nursery licensing]~~ *exist, waive the* requirements for *the licensing of nurseries for* any established business concern to permit occasional sales of nursery stock for customer accommodation.

(e) At the discretion of the ~~[administrator,]~~ *director,* persons selling vegetable bulbs or flower bulbs, ~~[such as]~~ *including* onion sets, tulip bulbs ~~[or]~~ *and* similar bulbs.

2. Persons, state agencies or political subdivisions exempt from the licensing requirements:

(a) Shall conduct their businesses in accordance with pest regulations and grades and standards for nursery stock as established by the ~~[administrator.]~~ *director.*

(b) Shall register annually, on or before July 1, with the ~~[division,]~~ *department,* the location, size and type of nursery stock being produced.

Sec. 68. NRS 555.237 is hereby amended to read as follows:

555.237 1. Any person applying for a license shall do so on the application form and in the manner prescribed by the ~~[administrator.]~~ *director.*

2. The application must be accompanied by the nursery license fee required by NRS 555.238 and by evidence of the ~~[applicant's]~~ good faith and character ~~[.]~~ *of the applicant.*

Sec. 69. NRS 555.241 is hereby amended to read as follows:

555.241 The ~~[administrator]~~ *director* may refuse to issue or renew, or may suspend or revoke, a nursery license for violation of any provision of NRS 555.235 to 555.249, inclusive, or any rule or regulation adopted under NRS 555.243, but no license may be refused, suspended or revoked until the applicant or licensee has been given the opportunity to appear ~~[for]~~ *at* a

hearing. Offenders must be given 15 days' notice in writing. The notice must indicate the offense and the place of hearing.

Sec. 70. NRS 555.242 is hereby amended to read as follows:

555.242 The ~~[administrator]~~ *director* may order any ~~[or all]~~ nursery stock to be held for terminal inspection.

Sec. 71. NRS 555.243 is hereby amended to read as follows:

555.243 The ~~[administrator]~~ *director* may adopt such regulations as he may deem necessary to:

1. Carry ~~[into effect]~~ *out* the intent of NRS 555.235 to 555.249, inclusive.

2. Establish sanitary standards relating to pest conditions of nurseries.

3. Establish mandatory and permissive grades for nursery stock. When mandatory grades are established for nursery stock, all nursery stock sold or offered for sale must be graded and labeled in accordance with those standards.

4. Establish standards relating to conditions that interfere with the proper development of nursery stock after planting.

Sec. 72. NRS 555.244 is hereby amended to read as follows:

555.244 The ~~[administrator]~~ *director* or any inspecting officer may enter any nursery during reasonable hours to ascertain:

1. The pest conditions of nursery stock on growing grounds.

2. The condition of nursery stock offered for sale.

Sec. 73. NRS 555.245 is hereby amended to read as follows:

555.245 1. Any person may request the ~~[administrator]~~ *director* to certify to pest conditions, quality, viability or grade of nursery stock intended for shipment to ~~[meet plant pest]~~ *comply with the* requirements *for plant pests* established by any state, territory or foreign country or by contract.

2. The ~~[administrator]~~ *director* may establish a schedule of reasonable fees for ~~[such certification requests.]~~ *those requests for certification.*

Sec. 74. NRS 555.248 is hereby amended to read as follows:

555.248 Any nursery stock brought into this state which the ~~[administrator]~~ *director* or inspecting officer finds or has reasonable cause to believe to be infested or infected with any pest must be destroyed immediately, at the expense of the owner or bailee, under the supervision of the ~~[administrator]~~ *director* or the inspecting officer, unless:

1. The nature of the pest is such that no detriment can be caused to the nursery industry or related industries in this state by shipping the nursery stock out of the state. In ~~[such]~~ *that* case the ~~[administrator]~~ *director* or inspecting officer:

(a) May affix a warning tag or notice to the nursery stock.

(b) Shall notify the owner or bailee to ship the nursery stock out of this state within 48 hours.

(c) Shall keep the nursery stock under his control at the expense of the owner or bailee.

(d) Shall destroy the nursery stock at the expiration of 48 hours if the owner or bailee has not shipped the nursery stock out of the state.

2. The ~~[administrator]~~ *director* determines that the pest can be exterminated by treatment prescribed by the ~~[administrator]~~ *director* with the result that no detriment ~~[can]~~ *will* be caused to the nursery industry or related industries in this state. In ~~[such]~~ *that* case, nursery stock will be released if the nursery stock is:

(a) Treated in the manner prescribed by the ~~[administrator;]~~ *director;*

(b) Treated within the time specified by the ~~[administrator]~~ *director* or inspecting officer;

(c) Treated under the supervision of the inspecting officer; and

(d) Found to be free from pests.

Sec. 75. NRS 555.2485 is hereby amended to read as follows:

555.2485 1. The ~~[administrator]~~ *director* shall adopt regulations specifying a schedule of administrative fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.235 to 555.249, inclusive, or the regulations adopted pursuant thereto. The maximum fine that the ~~[administrator]~~ *director* may impose for each violation may not exceed:

(a) For the first violation, $250;

(b) For the second violation, $500; and

(c) For each subsequent violation, $1,000.

All fines collected by the ~~[administrator]~~ *director* pursuant to this section must be deposited with the state treasurer for credit to the state general fund.

2. The ~~[administrator]~~ *director* may:

(a) In addition to imposing an administrative fine pursuant to this section, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person who the ~~[administrator]~~ *director* suspects may have committed flagrant or repeated violations of any provision of NRS 555.235 to 555.249, inclusive.

Sec. 76. NRS 555.249 is hereby amended to read as follows:

555.249 Any person violating the provisions of NRS 555.235 to 555.249, inclusive, or the regulations adopted pursuant thereto is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment. The prosecuting attorney and the ~~[division]~~ *department* may recover the costs of the proceeding, including investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.

Sec. 77. NRS 555.2617 is hereby amended to read as follows:

555.2617 "Certificate" means a certificate of competency issued by the ~~[administrator]~~ *director* to a commercial applicator or private applicator

authorizing that person to make application of or to supervise the application of a restricted-use pesticide.

Sec. 78. NRS 555.2618 is hereby amended to read as follows:

555.2618 "Certified applicator" means any person who is certified by the ~~[administrator]~~ *director* as qualified to use or to supervise the use of any restricted-use pesticide.

Sec. 79. NRS 555.2665 is hereby amended to read as follows:

555.2665 "Pest" ~~[means,]~~ *includes,* but is not limited to, any insect, fungus, rodent, nematode, snail, slug ~~[,]~~ *and* weed and any form of plant or animal life or virus, except *any* virus on or in *a* living ~~[man]~~ *human* or other animal, which is normally considered to be a pest or which the ~~[administrator]~~ *director* declares to be a pest.

Sec. 80. NRS 555.267 is hereby amended to read as follows:

555.267 "Pesticide" means:

1. Any substance or mixture of substances, including any living organisms or any product derived therefrom or any fungicide, herbicide, insecticide, nematocide or rodenticide, intended to prevent, destroy, control, repel, attract or mitigate any insect, rodent, nematode, snail, slug, fungus ~~[,]~~ *and* weed and any other form of plant or animal life or virus, except virus on or in *a* living ~~[man]~~ *human* or other ~~[animals,]~~ *animal,* which is normally considered to be a pest or which the ~~[administrator]~~ *director* declares to be a pest.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and any other substances intended for ~~[such]~~ *that* use as are named by the ~~[administrator]~~ *director* by regulation . ~~[after calling a public hearing for that purpose.]~~

Sec. 81. NRS 555.2683 is hereby amended to read as follows:

555.2683 "Restricted-use pesticide" means any pesticide, including any highly toxic pesticide, which:

1. The ~~[administrator]~~ *director* has found and determined, ~~[subsequent to]~~ *after* a hearing, to be:

(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or

(b) Detrimental to:

(1) Vegetation, except weeds;

(2) Wildlife; or

(3) Public health and safety; or

2. Has been classified for restricted use by or under the supervision of a certified applicator in accordance with the Federal Environmental Pesticide Control Act , ~~[(]~~ 7 U.S.C. §§ 136 et seq. ~~[).]~~

Sec. 82. NRS 555.2687 is hereby amended to read as follows:

555.2687 "Supervision" of the application of a restricted-use pesticide by a certified applicator must be defined by regulation of the ~~[administrator.]~~ *director.*

Sec. 83. NRS 555.280 is hereby amended to read as follows:

555.280 A person shall not engage in pest control or serve as an agent, operator or pilot for that purpose within this state at any time without a license issued by the ~~[administrator.]~~ *director.*

Sec. 84. NRS 555.285 is hereby amended to read as follows:

555.285 A person shall not for hire engage in, offer to engage in, advertise or solicit to perform any of the following pest control activities concerning wood-destroying pests or organisms without a license issued by the ~~[administrator:]~~ *director:*

1. Making an inspection to identify or to attempt to identify infestations or infections of households or other structures by ~~[such]~~ *those* pests or organisms.

2. Making inspection reports concerning the infestations or infections.

3. Making estimates or bids, whether written or oral, concerning the infestations or infections.

4. Submitting bids to perform any work involving the application of pesticides for the elimination, extermination, control or prevention of infestations or infections of ~~[such]~~ *those* pests.

Sec. 85. NRS 555.290 is hereby amended to read as follows:

555.290 1. An application for a license must be submitted to the ~~[administrator]~~ *director* and must ~~[contain]~~ *set forth* such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to regulations adopted by the ~~[administrator.]~~ *director.* If the applicant is a natural person, the application must include the social security number of the applicant.

2. If an applicant fails to complete the licensing requirements within 30 days after the date on which he submits his application, he forfeits all fees he has tendered. Thereafter he may reinitiate the application process upon payment of the appropriate fees.

Sec. 86. NRS 555.300 is hereby amended to read as follows:

555.300 1. The ~~[administrator]~~ *director* may require the applicant to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of pesticides and the dangers involved and precautions to be taken in connection with their application.

2. If the applicant is ~~[other than]~~ *not* a natural person, the applicant shall designate an officer, member or technician of the organization to take the examination . ~~[, such designee to be]~~ *The person so designated is* subject to the approval of the ~~[administrator.]~~ *director.* If the extent of the applicant's operations ~~[warrant]~~ *require* it, the ~~[administrator]~~ *director* may require more than one officer, member or technician to take the examination.

3. The applicant or the person designated by the applicant in accordance with *the provisions of* subsection 2 ~~[of this section must be]~~ *must have attained* the age of majority ~~[or over]~~ and have:

(a) Not less than 2 years' practical experience in pest control; or

(b) Possess university credits of not less than 16 credit hours in biological sciences of which not less than 8 credit hours must be in subjects directly related to the categories of pest control in which the applicant wishes to be licensed and have 6 or more months of practical experience in pesticide application or related pest control.

4. The requirements of subsection 3 do not apply to persons holding a license issued by the ~~[administrator]~~ *director* before July 1, 1973, ~~[nor]~~ *or* to the renewal of the license of any such person.

Sec. 87. NRS 555.310 is hereby amended to read as follows:

555.310 1. The ~~[administrator]~~ *director* shall collect from each person applying for the examination or re-examination a testing fee of $10 for each field of pest control in which the applicant wishes to be examined, subject ~~[, however,]~~ to a maximum charge of $35 and a minimum charge of $15 for any one application.

2. Upon the successful completion of the testing, the ~~[administrator]~~ *director* shall collect from each person applying for a license for pest control the sum of $50 before the license is issued. Any company or person employing operators, pilots or agents shall pay to the ~~[administrator]~~ *director* $15 for each operator, pilot or agent licensed.

Sec. 88. NRS 555.320 is hereby amended to read as follows:

555.320 1. If the ~~[administrator]~~ *director* finds the applicant qualified, and upon the applicant's appointing the ~~[administrator]~~ *director* agent for service of process and finding that the applicant has satisfied the requirements of NRS 555.325 and 555.330, the ~~[administrator]~~ *director* shall issue a license to perform pest control within this state.

2. The license period is the calendar year. All licenses expire on December 31 of each year. The license may be renewed annually upon application to the ~~[administrator]~~ *director* and payment of the license fee on or before January 16 of each year. If the holder of the license is a natural person, he must submit with his application for renewal the statement required pursuant to NRS 555.325.

3. A penalty fee of $5 must be charged for failure to pay the renewal fee when due unless the application for renewal is accompanied by a written statement signed by the applicant that he has not made any application of pesticides from the time of expiration of his prior license ~~[to]~~ *until* the time of application for renewal.

4. The license may restrict the licensee to the use of a certain type or types of equipment or materials if the ~~[administrator]~~ *director* finds that the applicant is qualified to use only a certain type or types.

5. If a license is not issued as applied for, the ~~[administrator]~~ *director* shall inform the applicant in writing of the reasons therefor.

Sec. 89. NRS 555.325 is hereby amended to read as follows:

555.325 1. A natural person who applies for the issuance or renewal of a license to perform pest control shall submit to the ~~[administrator]~~ *director* the statement prescribed by the welfare division of the department of human

resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[administrator]~~ *director* shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the ~~[administrator.]~~ *director.*

3. A license to perform pest control may not be issued or renewed by the ~~[administrator]~~ *director* if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~[administrator]~~ *director* shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 90. NRS 555.330 is hereby amended to read as follows:

555.330 1. The ~~[administrator]~~ *director* shall require from each applicant for a pest control license proof of public liability and property damage insurance in an amount not less than $10,000, nor more than $200,000. The ~~[administrator]~~ *director* may accept a liability insurance policy or surety bond in the proper amount.

2. The ~~[administrator]~~ *director* may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to man, livestock, wildlife, crops or plantlife.

3. Any person injured by the breach of any such obligation is entitled to sue in his own name in any court of competent jurisdiction to recover the damages he sustained by that breach, if each claim is made within 6 months after the alleged injury.

4. The ~~[administrator]~~ *director* on his own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he deems necessary, any loss or damage resulting from the application of any pesticide by a licensed pest control operator. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified

complaint must be furnished to the ~~[complainant.]~~ *person who filed the complaint.*

Sec. 91. NRS 555.350 is hereby amended to read as follows:

555.350 1. The ~~[administrator]~~ *director* may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any license issued under NRS 555.2605 to 555.460, inclusive, if he finds that:

(a) The licensee is no longer qualified;

(b) The licensee has engaged in fraudulent business practices in pest control;

(c) The licensee has made false or fraudulent claims through any media ~~[,]~~ *by* misrepresenting the effect of materials or methods to be ~~[utilized;]~~ *used;*

(d) The licensee has applied known ineffective or improper materials;

(e) The licensee operated faulty or unsafe equipment;

(f) The licensee has made any application in a faulty, careless or negligent manner;

(g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, or regulations ~~[made thereunder;]~~ *adopted pursuant thereto;*

(h) The licensee engaged in the business of pest control without having a licensed applicator or operator in direct on-the-job supervision;

(i) The licensee aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed one's license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of his license; or

(k) The licensee was intentionally guilty of fraud or deception in the issuance of an inspection report on wood-destroying pests or other report required by regulation.

2. A license is suspended automatically, without action of the ~~[administrator,]~~ *director,* if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330, is canceled, and the license remains suspended until the insurance is reestablished.

Sec. 92. NRS 555.3505 is hereby amended to read as follows:

555.3505 1. If the ~~[administrator]~~ *director* receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to perform pest control, the ~~[administrator]~~ *director* shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~[administrator]~~ *director* receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~[administrator]~~ *director* shall reinstate a license to perform pest control that has been suspended by a district court pursuant to NRS 425.540 if the ~~[administrator]~~ *director* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 93. NRS 555.351 is hereby amended to read as follows:

555.351 1. A person shall not use any restricted-use pesticide within this state at any time without a certificate issued by the ~~[administrator]~~ *director* except a person using any restricted-use pesticide under the supervision of a certified applicator.

2. If the ~~[administrator]~~ *director* has adopted regulations requiring:

(a) A permit pursuant to NRS 586.403; or

(b) A special use permit pursuant to NRS 586.405,

for a restricted-use pesticide, a person shall not use ~~[such]~~ *that* pesticide without ~~[first]~~ obtaining the required permit.

Sec. 94. NRS 555.353 is hereby amended to read as follows:

555.353 Application for a certificate must be made to the ~~[administrator]~~ *director* and contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to *the* regulations adopted by the ~~[administrator.]~~ *director.*

Sec. 95. NRS 555.355 is hereby amended to read as follows:

555.355 1. The ~~[administrator]~~ *director* may require the applicant to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved and precautions to be taken in connection with their application, including , but not limited to , the following ~~[subject]~~ areas:

(a) Label and labeling comprehension.

(b) Environmental consequences of pesticide use and misuse.

(c) Pests.

(d) Pesticides.

(e) Equipment.

(f) Application techniques.

(g) Laws and regulations.

(h) Safety.

2. In addition, the ~~[administrator]~~ *director* may require the applicant to meet special qualifications of competency to meet the special needs of a given locality regarding the use or application of a specific restricted-use pesticide.

3. The ~~[administrator]~~ *director* shall collect from each person applying for an examination or re-examination, in connection with the issuance of a certificate, a testing fee not to exceed $10 for any one examination period.

Sec. 96. NRS 555.357 is hereby amended to read as follows:

555.357 1. If the ~~[administrator]~~ *director* finds that the applicant is qualified, he shall issue a certificate to make application of or to supervise the application of restricted-use pesticides within this state.

2. A certificate is valid for 4 calendar years and expires on December 31. The certificate may be renewed upon completion of the requirements established by ~~[regulation]~~ *the regulations* of the ~~[administrator.]~~ *director.*

3. The ~~[administrator]~~ *director* shall adopt regulations concerning the requirements for renewal of a certificate.

4. The certificate may limit the applicant to the use of a certain type or types of equipment or material if the ~~[administrator]~~ *director* finds that the applicant is qualified to use only that type or types.

5. If a certificate is not issued as applied for, the ~~[administrator]~~ *director* shall inform the applicant in writing of the reasons therefor.

Sec. 97. NRS 555.359 is hereby amended to read as follows:

555.359 The ~~[administrator]~~ *director* may deny or suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may deny, revoke, suspend or modify any certificate issued under the provisions of NRS 555.351 to 555.357, inclusive, if he finds that the applicant or the certified applicator:

1. Is no longer qualified;

2. Has applied known ineffective or improper materials;

3. Has applied materials inconsistent with labeling or other restrictions imposed by the ~~[administrator;]~~ *director;*

4. Has operated faulty or unsafe equipment;

5. Has made any application in a faulty, careless or negligent manner;

6. Aided or abetted an uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, combined or conspired with an uncertified person to evade ~~[such]~~ *those* provisions, or allowed one's certificate to be used by an uncertified person;

7. Was guilty of fraud or deception in the procurement of his certificate;

8. Has deliberately falsified any record or report;

9. Has violated any of the provisions of NRS 555.351 to 555.357, inclusive, NRS 555.390 or ~~[regulations made thereunder;]~~ *any regulation adopted pursuant thereto;* or

10. Has failed or neglected to give adequate instruction or direction to an uncertified person working under his supervision.

Sec. 98. NRS 555.360 is hereby amended to read as follows:

555.360 1. Any person aggrieved by any action of the ~~[administrator]~~ *director* may obtain a review thereof by filing in the district court of the county in which the person resides, within 30 days after notice of the action, a written petition praying that the action of the ~~[administrator]~~ *director* be set aside.

2. A copy of the petition must forthwith be delivered to the ~~[administrator,]~~ *director,* and within 20 days thereafter , the ~~[administrator]~~

director shall certify and file in the court a transcript of any record pertaining thereto, including a transcript of evidence received.

3. Upon compliance with the provisions of subsections 1 and 2, the court ~~[shall have]~~ *has* jurisdiction to affirm, set aside or modify the action of the ~~[administrator,]~~ *director,* except that the findings of the ~~[administrator as to]~~ *director concerning* the facts, if supported by substantial evidence, are conclusive.

Sec. 99. NRS 555.370 is hereby amended to read as follows:

555.370 The ~~[administrator]~~ *director* may provide for *the* inspection of any ground equipment or of any device or apparatus used for application of pesticides by aircraft, and may require proper repairs or other changes before its further use.

Sec. 100. NRS 555.380 is hereby amended to read as follows:

555.380 1. The ~~[administrator]~~ *director* may, by regulation, prescribe materials or methods to be used and prohibit the use of materials or methods in custom application of pesticides, to the extent necessary to protect health or to prevent injury ~~[by reason]~~ *because* of the drifting, washing or application of ~~[such]~~ *those* materials to desired plants or animals, including pollinating insects and aquatic life.

2. In ~~[issuing such]~~ *adopting the* regulations, the ~~[administrator]~~ *director* shall give consideration to ~~[pertinent]~~ *relevant* research findings and recommendations of other agencies of this state or of the Federal Government.

Sec. 101. NRS 555.390 is hereby amended to read as follows:

555.390 1. The ~~[administrator]~~ *director* may, by regulation, require any licensee to maintain such records and furnish reports giving such information with respect to particular applications of pesticides and such other relevant information as ~~[the administrator]~~ *he* may deem necessary.

2. The ~~[administrator]~~ *director* may, by regulation, require any certified applicator to maintain such records and furnish reports giving such information with respect to application of restricted-use pesticides and such other relevant information as ~~[the administrator]~~ *he* may deem necessary.

Sec. 102. NRS 555.400 is hereby amended to read as follows:

555.400 1. The ~~[administrator may make regulations for carrying]~~ *director may adopt regulations to carry* out the provisions of NRS 555.2605 to 555.460, inclusive, but the regulations must not be inconsistent with regulations issued by this state or by the Federal Government ~~[respecting]~~ *relating to* safety in air navigation or operation of aircraft.

2. Before issuing regulations directly relating to any matter within the jurisdiction of any other ~~[official]~~ *officer* of this state, the ~~[administrator]~~ *director* shall consult with that ~~[official]~~ *officer* with reference thereto.

Sec. 103. NRS 555.410 is hereby amended to read as follows:

555.410 The ~~[administrator]~~ *director* may, in cooperation with the University and Community College System of Nevada, publish information

regarding injury which may result from improper application or handling of pesticides and methods and precautions designed to prevent such an injury.

Sec. 104. NRS 555.420 is hereby amended to read as follows:

555.420 ~~[For the purpose of carrying]~~ *To carry* out the provisions of NRS 555.2605 to 555.460, inclusive, the ~~[administrator]~~ *director* and his ~~[duly]~~ appointed inspectors may enter upon any public or private premises at reasonable times ~~[for the purpose of inspecting, auditing, sampling or monitoring]~~ *to inspect, audit, sample or monitor* any aircraft, ground equipment, records, storage, pesticides, pesticide sprays, disposal operations or other operations which are subject to NRS 555.2605 to 555.460, inclusive, or regulations adopted ~~[thereunder.]~~ *pursuant thereto.*

Sec. 105. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, or the regulations ~~[issued thereunder]~~ *adopted pursuant thereto,* is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the ~~[division]~~ *department* an administrative fine of not more than $5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~[division.]~~ *department.*

Sec. 106. NRS 555.470 is hereby amended to read as follows:

555.470 1. The ~~[administrator]~~ *director* shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and *a* hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive. The maximum fine that may be imposed by the ~~[administrator]~~ *director* for each violation must not exceed $5,000 per day. All fines collected by the ~~[administrator]~~ *director* pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The ~~[administrator]~~ *director* may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the state board of agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive.

Sec. 107. NRS 555.530 is hereby amended to read as follows:

555.530 The board of directors of a rodent control district may:

1. With the approval of the ~~[administrator,]~~ *director,* appoint a rodent control officer.

2. Receive and expend any money provided by assessment, voluntary contribution or otherwise for the control of rodents in the district.

3. Exercise any other power necessary or proper to ~~[effectuate]~~ *carry out* the purposes for which the district exists.

4. Elect a chairman from among its members, and secretary who may ~~[or may not]~~ be a member ~~[.]~~ *of the board.*

Sec. 108. NRS 556.010 is hereby amended to read as follows:

556.010 As used in this chapter, unless the context otherwise requires:

1. "Advisory board" means the garlic and onion growers' advisory board.

2. ~~["Division"]~~ *"Department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

3. "Grower" means any landowner personally engaged in growing garlic or onions, or ~~[both]~~ a landowner and his tenant jointly, and includes a natural person, partnership, association, corporation, cooperative organization, trust, sharecropper and all other business units, devises or arrangements that grow garlic or onions.

Sec. 109. NRS 556.070 is hereby amended to read as follows:

556.070 1. The ~~[division]~~ *department* shall, on or before August 1 of each year, fix an annual special assessment not to exceed $10 per acre to be levied upon all garlic and onions grown in this state. The ~~[division]~~ *department* shall collect the assessment and transmit the proceeds to the state treasurer for credit to the garlic and onion research and promotion account.

2. On or before June 30 of each year, any person who has paid the special assessment levied pursuant to this section may file a claim for *a* refund with the ~~[division]~~ *department* accompanied by a receipt showing payment. Upon verification of the correctness of the claim, the ~~[division]~~ *department* shall transmit ~~[it]~~ *the claim* to the state controller for payment from the garlic and onion research and promotion account.

Sec. 110. NRS 556.080 is hereby amended to read as follows:

556.080 All assessments levied pursuant to the provisions of NRS 556.070 must be paid to the ~~[division]~~ *department* by the grower of garlic or onions and must be paid by December 1 of each year for the grower of garlic, and by May 1 of each year for the grower of onions, or within 30 days after the planting of garlic or onions after those dates.

Sec. 111. NRS 556.090 is hereby amended to read as follows:

556.090 Any grower who fails to file a return or to pay any assessment pursuant to NRS 556.070 within the ~~[time required]~~ *period required by NRS 556.080* forfeits to the ~~[division]~~ *department* a penalty of 5 percent of the amount of the assessment due and 1 percent of the assessment due for each month of delay or fraction thereof after the end of the month in which the return was required to be filed or in which the assessment became due. The ~~[division,]~~ *department,* if satisfied the delay was excusable, may remit any part of the penalty. The penalty must be paid to the ~~[division]~~ *department* and deposited for credit to the garlic and onion research and promotion account.

Sec. 112. NRS 556.100 is hereby amended to read as follows:

556.100 Any assessment levied constitutes a personal debt of the person so assessed. If a person fails to pay an assessment, including all penalties, the ~~[division]~~ *department* may, at any time within 3 years after the date of delinquency, maintain a civil action against ~~[him]~~ *the person* to recover the amount of the delinquent assessment and penalties.

Sec. 113. NRS 561.025 is hereby amended to read as follows:

561.025 As used in this chapter, unless the context requires otherwise:

1. ~~["Administrator" means the administrator of the division.~~

~~2.]~~ "Board" means the state board of agriculture.

~~[3. "Division"]~~

2. *"Department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

3. *"Director" means the director of the department.*

4. "Livestock" means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All goats or animals of the caprine species.

(e) All poultry or domesticated fowl or birds.

(f) All dogs, cats or other animals domesticated or under the restraint or control of man.

Sec. 114. NRS 561.035 is hereby amended to read as follows:

561.035 *1. The state department of agriculture is hereby created.*

2. The administration of the provisions of this chapter is vested in the ~~[division.]~~ *department.*

Sec. 115. NRS 561.045 is hereby amended to read as follows:

561.045 There is hereby created in the ~~[division]~~ *department* a state board of agriculture composed of 10 members appointed by the governor.

Sec. 116. NRS 561.075 is hereby amended to read as follows:

561.075 1. While engaged in the business of the ~~[division,]~~ *department,* each member of the board is entitled to receive a salary of not more than $80 per day, as fixed by the board.

2. While engaged in the business of the ~~[division,]~~ *department,* each member and employee of the board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. The salaries, per diem allowances and travel expenses of the members and employees of the board must be paid from any money available to the ~~[division.]~~ *department.*

Sec. 117. NRS 561.085 is hereby amended to read as follows:

561.085 1. The board shall elect one of its members as chairman of the board.

2. The ~~[administrator]~~ *director* shall act as the nonvoting recording secretary of the board ~~[. He]~~ *and* shall keep the minutes of the proceedings of the board.

Sec. 118. NRS 561.095 is hereby amended to read as follows:

561.095 1. The members of the board may meet at such times and at such places as may be specified by the call of the chairman or a majority of the board and a meeting of the board may be held regularly at least once every 3 months. In case of *an* emergency, special meetings may be called by the chairman or by the ~~[administrator.]~~ *director.*

2. Six members of the board constitute a quorum. A quorum may exercise all the authority conferred on the board.

3. Minutes of each meeting, regular or special, must be filed with the ~~[division]~~ *department* and are public records.

Sec. 119. NRS 561.105 is hereby amended to read as follows:

561.105 1. The board ~~[shall:~~

~~(a) Be]~~ *:*

(a) Must be informed on and interested in the entire field of legislation and administration charged to the ~~[division.~~

~~(b) Report]~~ *department.*

(b) Shall report to the governor and legislature on all matters which it deems ~~[pertinent]~~ *relevant* to the ~~[division,]~~ *department,* and concerning any specific matters previously requested by the governor.

(c) ~~[Advise]~~ *Shall advise* and make recommendations to the governor or the legislature ~~[relative]~~ *relating* to the policies of the state concerning livestock and agriculture.

(d) ~~[Formulate]~~ *Shall establish* the policy of the ~~[division.~~

~~(e) Adopt]~~ *department.*

(e) Shall adopt such regulations as it deems necessary for the operation of the ~~[division]~~ *department* and for carrying out the provisions of the laws and programs administered by the ~~[division.]~~ *department.*

2. The board shall prescribe rules for its ~~[own]~~ management and government.

Sec. 120. NRS 561.115 is hereby amended to read as follows:

561.115 The ~~[administrator must be:~~

~~1. Appointed]~~ *director:*

1. Must be appointed by the board with the approval of the ~~[director of the department of business and industry.~~

~~2. In]~~ *governor.*

2. Is in the unclassified service ~~[.]~~ *of the state.*

Sec. 121. NRS 561.125 is hereby amended to read as follows:

561.125 The ~~[administrator]~~ *director* must be a graduate ~~[from]~~ *of* an accredited college or university and have at least 5 years' experience in official agricultural or livestock regulatory work, public administration, accounting or business administration.

Sec. 122. NRS 561.135 is hereby amended to read as follows:

561.135 The salary of the ~~[administrator]~~ *director* may be apportioned and paid from any money available to the ~~[division]~~ *department* unless otherwise provided by specific statute.

Sec. 123. NRS 561.145 is hereby amended to read as follows:

561.145 1. The ~~[administrator]~~ *director* shall direct and supervise all administrative and technical activities of the ~~[division,]~~ *department,* and all programs administered by the ~~[division]~~ *department* as provided by law. Except as otherwise provided in NRS 284.143, the ~~[administrator]~~ *director*

shall devote his entire time to the duties of his office, and shall follow no other gainful employment or occupation.

2. The ~~[administrator]~~ *director* may, within such limitations as may be provided by law, organize the ~~[division into various bureaus]~~ *department into divisions* and, from time to time, alter ~~[such]~~ *that* organization and reassign responsibilities and duties as he may deem appropriate.

3. The ~~[administrator]~~ *director* shall:

(a) Coordinate the activities of the ~~[various bureaus]~~ *divisions* of the department.

(b) Report to the board upon all matters pertaining to the administration of the ~~[division.]~~ *department.*

(c) Submit a biennial report to the governor, the legislature and the board of the work of the ~~[division,]~~ *department,* with recommendations that he may deem necessary. The report must set forth the facts relating to the condition of the livestock, agriculture and related industries in the State of Nevada.

Sec. 124. NRS 561.146 is hereby amended to read as follows:

561.146 1. Whenever the ~~[administrator]~~ *director* is authorized or required by law to conduct a hearing, he may issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents ~~[relative]~~ *relating* to the matters for which the hearing is called, and take depositions within or without the state, as the circumstances of the case may require.

2. The district court in and for the county in which any hearing is being conducted by the ~~[administrator]~~ *director* may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the ~~[administrator.]~~ *director.*

3. In case of the refusal of any witness to attend or testify or produce any papers required by the subpoena , the ~~[administrator]~~ *director* may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

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

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

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the ~~[administrator]~~ *director* in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of ~~[such]~~ *the* hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the ~~[administrator.]~~ *director.*

4. The court, upon petition of the ~~[administrator,]~~ *director,* shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the ~~[administrator.]~~

director. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the ~~[administrator,]~~ *director,* the court may thereupon enter an order that the witness appear before the ~~[administrator]~~ *director* at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 125. NRS 561.147 is hereby amended to read as follows:

561.147 If any feed, grain, hay, machinery or other article is found to be infested with, or the possible carrier of, the propagating parts of any noxious weed, injurious insect pest or plant disease, and the ~~[administrator]~~ *director* determines that movement of the article into any area of the state will be damaging or will jeopardize the agricultural industry of the area, the ~~[administrator]~~ *director* may prohibit or restrict movement of the infested article or ~~[he]~~ may prescribe treatment to devitalize or sterilize the infested article.

Sec. 126. NRS 561.148 is hereby amended to read as follows:

561.148 The ~~[administrator]~~ *director* may participate in the investigation and prosecution of any suspected theft, mutilation or malicious destruction of livestock, and may temporarily stop the movement of livestock and carcasses for ~~[purposes]~~ *the purpose* of inspection.

Sec. 127. NRS 561.149 is hereby amended to read as follows:

561.149 In all cases where the ~~[administrator]~~ *director* is required or authorized by law to proceed upon a verified complaint, he, or his deputy so authorized by him, may take depositions, within or without the state, as the circumstances of the case may require.

Sec. 128. NRS 561.153 is hereby amended to read as follows:

561.153 The ~~[administrator]~~ *director* may by regulation adopt such procedures as he may deem appropriate for the billing or collection of fees for any service rendered by the department under Titles 49, 50 and 51 of NRS for which fees are collectible.

Sec. 129. NRS 561.155 is hereby amended to read as follows:

561.155 The ~~[administrator]~~ *director* is hereby designated and appointed ex officio state sealer of weights and measures, and shall carry out all the duties of the state sealer of weights and measures as provided by law.

Sec. 130. NRS 561.165 is hereby amended to read as follows:

561.165 The ~~[administrator]~~ *director* is hereby designated and appointed ex officio state quarantine officer, and shall carry out all the duties of the state quarantine officer as provided by law.

Sec. 131. NRS 561.185 is hereby amended to read as follows:

561.185 The ~~[administrator]~~ *director* may designate an employee ~~[or employees]~~ of the ~~[division]~~ *department* to act as his deputy . ~~[or deputies.]~~ In case of the absence of the ~~[administrator,]~~ *director,* or his inability from any cause to discharge the powers and duties of his office, ~~[such]~~ *those* powers and duties devolve upon his deputy . ~~[or deputies.]~~

Sec. 132. NRS 561.205 is hereby amended to read as follows:

561.205 The ~~[administrator]~~ *director* shall appoint a person to manage the activities of the ~~[division pertaining]~~ *department relating* to the protection and promotion of the livestock industry of the State of Nevada. The person *is in the unclassified service of the state and* must ~~[be]~~ *:*

1. Be appointed on the basis of merit ~~[and is in the unclassified service. He must be]~~ *;*

2. Be a graduate of a veterinary school or college approved by the American Veterinary Medical Association ~~[, and have]~~ *; and*

3. Have at least 5 years' experience in official work for regulating and controlling diseases in livestock.

The ~~[administrator]~~ *director* may remove the person from office with the approval of the board.

Sec. 133. NRS 561.209 is hereby amended to read as follows:

561.209 The ~~[administrator]~~ *director* shall appoint a person to manage the activities of the ~~[division pertaining]~~ *department relating* to brands and marks and brand inspection in the State of Nevada. The person must be appointed on the basis of merit ~~[,]~~ and is in the unclassified service ~~[. The administrator]~~ *of the state. The director* may remove the person from office with the approval of the board.

Sec. 134. NRS 561.214 is hereby amended to read as follows:

561.214 The ~~[administrator]~~ *director* shall appoint a person to manage the activities of the ~~[division pertaining]~~ *department relating* to the protection and promotion of the agricultural industry of the State of Nevada. The person *is in the unclassified service of the state and* must ~~[be]~~ *:*

1. Be appointed on the basis of merit ~~[and is in the unclassified service. He must be]~~ *;*

2. Be a graduate of an accredited college or university with a major in one of the agricultural sciences ~~[, and have]~~ *; and*

3. Have at least 5 years' experience in official work for regulating agriculture.

The ~~[administrator]~~ *director* may remove the person from office with the approval of the board.

Sec. 135. NRS 561.218 is hereby amended to read as follows:

561.218 1. The ~~[administrator]~~ *director* shall appoint a person to manage the activities of the ~~[division pertaining]~~ *department relating* to natural resources, land use planning and the management and control of wild horses and estrays. The person must be appointed on the basis of merit and is in the unclassified service ~~[. The administrator]~~ *of the state. The director* may remove the person from office with the approval of the board.

2. The person appointed shall:

(a) Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this state.

(b) Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this state.

(c) Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.

(d) Monitor gatherings of estrays conducted pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and assist district brand inspectors in identifying estrays before they are sold or given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.

(e) Provide the *members of the* general public with information relating to the activities of the ~~[division]~~ *department* and solicit recommendations from the *members of the* general public and advisory groups concerning those activities.

(f) Make assessments of the level of competition between livestock and wildlife for food and water, collect data concerning the movement of livestock and perform activities necessary to control noxious weeds.

(g) Participate in land use planning relating to the competition for food and water between livestock and wildlife to ensure the maintenance of the habitat of both livestock and wildlife.

(h) Present testimony, conduct research and prepare reports for the governor, the legislature, the ~~[administrator]~~ *director* and any other person or governmental entity as directed by the ~~[administrator.]~~ *director.*

(i) Develop and carry out a program to educate the *members of the general* public concerning the ~~[various]~~ programs administered by the ~~[division,]~~ *department,* including programs for the management and control of estrays.

(j) Make proposals to the ~~[administrator]~~ *director* for the amendment of the regulations adopted by the board pursuant to NRS 561.105.

(k) Perform such other duties as directed by the ~~[administrator.]~~ *director.*

3. As used in this section:

(a) "Estray" has the meaning ascribed to it in NRS 569.005.

(b) "Wild horse" has the meaning ascribed to it in NRS 504.430.

Sec. 136. NRS 561.225 is hereby amended to read as follows:

561.225 1. The ~~[administrator]~~ *director* shall appoint such technical, clerical and operational staff as the execution of his duties and the operation of the ~~[division]~~ *department* may require.

2. The ~~[administrator]~~ *director* may designate such ~~[division]~~ *department* personnel as are required to be field agents and inspectors in the enforcement of the provisions of Titles 49 and 50 of NRS. ~~[Nothing in]~~ *The provisions of* this subsection ~~[authorizes any division]~~ *do not authorize any department* personnel so designated by the ~~[administrator]~~ *director* to retire from the public employees' retirement system before having attained the minimum service retirement age of 60 years.

Sec. 137. NRS 561.235 is hereby amended to read as follows:

561.235 1. The ~~[division]~~ *department* shall maintain a principal office and may maintain district or branch offices throughout the state if they are necessary for the efficient operation of the ~~[division.]~~ *department.*

2. The ~~[administrator]~~ *director* shall select the location of those offices and may enter into such leases or other agreements as may be necessary to establish them. The leases or agreements must be executed in cooperation with the buildings and grounds division of the department of administration and in accordance with the provisions of NRS 331.110.

Sec. 138. NRS 561.245 is hereby amended to read as follows:

561.245 In the administration of various programs by the ~~[division]~~ *department* as provided by law, the ~~[division]~~ *department* may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government or any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, a natural person, or a group of natural persons, but such cooperation does not ~~[of itself]~~ relieve any person, department, agency, corporation or political subdivision of any responsibility or liability existing under any provision of law.

Sec. 139. NRS 561.247 is hereby amended to read as follows:

561.247 1. The ~~[division]~~ *department* shall adopt regulations necessary to establish an agricultural loan mediation program that complies with the requirements of 7 U.S.C. § 5101(c) for certification by the Secretary of Agriculture. The ~~[division]~~ *department* shall establish fees to be charged by ~~[the division]~~ *it* for participation in the program. The amount of the fees must be sufficient to cover the costs of administering the program.

2. The ~~[division]~~ *department* shall administer the program established pursuant to subsection 1.

Sec. 140. NRS 561.255 is hereby amended to read as follows:

561.255 1. The ~~[division]~~ *department* may accept, for programs administered by ~~[the division,]~~ *it,* any money or other contribution which is made available by:

(a) Any Act of the Congress of the United States;

(b) A county, city, public district or any political subdivision of this state; or

(c) A public or private corporation or association or by any person.

2. Any money or other contribution accepted by the ~~[division]~~ *department* under the provisions of this section must be deposited with the state treasurer for credit to the appropriate fund and used ~~[in]~~ *for* a program of the ~~[division.]~~ *department.*

Sec. 141. NRS 561.275 is hereby amended to read as follows:

561.275 1. The ~~[division]~~ *department* may exhibit and display property, objects, articles, things, livestock and commodities at exhibits, fairs, expositions and places of public or private exhibition.

2. The ~~[division]~~ *department* may negotiate, consult with and agree with institutions, departments, officers, persons and corporations of and in the State of Nevada and elsewhere concerning quarters for and the preservation, care, transportation, storing, custody, display and exhibition of property, objects, articles, things, livestock and commodities, and concerning the terms and cost thereof, the manner, time, place and extent thereof, and the return thereof.

Sec. 142. NRS 561.285 is hereby amended to read as follows:

561.285 The ~~[division]~~ *department* may collect and disseminate, throughout the state, information calculated to educate and benefit the livestock and agricultural industries of the State of Nevada, and information pertaining to any program administered by the ~~[division.]~~ *department.*

Sec. 143. NRS 561.295 is hereby amended to read as follows:

561.295 1. The ~~[administrator]~~ *director* may issue and enforce a written hold order to the owner or custodian of any agricultural commodity, livestock, livestock product, appliance, material or article which he finds is in violation of any of the provisions of law administered by the ~~[division]~~ *department* or which he finds to be infested with a pest or infected with a disease. ~~[Such]~~ *The* order may prohibit further sale or movement or require that the agricultural commodity, livestock, livestock product, appliance, material or article to be held on the premises or at a designated premise until the ~~[administrator]~~ *director* has evidence that the ~~[hold]~~ order has been complied with, and upon compliance , the order must be dissolved.

2. It is unlawful to move or otherwise dispose of any agricultural commodity, livestock, livestock product, appliance, material or article except with the permission of the ~~[administrator]~~ *director* and for the purposes specified therein. Upon demand, the owner or custodian of ~~[such]~~ *the* agricultural commodity, livestock, livestock product, appliance, material or article has the right to a hearing before the ~~[administrator]~~ *director* relative to the justification of any such order. The provisions of this section do not limit the right of the ~~[division]~~ *department* to proceed as authorized by law. Any decision of the ~~[administrator]~~ *director issued* in accordance with this section is subject to review by any court of competent jurisdiction.

Sec. 144. NRS 561.301 is hereby amended to read as follows:

561.301 Aquatic agriculture, which includes the propagation, cultivation and harvesting of plants indigenous to water in a controlled or selected aquatic environment for the commercial production of food, is one of the agricultural enterprises conducted in this state. The ~~[division]~~ *department* shall promote, protect and regulate aquatic agriculture to the extent that the ~~[division]~~ *department* is authorized to regulate other forms of agriculture and other agricultural products. The ~~[division]~~ *department* shall confer with the division of wildlife of the state department of conservation and natural resources regarding aquatic agriculture to prevent any adverse effects on existing aquatic animals.

Sec. 145. NRS 561.305 is hereby amended to read as follows:

561.305 The ~~[division]~~ *department* shall establish and maintain a laboratory ~~[or laboratories]~~ for the following purposes:

1. The diagnosis of infectious, contagious and parasitic diseases of livestock, as may be necessary under the provisions of chapter 571 of NRS.

2. The diagnosis of infectious, contagious and parasitic diseases of bees, as may be necessary under the provisions of NRS 552.085 to 552.310, inclusive.

3. The diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as may be necessary under the provisions of NRS 554.010 to 554.240, inclusive.

4. The survey and identification of insect pests, plant diseases and noxious weeds, and the maintenance of a herbarium, as may be necessary under the provisions of NRS 555.010 to 555.249, inclusive.

5. The testing of pesticides, as may be necessary under the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

6. The safekeeping and maintenance of official standards of weights and measures as may be necessary under the provisions of chapter 581 of NRS.

7. The testing and grading of agricultural products and the testing of the purity and germinating power of agricultural seeds and the testing of the spray residue contained in produce, as may be necessary under the provisions of chapter 587 of NRS.

8. The analysis and testing of commercial fertilizers and agricultural minerals as may be necessary under the provisions of NRS 588.010 to 588.350, inclusive.

9. The analysis and testing of petroleum products, as may be necessary under the provisions of NRS 590.010 to 590.150, inclusive.

10. The analysis and testing of antifreeze, as may be necessary under the provisions of NRS 590.340 to 590.450, inclusive.

11. Any laboratory examinations, diagnoses, analyses or testing as may be deemed necessary by the ~~[administrator]~~ *director* and which can be made with equipment available in any such laboratory. Any ~~[citizen]~~ *person* may submit samples to the ~~[division]~~ *department* for examination, diagnosis, analysis or testing, subject to such rules and regulations as may be ~~[promulgated]~~ *adopted* by the ~~[administrator.]~~ *director*.

Sec. 146. NRS 561.315 is hereby amended to read as follows:

561.315 The ~~[administrator]~~ *director* may fix the maximum number of samples that may be examined, diagnosed, analyzed or tested in the department's laboratory ~~[or laboratories]~~ free of charge for any one natural person, group or corporation in any one period, and may fix reasonable fees for samples submitted in excess of those tested free of charge.

Sec. 147. NRS 561.325 is hereby amended to read as follows:

561.325 1. The ~~[division]~~ *department* may offer a standing reward, or a reward for each class of livestock, not to exceed $1,500, for information leading to the arrest and conviction of each person engaged in stealing livestock . ~~[, the reward to]~~ *The reward must* be paid to the person ~~[or~~

~~persons giving~~] *who provides* the information leading to the arrest and conviction of ~~[such person or persons]~~ *the person* immediately upon the conviction of the person ~~[or persons]~~ so arrested.

2. The ~~[administrator may promulgate]~~ *director may establish* such further conditions and rules ~~[pertaining]~~ *relating* to the offering of such rewards and the payments thereof as he may deem proper.

Sec. 148. NRS 561.335 is hereby amended to read as follows:

561.335 1. The revolving account for agriculture working capital in the amount of $10,000 is hereby created for the use of the ~~[division.]~~ *department.*

2. The account must be used specifically for carrying out the provisions of NRS 569.010 to 569.080, inclusive, and 569.100 to 569.130, inclusive.

3. The account may be used for:

(a) Paying the expenses of all programs and laws administered by the ~~[division,]~~ *department,* except expenses related to estrays which are required to be paid pursuant to NRS 569.090. The account must be reimbursed promptly from the proper funds in the state treasury by claims paid as other claims against the state are paid for any expenses paid pursuant to this paragraph.

(b) Providing advance money to officers and employees of the ~~[division]~~ *department* for travel expenses and subsistence allowances arising out of their official duties or employment. Such an advance constitutes a lien in favor of the ~~[division]~~ *department* upon the accrued wages of the requesting officer or employee in an amount equal to the sum advanced, but the ~~[administrator]~~ *director* may advance more than the amount of the accrued wages of the officer or employee. Upon the return of the officer or employee, he is entitled to receive any authorized expenses and subsistence in excess of the amount advanced, and a sum equal to the advance must be paid into the revolving account for agriculture working capital.

(c) Making grants and loans for any purpose authorized by subsection 2 of NRS 561.445. Any loan or grant made pursuant to this paragraph must be reimbursed promptly, as other claims against the state are paid, from the money deposited in the state treasury pursuant to subsection 1 of NRS 561.445.

4. The revolving account for agriculture working capital must be deposited in a bank qualified to receive deposits of public money and the deposit must be secured by a depository bond satisfactory to the state board of examiners.

Sec. 149. NRS 561.344 is hereby amended to read as follows:

561.344 1. The livestock inspection account is hereby created in the state general fund for the use of the ~~[division.]~~ *department.*

2. The following special taxes, fees and other money must be deposited in the livestock inspection account:

(a) All special taxes on livestock as provided by law, except the assessment collected pursuant to NRS 565.075 and any tax levied pursuant to NRS 575.070.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) Unclaimed proceeds from the sale of estrays by the ~~[division]~~ *department* pursuant to NRS 569.010 to 569.130, inclusive, or proceeds required to be deposited in the livestock inspection account pursuant to a cooperative agreement established pursuant to NRS 569.031.

(e) Fees collected pursuant to *the provisions of* chapter 573 of NRS.

(f) Fees collected pursuant to *the provisions of* chapter 576 of NRS.

(g) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of livestock, as authorized by NRS 561.305, and as are necessary pursuant to *the provisions of* chapter 571 of NRS.

3. Expenditures from the livestock inspection account must be made only for carrying out the provisions of *this chapter and* chapters 564, 569, 571, 573 and 576 of NRS . ~~[, and the provisions of this chapter.]~~

4. The interest and income earned on the money in the livestock inspection account, after deducting any applicable charges, must be credited to the account.

Sec. 150. NRS 561.365 is hereby amended to read as follows:

561.365 1. The apiary inspection account is hereby created in the state general fund for the use of the ~~[division.]~~ *department.*

2. The following fees must be deposited in the apiary inspection account:

(a) Fees collected pursuant to the provisions of NRS 552.085 to 552.310, inclusive.

(b) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of bees, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 552.085 to 552.310, inclusive.

3. Expenditures from the apiary inspection account must be made only ~~[for the purpose of carrying]~~ *to carry* out the provisions of *this chapter and* chapter 552 of NRS . ~~[and the provisions of this chapter.]~~

Sec. 151. NRS 561.375 is hereby amended to read as follows:

561.375 1. The noxious weed and insect pest control program is hereby established.

2. Money accepted by the ~~[division]~~ *department* under the provisions of NRS 555.010 to 555.460, inclusive, from the Federal Government or any federal department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, or a natural person, may be used in the noxious weed and insect pest control program.

3. Expenditures for the noxious weed and insect pest control program may be made only ~~[for the purpose of carrying]~~ *to carry* out the provisions of *this chapter and* chapter 555 of NRS . ~~[, and the provisions of this chapter.]~~

Sec. 152. NRS 561.385 is hereby amended to read as follows:

561.385 1. The agriculture registration and enforcement account is hereby created in the state general fund for the use of the ~~[division.]~~ *department.*

2. The following fees must be deposited in the agriculture registration and enforcement account:

(a) Fees collected pursuant to the provisions of NRS 586.010 to 586.450, inclusive.

(b) Fees collected pursuant to the provisions of NRS 588.010 to 588.350, inclusive.

(c) Fees collected pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

(d) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

(e) Laboratory fees collected for the analysis and testing of commercial fertilizers and agricultural minerals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 588.010 to 588.350, inclusive.

(f) Laboratory fees collected for the analysis and testing of petroleum products, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.010 to 590.150, inclusive.

(g) Laboratory fees collected for the analysis and testing of antifreeze, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

3. Expenditures from the agriculture registration and enforcement account may be made only ~~[for the purposes of carrying]~~ *to carry* out the provisions of *this chapter,* chapters 586, 588 and 590 of NRS ~~[,]~~ *and* NRS 555.2605 to 555.460, inclusive . ~~[, and the provisions of this chapter.]~~

Sec. 153. NRS 561.405 is hereby amended to read as follows:

561.405 The rural rehabilitation fund is hereby created as a special revenue fund in the state treasury for the use of the ~~[division]~~ *department* in carrying out the provisions of NRS 561.425 to 561.465, inclusive.

Sec. 154. NRS 561.409 is hereby amended to read as follows:

561.409 1. The alfalfa seed research and promotion account is hereby created in the state general fund. The proceeds of the special assessment levied pursuant to NRS 587.155 must be credited to the alfalfa seed research and promotion account and all refunds made pursuant to NRS 587.155 must be paid from the alfalfa seed research and promotion account.

2. Expenditures from the alfalfa seed research and promotion account may be made only for:

(a) Alfalfa seed research and marketing promotion programs;

(b) Administrative, per diem and travel expenses of the alfalfa seed advisory board; and

(c) Reimbursement to the ~~[division]~~ *department* for administrative expenses of the ~~[division,]~~ *department,* not to exceed 5 percent of the assessments collected.

Sec. 155. NRS 561.415 is hereby amended to read as follows:

561.415 1. Money to carry out the provisions of this chapter and to support the ~~[division]~~ *department* and the ~~[various]~~ programs administered by it, may be provided by direct legislative appropriation from the general fund.

2. All money in any fund in the state treasury available to the ~~[division]~~ *department* must be paid out on claims approved by the ~~[administrator]~~ *director* as other claims against the state are paid.

3. All money in the revolving account for agriculture working capital must be paid out by checks signed by the ~~[administrator]~~ *director* and by a deputy, or by two deputies designated by him for ~~[the]~~ *that* purpose.

Sec. 156. NRS 561.421 is hereby amended to read as follows:

561.421 Any field agent, inspector, or other officer or employee of the ~~[division,]~~ *department,* who collects currency in payment of any taxes, assessments, proceeds of sale, fees or other charges imposed pursuant to *the provisions of* this Title in an area of the state so remote that the currency can only be transmitted to the ~~[division]~~ *department* by mail, may mail a check in lieu of the amount collected in currency.

Sec. 157. NRS 561.423 is hereby amended to read as follows:

561.423 1. The garlic and onion research and promotion account is hereby created in the state general fund. The proceeds of the special assessment levied pursuant to NRS 556.070 must be credited to the account and all refunds made pursuant to NRS 556.070 must be paid from the account.

2. Expenditures from the account may be made only for:

(a) Garlic and onion research programs and marketing-promotion programs;

(b) Administrative, per diem and travel expenses of the garlic and onion growers' advisory board; and

(c) Reimbursement to the ~~[division]~~ *department* for administrative expenses of the ~~[division,]~~ *department,* not to exceed 5 percent of the assessments collected.

Sec. 158. NRS 561.425 is hereby amended to read as follows:

561.425 The ~~[division is designated and empowered to]~~ *department may* act as the agency of and ~~[in]~~ *on* behalf of and for the State of Nevada to make application to and to receive from the Secretary of Agriculture of the United States, or any other federal ~~[official]~~ *officer* properly authorized by the Federal Government and pursuant and subject to the provisions of that certain Act of Congress, approved May 3, 1950, entitled "An Act to provide for the liquidation of the trust under the transfer agreements with the state rural rehabilitation corporations, and for other purposes," being c. 152, 64 Stat. 98, 40 U.S.C. §§ 440 to 444, inclusive, the trust assets, either ~~[funds]~~ *money* or property, held by the United States as trustee for and in behalf of the defunct Nevada rural rehabilitation corporation.

Sec. 159. NRS 561.435 is hereby amended to read as follows:

561.435 The ~~[division]~~ *department* may:

1. Enter into agreements with the Secretary of Agriculture of the United States pursuant to section 2(f) of c. 152, 64 Stat. 98, 40 U.S.C. § 440(f), upon such terms and conditions and for such periods ~~[of time]~~ as may be mutually agreeable, authorizing the Secretary of Agriculture of the United States to accept, administer, expend and use in the State of Nevada all or any part of ~~[such]~~ *those* trust assets or any other money of the State of Nevada which may be appropriated for such uses for carrying out the purposes of the applicable provisions of the Bankhead-Jones Farm Tenant Act, being 7 U.S.C. §§ 1000 to 1031, inclusive, as ~~[the same]~~ *it* is now or hereafter may be amended.

2. Do ~~[any and all things]~~ *anything* necessary to ~~[effectuate and]~~ carry out the purposes of ~~[such]~~ *those* agreements.

Sec. 160. NRS 561.445 is hereby amended to read as follows:

561.445 1. Notwithstanding any other provisions of law, *the* money and ~~[the]~~ proceeds of the trust assets which are not authorized to be administered by the Secretary of Agriculture of the United States under the provisions of NRS 561.435 must be received by the ~~[division]~~ *department* and by it forthwith deposited with the state treasurer.

2. Such money is hereby appropriated and may be expended or obligated by the ~~[division]~~ *department* for the purposes of NRS 561.435 or for use by the ~~[division]~~ *department* for such of the rural rehabilitation purposes permissible under the charter of the now defunct Nevada rural rehabilitation corporation as may from time to time be agreed upon by the ~~[division]~~ *department* and the Secretary of Agriculture of the United States, subject to the applicable provisions of c. 152, 64 Stat. 98, 40 U.S.C. §§ 440 to 444, inclusive, and the applicable provisions of the Bankhead-Jones Farm Tenant Act.

Sec. 161. NRS 561.455 is hereby amended to read as follows:

561.455 1. The ~~[division]~~ *department* may:

(a) Collect, compromise, adjust or cancel claims and obligations arising out of or administered under *the provisions of* NRS 561.425 to 561.465, inclusive, or under any mortgage, lease, contract or agreement entered into or administered pursuant to NRS 561.425 to 561.465, inclusive, and, if in its judgment necessary and advisable, pursue the ~~[same]~~ *claims and obligations* to final collection in any court having jurisdiction.

(b) Bid for and purchase at any execution, foreclosure or other sale, or otherwise acquire property upon which the ~~[division]~~ *department* has a lien ~~[by reason]~~ *because* of a judgment or execution, or which is pledged, mortgaged, conveyed or which otherwise secures any loan or other indebtedness owing to or acquired by the ~~[division]~~ *department* pursuant to NRS 561.425 to 561.465, inclusive.

(c) Accept title to any property so purchased or acquired for and ~~[in]~~ *on* behalf of the state and may operate or lease ~~[such]~~ *the* property for such period as may be deemed necessary to protect the investment therein, and

may sell or otherwise dispose of ~~[such]~~ *the* property in a manner consistent with the provisions of NRS 561.425 to 561.465, inclusive.

2. The authority ~~[herein]~~ contained *in this section* may be delegated to the Secretary of Agriculture of the United States with respect to money or assets authorized to be administered and used by him under agreements entered into pursuant to NRS 561.435.

Sec. 162. NRS 561.465 is hereby amended to read as follows:

561.465 The United States, and the Secretary of Agriculture thereof, must be held free from liability ~~[by virtue]~~ *as a result* of the transfer of the assets to the ~~[division]~~ *department* pursuant to NRS 561.425 to 561.465, inclusive.

Sec. 163. NRS 562.060 is hereby amended to read as follows:

562.060 The state board of sheep commissioners, consisting of three members appointed by the governor, is hereby created ~~[.]~~ *within the state department of agriculture.*

Sec. 164. NRS 562.130 is hereby amended to read as follows:

562.130 The board may:

1. Employ a secretary and such inspectors and other employees as it may find necessary ~~[in carrying]~~ *to carry* out the provisions of this chapter.

2. Prescribe the duties and fix the compensation and travel and subsistence expenses of its employees and volunteers.

3. Require such bonds from its inspectors as ~~[the board sees fit.]~~ *it determines necessary.*

4. Request the ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ to designate, pursuant to NRS 561.225, one or more employees of the ~~[division]~~ *department* to issue sheep permits and act as sheep inspectors ~~[when]~~ *if* the board and its inspectors are unable to do so.

Sec. 165. NRS 562.390 is hereby amended to read as follows:

562.390 1. All sheep or bucks imported to Nevada from any state, territory or the District of Columbia or from any foreign country must, upon entering the state, irrespective of the time of entry, be dipped as required by and under the supervision of an inspector of the board. After the dipping, if the sheep or bucks are free of disease, they must be released and thereupon become subject to the laws, rules and regulations governing other sheep in the state.

2. ~~[When]~~ *If* sheep, other than bucks, are imported, transported or driven into the State of Nevada from any other state or territory, the District of Columbia or from any foreign country under *a* permit ~~[from]~~ *issued by* the board or a designated employee of the ~~[division]~~ *state department* of agriculture , ~~[of the department of business and industry,]~~ and the sheep are accompanied by a health certificate not more than 10 days old, signed by a state veterinarian, deputy state veterinarian, inspector of the Bureau of Animal Industry of the United States ~~[,]~~ or any authorized state sheep inspector, certifying that the sheep are free from disease and exposure thereto

and have not been for the preceding 6 months in any district infected with sheep scabies, the sheep may be admitted without dipping.

3. The board ~~[is authorized to]~~ *may* take charge of and dip as soon as possible any sheep and bucks imported into the State of Nevada not previously dipped in Nevada as required by this section, and the expenses for so doing must be paid by the owner of the sheep or bucks and constitute a lien upon the sheep or bucks until paid.

4. Any person, ~~[firm or corporation,]~~ or any servant, agent or employee thereof, who ~~[is the owner]~~ *owns* or *is* in charge or control of any sheep or bucks imported into the State of Nevada ~~[, violating]~~ *and who violates* the provisions ~~[or the dipping requirements]~~ of this section ~~[,]~~ is guilty of a gross misdemeanor.

Sec. 166. NRS 562.410 is hereby amended to read as follows:

562.410 1. Any person, ~~[company, corporation or association,]~~ or any agent, servant or employee thereof, desiring to move his ~~[or their]~~ sheep which are not sound, ~~[or]~~ which are infected with scabies or any infectious or contagious disease, or which have been exposed in any manner to any such infection or disease ~~[,]~~ must obtain from the member of the board supervising the district or from a designated employee of the ~~[division]~~ *state department* of agriculture , ~~[of the department of business and industry,]~~ a traveling permit. A permit may only be granted ~~[for the purpose of moving]~~ *to move* the sheep to the nearest practicable place where they may be treated for the infection or disease, and by such routes as the member of the board or the employee of the ~~[division]~~ *department* designates.

2. ~~[No such sheep may]~~ *A sheep specified in subsection 1 must not* be moved until a permit has been obtained.

3. The board may, by regulation, authorize an inspector to issue traveling permits.

4. Any person, ~~[company, corporation or association,]~~ or agent, servant or employee thereof, who violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 167. NRS 562.430 is hereby amended to read as follows:

562.430 1. ~~[No]~~ *A* sheep may *not* be brought into Nevada from any point outside ~~[thereof]~~ *this state* unless a permit has been issued by the board or a designated employee of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry authorizing their]~~ *authorizing the* entry *of the sheep* and the terms of the permit have been complied with . ~~[in all particulars.]~~

2. The permit must accompany the lot or shipment of sheep ~~[concerned and if]~~ *to which the permit applies. If* the shipment is made by *a* common carrier, the permit must be attached to the waybill or bill of lading.

3. Sheep or bucks trailing into the state from adjoining states for immediate interstate shipments, sheep and bucks grazing along and across the state lines, and sheep shipped or moved by any means from any part of

this state to feed yards in any other part of the state are governed by the ~~[rules and regulations of]~~ *regulations adopted by* the board.

4. If any person, ~~[company or corporation,]~~ or any agent, servant or employee thereof, is convicted of a violation of the provisions of this section, the person, ~~[company or corporation,]~~ or the agent, servant or employee thereof, shall be punished as provided in NRS 562.560.

Sec. 168. NRS 563.010 is hereby amended to read as follows:

563.010 The Nevada junior livestock show board is hereby created ~~[.]~~ *within the state department of agriculture.*

Sec. 169. NRS 563.151 is hereby amended to read as follows:

563.151 As used in NRS 563.151 to 563.221, inclusive, unless the context otherwise requires:

1. "Beef" includes beef products and veal products.
2. "Council" means the Nevada beef council.
3. *"Department" means the state department of agriculture.*
4. *"Director" means the director of the department.*

Sec. 170. NRS 563.161 is hereby amended to read as follows:

563.161 The Nevada beef council, consisting of five members appointed by the governor, is hereby created ~~[.]~~ *within the department.*

Sec. 171. NRS 563.181 is hereby amended to read as follows:

563.181 1. The council shall meet at least four times ~~[per]~~ *each* year and at the request of the chairman or a majority of the members.

2. The council shall operate on the basis of a fiscal year beginning July 1 and ending June 30.

3. The council shall furnish an annual report of its activities, expenditures and other financial information to the governor and to the ~~[administrator of the division of agriculture of the department of business and industry.]~~ *director.*

Sec. 172. NRS 563.221 is hereby amended to read as follows:

563.221 1. The ~~[administrator of the division of agriculture of the department of business and industry]~~ *director* shall deposit the money of the council with the state treasurer for credit to the account for the promotion of beef.

2. The state treasurer shall disburse the money of the council on the order of the council.

3. Claims against the account for the promotion of beef must be paid as other claims against the state are paid.

Sec. 173. NRS 564.010 is hereby amended to read as follows:

564.010 As used in this chapter:

1. ~~["Administrator" means the administrator of the division.~~

~~2.]~~ "Animals" means:

(a) All cattle or animals of the bovine species.
(b) All horses, mules, burros and asses or animals of the equine species.
(c) All swine or animals of the porcine species.
(d) All sheep and goats.

(e) Alternative livestock as defined in NRS 501.003.

~~[3. "Division"]~~

2. "Department" means the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry.]~~

3. "Director" means the director of the department.

Sec. 174. NRS 564.025 is hereby amended to read as follows:

564.025 1. As used in this section, "open range" means all unenclosed lands outside of cities and towns upon which animals by custom, license, lease or permit are grazed or permitted to roam.

2. Except as *otherwise* provided in subsection 3, every owner of animals in this state, who permits his animals to graze upon the open range, shall design, adopt and record a brand ~~[or brands,]~~ or *a* brand and mark ~~[, or brands and marks,]~~ and shall brand or brand and mark his animals as provided in NRS 564.010 to 564.150, inclusive.

3. Every owner of animals who brings such animals from another state into this state, ~~[which]~~ *if the* animals have a recorded or registered brand of ~~[such]~~ *that* other state, and who permits ~~[such]~~ *those* animals to graze upon the open range shall ~~[make application]~~ *apply* to the ~~[division]~~ *department* for *a* temporary use of ~~[such]~~ *the* brand. The application must state the ~~[duration of time such]~~ *period for which the* animals will remain in this state. The ~~[division]~~ *department* may grant a temporary use of ~~[such]~~ *the* brand for a designated period , ~~[of time,]~~ which may not exceed the ~~[duration of time]~~ *period* stated in the application, or require a new brand or *a* brand and mark as required by this section.

4. This section does not apply to animals *that are* less than 6 months of age.

Sec. 175. NRS 564.030 is hereby amended to read as follows:

564.030 The ~~[administrator is empowered and authorized to]~~ *director may* carry out the ~~[terms and]~~ provisions of NRS 564.010 to 564.150, inclusive, and, for that purpose, ~~[to make such rules and]~~ *adopt such* regulations not inconsistent therewith, and ~~[to]~~ appoint such agents, under his direction, as he deems necessary therefor. All ~~[expense]~~ *expenses* in connection therewith must be paid from the livestock inspection account, except as *otherwise* provided in NRS 564.010 to 564.150, inclusive.

Sec. 176. NRS 564.040 is hereby amended to read as follows:

564.040 1. Any owner of animals in this state desiring to adopt and use thereupon any brand, or brand and mark, or marks, as provided for in NRS 564.010 to 564.150, inclusive, shall, before doing so, forward to the ~~[division]~~ *department* an application, on a form approved and provided by the ~~[division]~~ *department* for that purpose, for the recording of ~~[such]~~ *the* brand, or brand and mark or marks, and receive a certificate of recordation as provided in NRS 564.010 to 564.150, inclusive.

2. The application must:

(a) Include a drawing, exact except as to size, of the brand, together with any earmarks or other marks desired or intended to be used therewith, and the

location upon the animal or animals concerned where ~~[such]~~ *the* brand and earmarks or other marks are desired or intended to be used;

(b) Include a statement of the kinds of animals upon which the brand or brand and mark or marks ~~[is or are to]~~ *are used or will* be used;

(c) Include a statement of the approximate boundaries of that part of the state within which it is intended to use the ~~[same;]~~ *brand, brand and mark or marks;* and

(d) Include the full name and address of the applicant.

3. For the purpose of NRS 564.010 to 564.150, inclusive, the post office address included in the application must be considered the legal address of the applicant until the ~~[division]~~ *department* receives from the applicant, in writing, a notice of *the* change of the ~~[same,]~~ *address,* the latest address of record with the ~~[division]~~ *department* remaining the legal address.

Sec. 177. NRS 564.050 is hereby amended to read as follows:

564.050 1. Only one brand may be awarded or recorded for each owner of animals, except that the owner or owners of separate and distinct livestock units may, under the ~~[terms]~~ *provisions* of NRS 564.010 to 564.150, inclusive, and within the discretion of the ~~[division,]~~ *department,* record one brand for use in connection with and for each such distinct and separate livestock unit.

2. No brand may be recorded or used which is identical with or, in the opinion of the ~~[division,]~~ *department,* so similar to any brand previously recorded and remaining of legal record, or any abandoned brand which has not been abandoned for 1 year, as provided in NRS 564.120, ~~[as to be liable to]~~ *that it may* cause confusion as to the identity or ownership of animals, or which ~~[can]~~ *may* be readily used to obliterate or alter any legally recorded brand ~~[already in use]~~ *that is used* in the same area in this state.

3. ~~[Nothing in]~~ *The provisions of* this section ~~[applies]~~ *do not apply* to the rerecording of any brand ~~[or brands]~~ legally recorded on July 1, 1961, and remaining of legal record in this state under the provisions of NRS 564.010 to 564.150, inclusive, insofar as the legal owners of ~~[such]~~ *the* brand ~~[or brands]~~ on July 1, 1961, are concerned, until July 1, 1976, or to brands legally transferred as provided for in NRS 564.110.

4. After July 1, 1959, ~~[no]~~ *an* earmark may *not* be recorded which violates the provisions of subsection 3 of NRS 564.020.

Sec. 178. NRS 564.060 is hereby amended to read as follows:

564.060 1. Upon receipt of an application, as set forth in NRS 564.040, the ~~[division]~~ *department* shall cause the records of previously recorded brands, remaining of legal record, or not abandoned for more than 1 year as provided in NRS 564.120, to be searched and, if the brand applied for is recordable under the provisions of NRS 564.050, award the brand set forth in the application to the applicant and proceed to record the ~~[same,]~~ *brand,* together with the mark or marks.

2. In the case of any brand awarded after July 1, 1945, the recording certificate issued by the ~~[division]~~ *department* must define the area within

this state where the ~~[same]~~ *brand* may be used, and the position ~~[or positions,]~~ on the animal ~~[or animals]~~ concerned, where it may be applied, and the use of the brand outside ~~[of such]~~ *that* area, or its application to other positions, without the written approval of the ~~[division]~~ *department* is unlawful.

3. ~~[No]~~ *A* brand applied for ~~[may]~~ *must not* be awarded or recorded until after the lapse of 2 legal business days ~~[subsequent to]~~ *after* the receipt of the application for the ~~[same]~~ *brand* at the established office of the ~~[division.]~~ *department.*

4. In all cases where, under the terms of NRS 564.010 to 564.150, inclusive, the brand or brands and mark or marks applied for cannot legally be awarded by the ~~[division]~~ *department* to the applicant, the applicant must promptly be so notified by the ~~[division.]~~ *department.*

5. Applications for the awarding and recording of brands or brands and marks must take precedence in the chronological order of their receipt at the established office of the ~~[division.]~~ *department.*

6. The ~~[division may, in its discretion,]~~ *department may* refuse to award or record a brand known to be in use at the time in this state, or in an abutting county of an adjoining state, by a person ~~[or persons]~~ other than the applicant therefor.

Sec. 179. NRS 564.070 is hereby amended to read as follows:

564.070 1. Upon the awarding of a brand or brands as provided in NRS 564.010 to 564.150, inclusive, the ~~[division]~~ *department* shall immediately proceed to record the ~~[same.]~~ *brand or brands.*

2. ~~[Such]~~ *The* recording must consist of the transcribing upon a suitable and permanent record, which is a public record and prima facie evidence of the facts contained ~~[therein,]~~ *in the record,* designed and approved by the ~~[division]~~ *department* for that purpose, of:

(a) A facsimile, except as to scale, of the brand or brand and mark or marks awarded.

(b) The location upon the animal ~~[or animals]~~ concerned of the brand or brand and mark or marks as awarded.

(c) The date of application.

(d) The date of award.

(e) The district within which the brand or brands and mark or marks ~~[is or are intended to]~~ *are used or will* be used.

(f) The kind of animals upon which ~~[it is or they are intended to]~~ *the brand or brands and marks are used or will* be used.

3. The ~~[division]~~ *department* shall promptly cause to be prepared and sent to the person to whom the award is made a certificate containing the same entries as those set forth upon the permanent record of the ~~[division]~~ *department* described in subsection 2 and certified to by the ~~[division]~~ *department* or its ~~[duly]~~ authorized agent. ~~[Such a]~~ *The* certificate has the legal status of similar certificates as set forth in NRS 564.090.

Sec. 180. NRS 564.080 is hereby amended to read as follows:

564.080 Except as otherwise provided in NRS 564.010 to 564.150, inclusive, the ~~[division may, in its discretion, establish fair and reasonable charges deemed justified by the division]~~ *department may establish* and collect ~~[the same]~~ *reasonable fees* for:

1. The recording of brands or brands and marks;
2. The rerecording of ~~[the same;]~~ *brands or brands and marks;*
3. The recording of instruments transferring ownership of brands or brands and marks; or
4. Certificates of recordation or rerecordation of brands or brands and marks.

Sec. 181. NRS 564.090 is hereby amended to read as follows:

564.090 All certificates of recordation of brands or brands and marks furnished by the ~~[division]~~ *department* under the provisions of NRS 564.010 to 564.150, inclusive, are prima facie evidence of the ownership of all animals of the kind or kinds and bearing the brand or brands and mark or marks specified and as set forth therein, and ~~[such]~~ *those* certificates must be taken as evidence of ~~[such]~~ *that* ownership in all suits of law or in equity, or in any criminal proceedings, ~~[when]~~ *if* the title to animals in this state is involved or proper to be proved.

Sec. 182. NRS 564.110 is hereby amended to read as follows:

564.110 1. Any brand or brand and mark or marks ~~[,]~~ awarded and recorded and remaining of record in accordance with the terms of NRS 564.010 to 564.150, inclusive, including those transferred legally as provided in this section, are the property of the person ~~[or persons]~~ to whom they stand of record as provided in NRS 564.010 to 564.150, inclusive, and are subject to sale, assignment, transfer, security agreement or lien, devise and descent the same as other personal property.

2. Instruments of writing evidencing ~~[such]~~ *the* sale, assignment, transfer, security agreement, lien, devise or descent must be in that form, as to text, signatures, witnesses, acknowledgments or certifications, required by statutes, in the case of the kind of instrument concerned, but the ~~[division]~~ *department* may secure such competent legal advice or rulings, and require such supporting evidence as it deems necessary, as to such instruments of writing, being in fact, authentic and in ~~[due]~~ legal form, before approving and recording ~~[the same,]~~ *those instruments of writing* as provided in NRS 564.010 to 564.150, inclusive.

3. Instruments in writing evidencing the transfer of ownership of any brand or brand and mark or marks must, after approval, be recorded in the office of the ~~[division]~~ *department* in a book to be provided for that purpose, and are not legally binding until so approved by the ~~[division]~~ *department* and recorded.

4. ~~[Recording of such]~~ *The recording of those* instruments has the same force and effect as to third parties as the recording of instruments affecting the sale, assignment, transfer, devise or descent of other personal property. The original, or a certified copy of any such instrument, may be introduced in

evidence *in* the same *manner* as is provided for similar instruments affecting personal property, and the record of ~~[such]~~ *the* instrument or instruments of transfer, or the transcript thereof certified by the custodian of ~~[such]~~ *the* record, may be read in evidence without further proof.

5. ~~[Whenever]~~ *If* any brand or brand and mark or marks of record, in accordance with the ~~[terms]~~ *provisions* of NRS 564.010 to 564.150, inclusive, becomes the subject of, or is included in, any security agreement, provisional assignment or legal lien, the secured party, provisional assignee or lien holder may notify the ~~[division]~~ *department* in writing as to the existence and conditions of ~~[such]~~ *the* security agreement, provisional assignment or lien. After the receipt of ~~[such]~~ *the* written notice , the ~~[division]~~ *department* shall not transfer ~~[such]~~ *the* brand or brand and mark or marks, other than to ~~[such]~~ *the* secured party, provisional assignee or lien holder until there is filed with the ~~[division]~~ *department* satisfactory legal evidence that ~~[such]~~ *the* security agreement, provisional assignment or lien has been legally satisfied and removed.

6. No transfer or change, or partial, joint or complete ownership, of any brand under the provisions of this section:

(a) Grants or recognizes any change in the method or area of its use from that authorized at the time of recording, or subsequent thereto but before the transfer or change of ownership; or

(b) Waives or modifies the rerecording requirements set forth in NRS 564.120.

Sec. 183. NRS 564.120 is hereby amended to read as follows:

564.120 1. Any owner of a brand or brand and mark or marks of record under the provisions of NRS 564.010 to 564.150, inclusive, including brands or marks transferred ~~[under the terms]~~ *pursuant to the provisions* of NRS 564.110, desiring legally to continue the use of the ~~[same]~~ *brand or brand and mark or marks* beyond the prescribed dates shall, within 60 days ~~[prior to]~~ *before* January 1, 1976, and at the end of each 4-year period thereafter, ~~[make application]~~ *apply* to the ~~[division]~~ *department* for the rerecording of the ~~[same.]~~ *brand or brand and mark or marks.*

2. The application must be made in writing and accompanied by any rerecording fee ~~[set]~~ *established* by the ~~[division in accord]~~ *department in accordance* with the provisions of NRS 564.080.

3. The ~~[division]~~ *department* shall notify every owner of a brand or brand and mark or marks of legal record in its office, including owners of brands and marks transferred under the provisions of NRS 564.110, at least 60 days ~~[prior to]~~ *before* January 1, 1976, and January 1 at the end of each 4-year period thereafter, of his right to rerecord the ~~[same]~~ *brand or brand and mark or marks* as provided in this section. The notice must be in writing and ~~[must be]~~ sent by mail to each such owner at his last address of record in the office of the ~~[division.]~~ *department.* The notice is complete at the expiration of 60 days ~~[from]~~ *after* the date of its mailing by the ~~[division.]~~ *department.*

4. The ~~[division]~~ *department* may also advertise the approach of any rerecording period in such manner and at such times at it deems advisable.

5. Any ~~[or all]~~ brands or brands and marks for the rerecording of which the owners have not applied as provided for in this section by January 1, 1976, or by January 1 of any 4-year period ~~[succeeding]~~ *after* that date, including all brands and marks of record as transferred as provided in NRS 564.110, shall be deemed abandoned and no longer of legal record as provided for by NRS 564.010 to 564.150, inclusive. Brands or brands and marks thus abandoned may not be awarded or recorded by the ~~[division]~~ *department* to persons other than those *persons* abandoning the ~~[same]~~ *brands or brands and marks* until 1 year ~~[has elapsed from the date of such abandonment and the]~~ *after the date of the abandonment. The* awarding and recording of abandoned brands or brands and marks to any person must be in ~~[accord]~~ *accordance* with the ~~[terms]~~ *provisions* of NRS 564.010 to 564.150, inclusive.

6. The ~~[division]~~ *department* shall furnish the legal owners of any brand or brand and mark or marks rerecorded under the provisions of this section with a certificate setting forth the fact of ~~[such]~~ *the* rerecordation.

7. No new brands may be recorded during the 60 days of a rerecording period unless in the opinion of the ~~[administrator]~~ *director* undue hardship would be caused the applicant.

Sec. 184. NRS 564.130 is hereby amended to read as follows:

564.130 1. The ~~[division]~~ *department* may compile and issue books, and supplements thereto, containing transcripts of part or all of its records of brands and marks, so arranged and indexed as to be suitable for use in identifying any brands or marks which may be found in this state on any animals, or the hides thereof, and used in compliance with the ~~[terms]~~ *provisions* of NRS 564.010 to 564.150, inclusive.

2. Copies of the ~~[same]~~ *brand books and supplements* must be made available to any person at a charge to be fixed by the ~~[division,]~~ *department,* but the charge must not be less than the cost of compilation, publication and issuance.

3. Copies of ~~[such]~~ *the* brand books or supplements may be furnished by the ~~[division,]~~ *department,* without charge, to any public ~~[official]~~ *officer* or other person whose possession of ~~[such]~~ *the* book or supplements will, in the opinion of the ~~[division,]~~ *department,* serve to promote the general welfare.

Sec. 185. NRS 564.140 is hereby amended to read as follows:

564.140 1. It is unlawful for the owner ~~[or owners]~~ of any legally recorded brand, recorded under the provisions of NRS 564.010 to 564.150, inclusive, to use the brand on any position , ~~[or positions,]~~ on any animal , ~~[or animals,]~~ or in any area , ~~[or areas,]~~ other than ~~[those]~~ *that* authorized in writing at the time the brand was recorded, or subsequent thereto, by the ~~[division. The division]~~ *department. The department* may, on the written application of the owner ~~[or owners]~~ of any legally recorded brand, authorize in writing a change of position ~~[, or new positions]~~ *or a new position* for the

application of the brand, or change or enlarge the area in which it may be used, if in the opinion of the ~~[division]~~ *department* the change ~~[or changes]~~ in position or area of use will not jeopardize or injure the rights or property of the owner ~~[or owners]~~ of any other brand remaining of legal record.

2. Any application for a change in position ~~[, or new positions, or changes]~~ *or a new position or a change* in the area of use as provided in subsection 1 must set forth a ~~[valid and]~~ sufficient reason ~~[or reasons]~~ for the ~~[same,]~~ *change,* and the ~~[division]~~ *department* may require such supporting evidence for the ~~[same]~~ *change* as it deems necessary to establish the facts.

3. It is unlawful for any person to obliterate, disfigure, extend, deface or remove from any animal a brand that is recorded pursuant to the provisions of NRS 564.010 to 564.150, inclusive.

Sec. 186. NRS 564.150 is hereby amended to read as follows:

564.150 Any person violating any of the provisions of NRS 564.010 to 564.140, inclusive:

1. Is guilty of a misdemeanor, except that any person who violates the provisions of subsection 3 of NRS 564.140 is guilty of a gross misdemeanor.

2. In addition to any criminal penalty, shall pay to the ~~[division]~~ *department* an administrative fine of not more than $1,000 per violation.

If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~[division.]~~ *department.*

Sec. 187. NRS 565.010 is hereby amended to read as follows:

565.010 As used in this chapter, unless the context *otherwise* requires ~~[otherwise:~~

~~1. "Administrator" means the administrator of the division.~~

~~2.]~~ *:*

1. "Animals" means:

(a) All cattle or animals of the bovine species except dairy breed calves under the age of 1 month.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) Alternative livestock as defined in NRS 501.003.

~~[3.]~~ *2.* "Brand inspection" means a careful examination of each animal offered for such inspection and an examination of any brands, marks or other characteristics thereon.

~~[4. "Division"]~~

3. "Department" means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

4. "Director" means the director of the department.

Sec. 188. NRS 565.030 is hereby amended to read as follows:

565.030 The ~~[division]~~ *department* is designated as the authority to administer, and carry out and enforce the provisions of, this chapter and any ~~[rules and regulations issued thereunder.]~~ *regulations adopted pursuant thereto.*

Sec. 189. NRS 565.040 is hereby amended to read as follows:

565.040 1. The ~~[administrator]~~ *director* may declare any part of this state a brand inspection district.

2. After the creation of any brand inspection district as authorized by this chapter , all animals within any such district are subject to brand inspection in ~~[accord with the terms]~~ *accordance with the provisions* of this chapter before:

(a) Consignment for slaughter within any district;

(b) Any transfer of ownership by sale or otherwise; or

(c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the ~~[division.~~

~~3. Whenever]~~ *department.*

3. If a brand inspection district is created by the ~~[division]~~ *department* pursuant to the provisions of this chapter, the ~~[administrator]~~ *director* shall adopt ~~[and issue]~~ regulations defining the boundaries of the district ~~[,]~~ *and* the fees to be collected for brand inspection ~~[,]~~ and prescribing such other ~~[rules or]~~ methods of procedure not inconsistent with the provisions of this chapter as he ~~[deems wise.]~~ *considers necessary.*

4. Any regulations ~~[issued]~~ *adopted* pursuant to the provisions of this section must be published at least twice in ~~[some]~~ *a* newspaper having a general circulation in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the transportation services authority operating in the brand inspection district . ~~[, which]~~ *Such* publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the livestock inspection account.

Sec. 190. NRS 565.070 is hereby amended to read as follows:

565.070 The ~~[division is authorized to]~~ *department may* levy and collect a ~~[reasonably compensatory fee or fees]~~ *reasonable fee* for brand inspection as required under the provisions of this chapter. Any fee ~~[or fees]~~ so levied must be collected in the manner prescribed by the ~~[administrator.]~~ *director.*

Sec. 191. NRS 565.075 is hereby amended to read as follows:

565.075 The ~~[division]~~ *department* may collect the assessment required pursuant to 7 U.S.C. § 2904 and shall deposit the money collected with the state treasurer for credit to the account for the promotion of beef.

Sec. 192. NRS 565.090 is hereby amended to read as follows:

565.090 1. Except as otherwise provided in subsections 3 and 6, it is unlawful for any person to drive or otherwise remove any animals out of a brand inspection district created under the provisions of this chapter until the animals have been inspected and a brand inspection clearance certificate is issued by the ~~[division]~~ *department* or a written permit from the ~~[division]~~ *department* has been issued authorizing the movement without brand inspection.

2. Any person contemplating the driving or movement of any animals out of a brand inspection district shall notify the ~~[division]~~ *department* or an inspector thereof of his intention, stating:

(a) The place at which it is proposed to cross the border of the brand inspection district with the animals.

(b) The number and kind of animals.

(c) The owner of the animals.

(d) The brands and marks of the animals claimed by each owner and, if they are other than the brands and marks legally recorded in the name of the owner, information ~~[as to what the claim to]~~ *concerning the basis for the claim of* ownership or legal possession . ~~[is based upon.]~~

(e) The date of the proposed movement across the border of the brand inspection district and the destination of the movement.

(f) If a brand inspection is required, a statement ~~[as to]~~ *setting forth the place* where the animals will be held for brand inspection.

3. ~~[This section does]~~ *The provisions of this section do* not apply to animals whose accustomed range is on both sides of the boundary of any brand inspection district but contiguous to that district and which are being moved from one portion of the accustomed range to another merely for pasturing and grazing thereon.

4. ~~[All the]~~ *The* provisions of this section apply at all times to the movement of any animals across the Nevada state line to any point outside of the State of Nevada, ~~[excepting]~~ *except* animals whose accustomed range is on both sides of the Nevada state line but contiguous thereto and which are being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon.

5. In addition to the penalty imposed in NRS 565.170, a person who violates *the provisions of* subsection 1 is:

(a) For the first violation, subject to an immediate brand inspection of the animals by the ~~[division]~~ *department* and shall reimburse the ~~[division]~~ *department* for its time and mileage and pay the usual fees for the brand inspection.

(b) For the second and any subsequent violation, ineligible for a permit to move any livestock without *a* brand inspection until the state board of agriculture is satisfied that any future movement will comply with all applicable statutes and regulations.

6. The ~~[division]~~ *department* may establish regulations specifying the circumstances under which a permit may be issued authorizing the movement of livestock without a brand inspection pursuant to this section. ~~[Such]~~ *The* circumstances may include, without limitation, *the* routine movement of horses and bulls within and from this state for the purpose of participating in a rodeo.

Sec. 193. NRS 565.100 is hereby amended to read as follows:

565.100 It is unlawful for any person to consign for slaughter, or slaughter at an approved plant, or transfer ownership of any animals by sale

or otherwise within any brand inspection district created under the provisions of this chapter, until ~~[such]~~ *the* animals have been inspected by an inspector of the ~~[division]~~ *department* and a brand inspection clearance certificate issued covering the ~~[same.]~~ *animals.*

Sec. 194. NRS 565.120 is hereby amended to read as follows:

565.120 1. Upon the completion of brand inspection , the inspector of the ~~[division]~~ *department* shall, except as otherwise provided in this chapter, issue a brand inspection clearance certificate on which must be entered:

(a) The name and address of the person ~~[or persons]~~ claiming to own the animals.

(b) The proposed destination of the animals.

(c) The name and address of the consignee.

(d) A full description of all the animals inspected, including the number, kind, sex, age, color and the brands or brands and marks thereon.

(e) The amount of the inspection fee or fees collected.

(f) The signature of the owner or his authorized agent.

2. One copy of the brand inspection certificate must be delivered to the common carrier undertaking to transport ~~[such]~~ *the* animals out of the brand inspection district for attachment to its waybill, or to the person ~~[or persons]~~ intending to drive, move or otherwise transport ~~[such]~~ *the* animals out of the brand inspection district other than by common carrier to accompany the animals to destination, and one copy must be immediately forwarded to the office of the ~~[division.]~~ *department.*

Sec. 195. NRS 565.130 is hereby amended to read as follows:

565.130 1. The ~~[division]~~ *department* or its ~~[duly]~~ authorized inspector shall refuse to issue brand inspection clearance certificates or permits to remove animals from a brand inspection district without brand inspection as provided in this chapter, subject to brand inspection under the provisions of this chapter, not bearing brands or brands and marks of legal record in the name of the person ~~[or persons]~~ claiming lawful possession of and applying for inspection of ~~[such]~~ *the* animals, until satisfactory evidence of ~~[such]~~ *the* right to legal possession of the ~~[same]~~ *animals* and shipment or removal from ~~[such]~~ *the* brand inspection district has been supplied *to* the ~~[division]~~ *department* or its ~~[duly]~~ authorized inspector.

2. The ~~[division]~~ *department* and its ~~[duly]~~ authorized inspector shall ~~[also]~~ use all due vigilance to prevent the unlawful removal by any person ~~[or persons]~~ of any animals from any brand inspection district ~~[or districts]~~ created under the provisions of this chapter.

Sec. 196. NRS 565.155 is hereby amended to read as follows:

565.155 In addition to enforcing the provisions of this chapter through its inspectors, the ~~[division]~~ *department* may:

1. Authorize other peace officers to enforce the provisions of this chapter; and

2. Adopt regulations specifying the procedures for the enforcement of the provisions of this chapter by the inspectors of the ~~[division]~~ *department* and other peace officers.

Sec. 197. NRS 565.160 is hereby amended to read as follows:

565.160 ~~[Nothing in]~~ *The provisions of* this chapter ~~[affects]~~ *do not affect* the right of the ~~[division]~~ *department* conferred by any other law ~~[or laws]~~ to inspect any animals for the determination of the ownership thereof, or for any other purpose under the provisions of any such other law . ~~[or laws.]~~

Sec. 198. NRS 565.170 is hereby amended to read as follows:

565.170 Any person ~~[, firm or corporation]~~ violating any of the provisions of this chapter:

1. Is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

2. In addition to any criminal penalty, shall pay to the ~~[division]~~ *department* an administrative fine of not more than $1,000 per violation.

If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~[division.]~~ *department.*

Sec. 199. NRS 566.015 is hereby amended to read as follows:

566.015 As used in this chapter, ~~["division"]~~ *"department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

Sec. 200. NRS 566.025 is hereby amended to read as follows:

566.025 It is unlawful for any person to have in his possession all or part of the carcass of any bovine animal unless:

1. ~~[Such]~~ *The* animal was slaughtered at a slaughtering establishment under a United States Government, state, county or municipal inspection system which provides for adequate stamping for identification of all carcasses or parts of carcasses before release; or

2. ~~[Such]~~ *The* person exhibits to any peace officer authorized by the ~~[division]~~ *department* under NRS 566.035, or to any inspector of the ~~[division,]~~ *department,* on demand *:* ~~[, either:]~~

(a) The hide of the animal from which the carcass was obtained, with ears and brands attached without disfiguration or alteration;

(b) A certificate of inspection or release of the carcass, or of the carcass and hide, issued by an inspector of the ~~[division;]~~ *department;* or

(c) A bill of sale, memorandum of sale or other document, signed by the seller or donor of the meat, showing the name and address of the seller or donor.

Sec. 201. NRS 566.027 is hereby amended to read as follows:

566.027 Any person who slaughters any cattle, unless ~~[such]~~ *the* animal was slaughtered at a slaughtering establishment under a United States Government, state, county or municipal inspection system which provides for adequate stamping for identification of all carcasses or parts of carcasses before release, shall retain in his possession the hide or hides removed from

~~[such]~~ *the* cattle with the ears and brands attached without disfiguration or alteration, for a period of 30 days, unless ~~[such]~~ *the* hide or hides are released pursuant to a certificate of release issued by an inspector of the ~~[division. Such]~~ *department. The* person shall, upon demand within ~~[such]~~ *that* period by any inspector of the ~~[division]~~ *department* or any game warden or peace officer of this state, exhibit the hide or hides of any cattle so slaughtered or the certificate of release.

Sec. 202. NRS 566.035 is hereby amended to read as follows:

566.035 1. In addition to regular ~~[division inspectors, the division]~~ *inspectors of the department, the department* may authorize and direct any ~~[duly]~~ elected or appointed peace officer to conduct the inspection provided for in this chapter.

2. ~~[Such]~~ *The* peace officer shall conduct the inspection under the supervision of the ~~[division.]~~ *department.*

Sec. 203. NRS 566.045 is hereby amended to read as follows:

566.045 Any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor and, in addition to any criminal penalty, shall pay to the ~~[division]~~ *department* an administrative fine of not more than $1,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~[division.]~~ *department.*

Sec. 204. NRS 567.020 is hereby amended to read as follows:

567.020 ~~[For the purpose of controlling]~~ *To control* predatory animals, property-destroying birds and rodents within the State of Nevada, with money as may be made available to it by contributions ~~[either by]~~ *from* private or public agencies, or otherwise, ~~[there is hereby created within the department of business and industry]~~ the state predatory animal and rodent committee ~~[,]~~ *is hereby created within the state department of agriculture.*

Sec. 205. NRS 568.040 is hereby amended to read as follows:

568.040 ~~[For the purpose of directing and guiding]~~ *To direct and guide* the disposition of the range improvement fund of each grazing district concerned, in ~~[those manners]~~ *the manner* most beneficial to the stock-raising payers of the grazing fees from which ~~[such]~~ *the* funds are derived and to the counties concerned, there is hereby created *within the state department of agriculture* a state *grazing* board for each Bureau of Land Management grazing district established and existing in Nevada under the provisions of the Taylor Grazing Act.

Sec. 206. NRS 569.005 is hereby amended to read as follows:

569.005 As used in NRS 569.010 to 569.130, inclusive, unless the context otherwise requires:

1. ~~["Division"]~~ *"Department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

2. *"Director" means the director of the department.*

3. "Estray" means any livestock running at large upon public or private lands in the State of Nevada, whose owner is unknown in the section where the animal is found.

~~[3.]~~ *4.* "Livestock" means:

(a) All cattle or animals of the bovine species;

(b) All horses, mules, burros and asses or animals of the equine species;

(c) All swine or animals of the porcine species;

(d) All goats or animals of the caprine species;

(e) All sheep or animals of the ovine species; and

(f) All poultry or domesticated fowl or birds.

Sec. 207. NRS 569.010 is hereby amended to read as follows:

569.010 1. Except as otherwise provided by law, all estrays within this state shall be deemed for the purpose of this section to be the property of the ~~[division.]~~ *department.*

2. The ~~[division]~~ *department* has all rights accruing pursuant to the laws of this state to owners of ~~[such]~~ *those* animals, and may:

(a) Dispose of estrays by sale through an agent appointed by the ~~[division;]~~ *department;* or

(b) Provide for the control, placement or disposition of estrays through cooperative agreements pursuant to NRS 569.031.

3. Except as otherwise provided by law, all money collected for the sale or for the injury or killing of any such animals must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the livestock inspection account after 1 year. The ~~[division]~~ *department* may disallow all claims if ~~[the division]~~ *it* deems the claims illegal or not showing satisfactory evidence of title.

4. ~~[Neither the division nor]~~ *The department or* any political subdivision of this state is *not* liable for any trespass or other damage caused by any of ~~[such]~~ *those* estrays.

Sec. 208. NRS 569.020 is hereby amended to read as follows:

569.020 1. Any county, city, town, township or other peace officer or poundmaster who impounds under the provisions of any state law or county or municipal ordinance any livestock shall, immediately after impounding ~~[such]~~ *the* livestock, send a written notice to the ~~[division.]~~ *department.*

2. The notice must contain a full description, including all brands and marks, sex, age, weight, color and kind of each animal so impounded.

3. If the owner ~~[or owners of such livestock are]~~ *of the livestock is* not known , and in case of the sale of ~~[such]~~ *the* impounded livestock as prescribed by law, all notices posted or advertisements published by any officer or other person having charge of the sale *must* include a complete description of each ~~[such]~~ animal to be sold, including all brands and marks, sex, age, weight, color and kind.

Sec. 209. NRS 569.031 is hereby amended to read as follows:

569.031 The ~~[division]~~ *department* may enter into a cooperative agreement for the control, placement or disposition of the livestock with another agency of this state or with a county, city, town, township, peace officer, poundmaster or nonprofit organization. If an agreement is entered into, it must provide for:

1. The responsibility for the payment of the expenses incurred in taking up, holding, advertising and making the disposition of the estray, and any damages for trespass allowed pursuant to NRS 569.440;
2. The disposition of any money received from the sale of the livestock;
3. The protection of the rights of a lawful owner of an estray pursuant to NRS 569.040 to 569.130, inclusive; and
4. The designation of the specific geographic area of this state to which the cooperative agreement applies.

The ~~[division]~~ *department* shall annually review the actions of the cooperating person or entity for compliance with the agreement. The ~~[division]~~ *department* may cancel the agreement upon a finding of noncompliant actions.

Sec. 210. NRS 569.040 is hereby amended to read as follows:

569.040 1. Except as otherwise provided in subsection 2, NRS 569.040 to 569.130, inclusive, or pursuant to a cooperative agreement established pursuant to NRS 569.031, it is unlawful for any person or his employees or agents, other than an authorized agent of the ~~[division,]~~ *department,* to:

(a) Take up any estray and retain possession of it; or

(b) Feed any estray.

2. For a first violation of paragraph (b) of subsection 1, a person may not be cited or charged criminally but must be ~~[reminded]~~ *informed* that it is unlawful to feed an estray.

Sec. 211. NRS 569.050 is hereby amended to read as follows:

569.050 ~~[When any]~~ *If a* person takes up an estray, he shall, within 5 days thereafter, make out a written description of ~~[such]~~ *the* animal, setting forth all marks or brands appearing upon ~~[such]~~ *the* animal, and other marks of identity, ~~[such as]~~ *including* color, age and sex, and forward the ~~[same]~~ *description* by mail to the ~~[division]~~ *department* at its office.

Sec. 212. NRS 569.060 is hereby amended to read as follows:

569.060 1. Upon receiving notice of the taking up of an estray , the ~~[division,]~~ *department,* or its ~~[duly]~~ authorized agent, shall make or cause to be made an examination of the state brand records.

2. If from the records the name of the owner or probable owner can be determined, the ~~[division,]~~ *department,* or its ~~[duly]~~ authorized agent, shall forthwith notify him of the taking up of the estray . ~~[or estrays.]~~

3. Upon the owner's proving to the satisfaction of the ~~[division]~~ *department* that the estray animal ~~[or animals are]~~ *is* lawfully his, the ~~[division]~~ *department* shall issue to him an order to receive ~~[them]~~ *the estray* upon the payment of any damages allowed by law and such charges as may

be approved by the ~~[division]~~ *department* as reasonable which may have been incurred in the care of the animal ~~[or animals]~~ so taken up.

4. Upon receipt of a notice of the taking up of an estray, the ~~[division,]~~ *department,* or its ~~[duly]~~ authorized agent, may require a closer examination of the brands and marks, as set forth in the notice, and may require a state inspector to examine the brands before advertising.

Sec. 213. NRS 569.070 is hereby amended to read as follows:

569.070 1. Except as otherwise provided in subsection 4, if the owner or probable owner of an estray cannot with reasonable diligence be determined by the ~~[division]~~ *department* or its authorized agent, the ~~[division]~~ *department* shall advertise the estray or cause it to be advertised.

2. A notice of the estray, with a full description, giving brands, marks and colors thereon, must be published in a newspaper published at the county seat of the county in which the estray was taken up. If there is no newspaper published at the county seat of the county, the notice must be published in the newspaper published at the nearest point to that county.

3. Expenses incurred in carrying out the provisions of subsections 1 and 2 must be deducted from the proceeds of the sale of the estray advertised.

4. Except as otherwise provided in NRS 562.420, the ~~[division]~~ *department* may sell an injured, sick or otherwise debilitated estray if, as determined by the ~~[division,]~~ *department,* the sale of the estray is necessary to facilitate the placement or other disposition of the estray. If an estray is sold pursuant to this subsection, the ~~[division]~~ *department* shall give a brand inspection clearance certificate to the purchaser.

Sec. 214. NRS 569.080 is hereby amended to read as follows:

569.080 1. If an estray is not claimed within 5 working days after the last publication of the advertisement required by NRS 569.070, it must be:

(a) Sold by the ~~[division;]~~ *department;* or

(b) Held by the ~~[division]~~ *department* until *the estray is* given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.

2. If the ~~[division]~~ *department* sells the estray, the ~~[division]~~ *department* shall give a brand inspection clearance certificate to the purchaser.

3. Estray horses must be marked or branded before placement.

Sec. 215. NRS 569.090 is hereby amended to read as follows:

569.090 1. Except as otherwise provided pursuant to a cooperative agreement established pursuant to NRS 569.031, the ~~[division]~~ *department* shall:

(a) Pay the reasonable expenses incurred in taking up, holding, advertising and selling the estray, and any damages for trespass allowed pursuant to NRS 569.440, ~~[out of]~~ *from* the proceeds of the sale of the estray and shall place the balance in an interest-bearing checking account in a bank qualified to receive deposits of public money. The proceeds from the sale and any interest on those proceeds, which are not claimed pursuant to subsection 2

within 1 year after the sale, must be deposited in the state treasury for credit to the livestock inspection account.

(b) Make a complete record of the transaction, including the marks and brands and other means of identification of the estray, and shall keep the record ~~[open to the inspection of]~~ *available for inspection by members of* the *general* public.

2. If the lawful owner of the estray is found within 1 year after its sale and proves ownership to the satisfaction of the ~~[division,]~~ *department,* the net amount received from the sale must be paid to the owner.

3. If any claim pending after the expiration of 1 year after the date of sale is denied, the proceeds and any interest thereon must be deposited in the livestock inspection account.

Sec. 216. NRS 569.100 is hereby amended to read as follows:

569.100 1. A person who takes up an estray as provided for in NRS 569.040 to 569.130, inclusive, is entitled to hold the estray lawfully until relieved of custody by the ~~[division.]~~ *department.*

2. A person shall not use or cause to be used, for profit or otherwise, any estray in his keeping under the provisions of NRS 569.040 to 569.130, inclusive. A violation of this subsection shall be deemed grand larceny or petit larceny, as set forth in NRS 205.2175 to 205.2707, inclusive, and the person shall be punished as provided in those sections.

3. Any person taking, leading or driving an estray away from the possession of the lawful holder, as specified in NRS 569.040 to 569.130, inclusive, except as ~~[herein provided for,]~~ *otherwise provided in this section,* is subject to all the penalties under the law, whether he is the claimant of the estray or not.

Sec. 217. NRS 569.120 is hereby amended to read as follows:

569.120 Estrays may be taken up by ~~[duly]~~ authorized agents of the ~~[division. Procedure for disposing of such estrays must follow]~~ *department. The disposal of the estrays must be conducted in the manner set forth in* the provisions of NRS 569.040 to 569.130, inclusive.

Sec. 218. NRS 571.015 is hereby amended to read as follows:

571.015 As used in this chapter, unless the context requires otherwise:

1. ~~["Division"]~~ *"Department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

2. *"Director" means the director of the department.*

3. "Importation" means the transportation or movement of livestock by any railroad, express company, truckline or other carrier, or by any persons, by vehicle or otherwise, into this state.

~~[3.]~~ *4.* "Livestock" means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All goats or animals of the caprine species.

(e) All poultry or domesticated fowl or birds.

(f) All dogs, cats or other animals domesticated or under the restraint or control of man.

(g) Alternative livestock as defined in NRS 501.003.

~~[4.]~~ *5.* "State quarantine officer" means the ~~[administrator of the division.]~~ *director.*

Sec. 219. NRS 571.035 is hereby amended to read as follows:

571.035 1. Upon receipt of the reports from the committee for assessing livestock pursuant to NRS 575.180, the ~~[division]~~ *department* shall fix the amount of the annual special tax on each head of the following specified classes of livestock, which must not exceed the following rates per head for each class:

Class	Rate per head
Stock cattle	$0.28
Dairy cattle	.53
Horses	.75
Mules	.75
Burros or asses	.75
Hogs and pigs	.07
Goats	.06

2. As used in subsection 1:

(a) "Dairy cattle" are bulls, cows and heifers of the dairy breeds that are more than 6 months old.

(b) "Stock cattle" are:

(1) Steers of any breed and other weaned calves of the beef breeds that are more than 6 months old; and

(2) Bulls, cows and older heifers of the beef breeds.

(c) The classes consisting of horses, mules, and burros and asses exclude animals that are less than 1 year old.

3. The ~~[division]~~ *department* shall send *a* notice of the annual special tax on each head of the specified classes of livestock to the county assessor or treasurer of each county on or before the first Monday in May of each year.

4. Notwithstanding the provisions of subsection 1, the minimum special tax due annually pursuant to this section from each owner of livestock is $5.

5. Upon the receipt of payment of the special tax and the report thereof by the state controller, the ~~[division]~~ *department* shall credit the amount of the tax as paid on its records.

6. The special taxes paid by an owner of livestock, when transmitted to the state treasurer, must be deposited in the livestock inspection account.

Sec. 220. NRS 571.120 is hereby amended to read as follows:

571.120 1. The ~~[division]~~ *department* shall do all things necessary for the control and eradication of infectious, contagious or parasitic diseases of livestock.

2. The ~~[administrator of the division]~~ *director* shall cooperate with the administrator of the division of wildlife of the state department of conservation and natural resources in a program to prevent the spread of communicable diseases in livestock and wildlife in this state.

3. As used in this section, "wildlife" has the meaning ascribed to it in NRS 501.097.

Sec. 221. NRS 571.135 is hereby amended to read as follows:

571.135 1. The state quarantine officer, with the approval of the state board of agriculture, may adopt such regulations requiring the processing of food waste before it is fed to livestock, fish or other animals as are necessary to prevent the introduction or spread of infectious, contagious or parasitic diseases. The regulations may prescribe a procedure by which permits are issued to those persons desiring to process food waste, minimum standards of sanitation are established and periodic inspections of the processing facilities are made. The state quarantine officer may collect a reasonable annual fee for each permit issued to recover costs incurred by the ~~[division]~~ *department* in the issuance of permits and the inspection of processing facilities.

2. Any regulation adopted pursuant to this section does not apply to a person feeding food waste from his household to livestock, fish or other animals being raised on the premises for his consumption.

3. ~~[For the purposes of]~~ *As used in* this section, "food waste" means all waste material derived in whole or in part from the meat of any animal or other animal material, or other refuse associated with any such material, resulting from the handling, preparation and consumption of food.

Sec. 222. NRS 571.140 is hereby amended to read as follows:

571.140 The state quarantine officer, or his representatives or his agents, ~~[have full authority and power for the inspection, testing, treatment, quarantine and condemnation of]~~ *may inspect, test, treat, quarantine and condemn* livestock affected with any infectious, contagious or parasitic disease, and any such person may enter upon any ground or premises of this state ~~[for the purpose of enforcing]~~ *to enforce* the inspection, testing, treatment, quarantine and condemnation laws and all the rules, regulations and orders of the ~~[division.]~~ *department.*

Sec. 223. NRS 571.160 is hereby amended to read as follows:

571.160 ~~[Whenever]~~ *If* any livestock becomes infected with any infectious, contagious or parasitic disease as defined by rules and regulations adopted by the state quarantine officer, the owner or agent in charge, an inspector of the ~~[division]~~ *department* or any practicing veterinarian shall immediately notify the state quarantine officer.

Sec. 224. NRS 571.190 is hereby amended to read as follows:

571.190 1. The state quarantine officer may order and have destroyed any livestock infected with or exposed to any infectious, contagious or parasitic disease.

2. The ~~[division]~~ *department* shall compensate the owners of any livestock so destroyed ~~[either]~~ separately or jointly with any county or

municipality of the state or any agency of the Federal Government, the amount of ~~[such]~~ *the* compensation to be determined by appraisal before the affected livestock is destroyed.

3. The appraisal must be made by the state quarantine officer or a ~~[properly]~~ qualified agent designated by him and the owners or their authorized representative. In the event of their failure to ~~[arrive at]~~ *reach* an agreement, the two so selected shall designate ~~[some]~~ *a* disinterested person, who by reason of experience in such matters is a qualified judge of livestock values, to act with them. The judgment of any two such appraisers is binding and final upon all persons.

4. The total amount received by the owners of livestock so destroyed, including compensation paid by the ~~[division,]~~ *department,* any county or municipality or any agency of the Federal Government or any livestock insurance company, and the salvage received from the sale of hides or carcasses or any other source, combined, must not exceed 75 percent of the actual appraised value of the destroyed livestock.

5. Any natural person or corporation purchasing any livestock which was at the time of purchase under quarantine by any state, county or municipal authorities or any agency of the Federal Government ~~[legally empowered]~~ *authorized* to lay such quarantine, or who purchases any livestock which due diligence and caution would have shown to be diseased or which have been shipped or transported in violation of the rules and regulations of any agency of the Federal Government or the State of Nevada, is not entitled to *receive* compensation, and the ~~[division]~~ *department* may order the destruction of ~~[such]~~ *the* livestock without making any compensation to the owner.

6. No payment may be made hereunder as compensation for or on account of any such livestock destroyed if, at the time of inspection or test of ~~[such]~~ *the* livestock or at the time of the ordered destruction thereof, ~~[such]~~ *the* livestock belongs to or ~~[be]~~ *is* upon the premises of any person, firm or corporation to which ~~[such]~~ *the* livestock has been sold, shipped or delivered for ~~[the purpose of being slaughtered.]~~ *slaughter.*

7. In no case may any payment by the ~~[division]~~ *department* pursuant to the provisions of this section be more than $75 for any grade livestock or more than $200 for any purebred livestock, and no payment ~~[shall]~~ *may* be made unless the owner has complied with all quarantine rules and regulations of the ~~[division.]~~ *department.*

Sec. 225. NRS 571.250 is hereby amended to read as follows:

571.250 Any person violating the provisions of NRS 571.120 to 571.240, inclusive, or failing, refusing or neglecting to perform or observe any conditions, orders, rules or regulations prescribed by the state quarantine officer in accordance with the provisions of NRS 571.120 to 571.240, inclusive, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the ~~[division]~~ *department* an administrative fine of not more than $1,000 per violation. If an administrative fine is imposed pursuant to this

section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~[division.]~~ *department.*

Sec. 226. NRS 573.010 is hereby amended to read as follows:

573.010 As used in this chapter:

1. ~~["Administrator" means the administrator of the division.~~

~~2.]~~ "Consignor" means any person consigning, shipping or delivering livestock to a public livestock auction for sale, resale or exchange.

~~[3. "Division"]~~

2. "Department" means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

3. "Director" means the director of the department.

4. "Livestock" means:

(a) Cattle, sheep, goats, horses, mules, asses, burros, swine or poultry; and

(b) Alternative livestock as defined in NRS 501.003.

5. "Operator of a public livestock auction" means any person holding, conducting or carrying on a public livestock auction.

6. "Public livestock auction" means any sale or exchange of livestock held by any person at an established place of business or premises where the livestock is assembled for sale or exchange, and is exchanged or sold at auction or upon a commission basis at regular or irregular intervals.

Sec. 227. NRS 573.020 is hereby amended to read as follows:

573.020 1. A person shall not hold, operate, conduct or carry on a public livestock auction in this state without first securing a license therefor from the ~~[division.]~~ *department.*

2. The application for a license must be on ~~[forms]~~ *a form* prescribed and furnished by the ~~[division]~~ *department* and set forth:

(a) The name of the operator of the public livestock auction.

(b) The location of the establishment or premises where the public livestock auction ~~[is to]~~ *will* be conducted.

(c) The type or kinds of livestock to be handled, sold or exchanged.

(d) A description of the facilities ~~[to]~~ *that will* be used ~~[in conducting]~~ *to conduct* the public livestock auction.

(e) The weekly or monthly sales day or days on which the applicant proposes to operate his public livestock auction.

(f) The name and address of the bank where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.

(g) Such other information as the ~~[division]~~ *department* reasonably may require, including, without limitation, proof that at the time of application the applicant has a line of credit established at a bank in the State of Nevada in an amount at least equal to the estimated average weekly gross sales receipts of the public livestock auction ~~[to]~~ *that will* be conducted by him.

3. The application must be accompanied by a bond or deposit receipt and the required fee as provided in this chapter.

Sec. 228. NRS 573.030 is hereby amended to read as follows:

573.030 Before a license is issued by the ~~[division]~~ *department* to an operator of a public livestock auction, the applicant must deliver to the ~~[administrator either:]~~ *director:*

1. A surety bond pursuant to the provisions of NRS 573.033;

2. A bond approved by the Secretary of Agriculture of the United States pursuant to the provisions of NRS 573.035; or

3. A deposit receipt pursuant to the provisions of NRS 573.037.

Sec. 229. NRS 573.033 is hereby amended to read as follows:

573.033 1. If an applicant delivers a surety bond to the ~~[administrator]~~ *director* pursuant to the provisions of subsection 1 of NRS 573.030, the surety bond must be:

(a) In the sum provided for in subsection 2 . ~~[of this section.]~~

(b) Executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.

(c) A standard form and approved by the ~~[administrator]~~ *director* as to terms and conditions.

(d) Conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted by the ~~[division pursuant to law.]~~ *department.*

(e) To the State of Nevada in favor of every consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction.

2. If the application for a license to operate a public livestock auction is ~~[from]~~ *submitted by* a person who:

(a) Has not operated in the past 12-month period, the ~~[administrator]~~ *director* shall determine the sum of the initial bond that the applicant must execute in favor of the state, which sum must be equal to an amount estimated to be 50 percent of the average monthly gross sales proceeds of the public livestock auction in the first 6 months of operation, but ~~[such]~~ *the* sum must not be less than $10,000 ~~[nor]~~ *or* more than $100,000. At any time within the first 12 months of licensed operation, the ~~[administrator]~~ *director* may, upon written notice to the licensee, review the licensee's operations and determine whether, because of increased or decreased sales, the amount of the bond should be altered.

(b) Has operated in the past 12-month period, the ~~[administrator]~~ *director* shall determine the sum of the bond that the applicant must execute in favor of the state, which sum must be equal to ~~[but not exceed]~~ an amount equal to 50 percent of the average monthly gross sales proceeds received by the public livestock auction during the 6 successive months of the last 12-month period which produced the highest dollar volume, but ~~[such]~~ *the* sum must not be less than $10,000 ~~[nor]~~ *or* more than $100,000.

3. The total and aggregate liability of the surety for all claims upon the bond must be limited to the face amount of the bond.

Sec. 230. NRS 573.035 is hereby amended to read as follows:

573.035 In compliance with the provisions of subsection 2 of NRS 573.030, if the applicant is bonded as a market agency under the provisions of the Packers and Stockyards Act, ~~[(]~~ 7 U.S.C. § 204, ~~[),]~~ as amended, and the regulations adopted ~~[thereunder,]~~ *pursuant thereto,* in a sum equal to or greater than the sum required by the provisions of NRS 573.033, the applicant may deliver to the ~~[administrator]~~ *director* a bond approved by the Secretary of Agriculture of the United States naming the ~~[administrator]~~ *director* as trustee.

Sec. 231. NRS 573.037 is hereby amended to read as follows:

573.037 1. As authorized by subsection 3 of NRS 573.030, in lieu of filing the bond described in NRS 573.033 or 573.035, the applicant may deliver to the ~~[administrator]~~ *director* the receipt of a bank or trust company doing business in this state showing the deposit with ~~[such]~~ *that* bank or trust company of cash or of securities endorsed in blank by the owner thereof and of a market value equal at least to the required principal amount of the bond, ~~[such]~~ *the* cash or securities to be deposited in escrow under an agreement conditioned as in the case of a bond. A receipt must be accompanied by evidence that there are no unsatisfied judgments against the applicant of record in the county where the applicant resides.

2. An action for recovery against any such deposit may be brought in the same manner as in the case of an action for recovery on a bond filed under the provisions of this chapter.

3. If any licensed operator of a public livestock auction for any reason ceases to operate ~~[such]~~ *the* auction, the amount of money or securities deposited in lieu of a bond must be retained by the ~~[division]~~ *department* for 1 year. If after the expiration of 1 year ~~[from]~~ *after* the cessation of ~~[such]~~ *the* operation, no legal action has been commenced to recover against ~~[such]~~ *the* money or securities, the amount thereof must be delivered to the owner thereof. If a legal action has been commenced within ~~[such time,]~~ *that period,* all such money and securities must be held by the ~~[administrator]~~ *director* subject to the order of a court of competent jurisdiction.

Sec. 232. NRS 573.050 is hereby amended to read as follows:

573.050 Upon receipt of an application for a license under this chapter, accompanied by the required bond and license fee, the ~~[division]~~ *department* shall examine the ~~[same,]~~ *application,* and if it finds the application to be in proper form and that the applicant has otherwise complied with this chapter, the ~~[division]~~ *department* shall grant the license as applied for, subject to the provisions of this chapter.

Sec. 233. NRS 573.070 is hereby amended to read as follows:

573.070 Licenses must be in such form as the ~~[division]~~ *department* may prescribe, and set forth:

1. The name and address of the operator of the public livestock auction.
2. The location of the establishment or premises licensed.
3. The kinds of livestock to be sold, exchanged or handled.
4. The period of the license.

5. The weekly or monthly sales day or days.

6. Such other information as the ~~[division]~~ *department* may determine.

Sec. 234. NRS 573.100 is hereby amended to read as follows:

573.100 1. The ~~[division may decline]~~ *department may refuse* to grant or to renew a license or may suspend or revoke a license ~~[already granted]~~ if, after ~~[due]~~ notice and *a* hearing, the ~~[division]~~ *department* finds:

(a) That the licensee has violated any provision of this chapter, or any rule, order or regulation issued pursuant to law;

(b) That the licensee has knowingly received on consignment, or sold or exchanged, stolen livestock or mortgaged livestock without authority from the owner or mortgagee;

(c) That the licensee has been guilty of fraud or deception in any material particular in securing the license;

(d) That the licensee has failed to keep records as required by this chapter;

(e) That the licensee has failed to practice measures of sanitation as required by this chapter, or has violated the rules and regulations, if any, for the yarding, housing, holding and feeding of livestock;

(f) That the licensee, in the case of livestock weighed on the licensee's scales and sold by weight, has knowingly quoted incorrect weights, or has failed to have his scales regularly inspected and tested;

(g) That the applicant or licensee has intentionally made a false or misleading statement as to the conditions of the livestock market, or has authorized any false advertising reflecting the operation of his public livestock auction;

(h) That the applicant or licensee has been previously convicted of a felony; or

(i) That the applicant or licensee has within 3 years next preceding the action of the ~~[division:]~~ *department:*

(1) Filed a voluntary petition in bankruptcy;

(2) Been adjudged an involuntary bankrupt;

(3) Received or been refused a discharge in bankruptcy; or

(4) Failed to make full settlement with all consignor creditors after a claim against his surety or deposit in lieu of bond has been collected by court order.

2. ~~[Subparagraphs]~~ *The provisions of subparagraphs* (1), (2) and (3) of paragraph (i) of subsection 1 do not apply to any person who has made full settlement with his creditors. A natural person shall be deemed to have committed one of the acts ~~[listed]~~ *set forth* in those subparagraphs if such an act has been committed by any corporation of which he was at the time of the act an officer or director or the beneficial owner of 20 percent or more of the capital stock. A corporation shall be deemed to have committed one of the acts ~~[listed]~~ *set forth* in those subparagraphs if ~~[such an]~~ *the* act has been committed:

(a) By another corporation controlled by the applicant corporation.

(b) By a natural person who at the time of application is an officer or director or the beneficial owner of 20 percent or more of the capital stock of the applicant corporation.

(c) By another corporation of which a natural person as described in paragraph (b) was at the time of the act an officer or director or the beneficial owner of 20 percent or more of the capital stock.

3. In the case of any hearing held under the provisions of this section, there must be filed in the office of the ~~[division]~~ *department* a memorandum stating briefly the reasons of the ~~[division]~~ *department* for the denial, suspension or revocation of the license, but formal findings of fact are required to be made or filed.

Sec. 235. NRS 573.103 is hereby amended to read as follows:

573.103 1. Except as otherwise provided in subsection 2, every operator of a public livestock auction shall cause his accounts to be audited at least annually by a holder of a live permit under chapter 628 of NRS, and shall file with the ~~[administrator]~~ *director* a copy of the audit, signed and certified as correct by the auditor. The ~~[administrator]~~ *director* may prescribe by regulation the content and times for filing of ~~[such]~~ *the* audits.

2. Every operator whose accounts are audited under the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, as amended, shall file a copy of each such audit with the ~~[administrator.]~~ *director.*

Sec. 236. NRS 573.104 is hereby amended to read as follows:

573.104 1. Each licensee shall deposit the gross proceeds received by him from the sale of livestock handled on a commission or agency basis in a separate bank account established and maintained by the licensee in the bank at which his line of credit, as required by paragraph (g) of subsection 2 of NRS 573.020, is established. The separate bank account must be designated a "custodial account for consignors' proceeds."

2. The custodial account for consignors' proceeds may be drawn on only:

(a) For the payment of net proceeds to the consignor, or any other person or persons of whom the licensee has knowledge who is entitled to those proceeds;

(b) To obtain the sums due the licensee as compensation for his services; and

(c) For such sums as are necessary to pay all legal charges against the consignment of livestock which the licensee in his capacity as agent is required to pay for and on behalf of the consignor.

3. The licensee shall:

(a) In each case keep such accounts and records ~~[as]~~ *that* will at all times disclose the names of the consignors and the amount due to each from the money in the custodial account for consignors' proceeds.

(b) Maintain the custodial account for consignors' proceeds in a manner that will expedite examination by the ~~[administrator and reflect]~~ *director and indicate* compliance with the requirements of this section.

Sec. 237. NRS 573.105 is hereby amended to read as follows:

573.105 The ~~[administrator]~~ *director* shall ascertain, at least quarterly, the continued existence and amount of the line of credit shown pursuant to paragraph (g) of subsection 2 of NRS 573.020, or its replacement by a line of credit at another bank in the State of Nevada and the amount of the replacement. If the line of credit is ~~[so]~~ replaced, the custodial account must be transferred to the bank issuing the new line of credit. If a line of credit in the amount required is not maintained, the ~~[administrator]~~ *director* shall suspend the operator's license.

Sec. 238. NRS 573.107 is hereby amended to read as follows:

573.107 1. A consignor creditor claiming to be injured by the fraud of a licensee may bring an action upon the bond against ~~[both]~~ the principal and the surety in any court of competent jurisdiction to recover the damages caused by the fraud.

2. The ~~[administrator]~~ *director* or any consignor creditor may also bring an action upon the bond against ~~[both]~~ the principal and the surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter and the rules and regulations adopted by the ~~[division pursuant to law.]~~ *department.*

Sec. 239. NRS 573.108 is hereby amended to read as follows:

573.108 1. In case of failure by a licensee to pay ~~[amounts]~~ *the amount* due a consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction, as evidenced by a verified complaint filed with the ~~[administrator, the administrator]~~ *director, the director* shall proceed forthwith to ascertain the names and addresses of all consignor creditors of the licensee, together with the amounts due to them by the licensee, and shall request all the consignor creditors to file a verified statement of their respective claims with the ~~[administrator.]~~ *director.* The request must be addressed to each known consignor creditor at his last known address.

2. If a consignor creditor so addressed fails, refuses or neglects to file in the office of the ~~[administrator]~~ *director* his verified claim as requested by the ~~[administrator]~~ *director* within 60 days after the date of the request, the ~~[administrator]~~ *director* is relieved of further duty or action under this section on behalf of that consignor creditor.

3. ~~[Where by reason]~~ *If because* of the absence of records, or other circumstances making it impossible or unreasonable for the ~~[administrator]~~ *director* to ascertain the names and addresses of all consignor creditors, the ~~[administrator,]~~ *director,* after exerting due diligence and making reasonable inquiry to secure the information from all reasonable and available sources, may make demand on the bond on the basis of information ~~[then]~~ in his possession, and thereafter is not liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

4. Upon ascertaining all claims and statements in the manner set forth in this section, the ~~[administrator may then]~~ *director may* make *a* demand upon the bond on behalf of those claimants whose statements have been filed, and

may settle or compromise the claims with the surety company on the bond and execute and deliver a release and discharge of the bond involved.

5. Upon the refusal of the surety company to pay the demand, the ~~[administrator]~~ *director* may thereupon bring an action on the bond ~~[in]~~ *on* behalf of the consignor creditors. Upon any action being commenced on the bond, the ~~[administrator]~~ *director* may require the filing of a new bond. Immediately upon the recovery in any action on the bond the licensee shall file a new bond. Upon failure to file the bond within 10 days, in either case, the failure constitutes grounds for the suspension or revocation of his license.

6. In any settlement or compromise by the ~~[administrator]~~ *director* with a surety company as provided in subsection 4, ~~[where]~~ *if* there are two or more consignor creditors that have filed claims, ~~[either]~~ fixed or contingent, against a licensee's bond, the creditors must share pro rata in the proceeds of the bond to the extent of their actual damage.

7. ~~[For the purpose of enforcing]~~ *To enforce* the provisions of this section, the ~~[administrator]~~ *director* may receive verified complaints from any consignor against any licensee, or agent, or any person assuming or attempting to act as such, and upon receipt of a verified complaint may ~~[make]~~ *conduct* any necessary investigations ~~[relative]~~ *relating* to the complaint. The ~~[administrator]~~ *director* may administer oaths of verification of the complaints.

8. ~~[For the purpose of making]~~ *To conduct* investigations as provided for in subsection 7, the ~~[administrator]~~ *director* may enter a public livestock auction and examine any records required under the provisions of this chapter. The ~~[administrator]~~ *director* may issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents ~~[relative]~~ *relating* to the matters under investigation.

Sec. 240. NRS 573.109 is hereby amended to read as follows:

573.109 1. The district court in and for the county in which any investigation is ~~[being]~~ conducted by the ~~[administrator]~~ *director* pursuant to the provisions of subsections 7 and 8 of NRS 573.108 ~~[has the power to]~~ *may* compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the ~~[administrator.]~~ *director.*

2. In case of the refusal of any witness to attend or testify or produce any papers required by ~~[such]~~ *the* subpoena , the ~~[administrator]~~ *director* may report to the district court in and for the county in which the investigation is pending by petition, setting forth:

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

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

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the ~~[administrator]~~ *director* in the investigation

named in the subpoena, or has refused to answer questions propounded to him in the course of ~~[such]~~ *the* investigation,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the ~~[administrator.]~~ *director.*

3. The court, upon petition of the ~~[administrator,]~~ *director,* shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in ~~[such]~~ *the* order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the ~~[administrator.]~~ *director.* A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the ~~[administrator]~~ *director,* the court shall ~~[thereupon]~~ enter an order ~~[that]~~ *requiring* the witness *to* appear before the ~~[administrator]~~ *director* at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 241. NRS 573.110 is hereby amended to read as follows:

573.110 1. Each operator of a public livestock auction shall keep the following records for each lot of livestock consigned to or sold or exchanged through ~~[such]~~ *the* public livestock auction:

(a) The name and address of the consignor.

(b) A description of the livestock which must include the number and kind, approximate age, the sex, and any visible brands or other distinguishing or identifying marks.

(c) The name and address of the purchaser of the livestock.

2. The records must be kept by the operator of a public livestock auction at the establishment or premises where the sale is held and conducted, or such other convenient place as may be approved by the ~~[division.]~~ *department.*

3. The records must be open for inspection by all peace officers of this state at all reasonable times, and must be retained ~~[and preserved for a period of]~~ *for* at least 2 years.

Sec. 242. NRS 573.120 is hereby amended to read as follows:

573.120 1. Any person buying, or receiving on a consignment, commission or fee basis, any livestock for slaughter at a slaughtering establishment or plant, shall keep the following records for each lot of livestock so received:

(a) The name and address of the person from whom *the livestock was* received.

(b) A description of the livestock, which ~~[description]~~ must include the number and kind, approximate age, the sex, and any visible brands or other distinguishing or identifying marks.

2. If any livestock bought or received as provided in subsection 1 is disposed of other than by slaughter, a record must be kept of ~~[such]~~ *the*

disposal, including the description as provided in subsection 1 and the name and address of the person receiving the ~~[same.]~~ *livestock.*

3. The records provided for in this section must be retained ~~[and preserved]~~ for at least 2 years and must be open for inspection by any peace officer or representative of the ~~[division]~~ *department* at all reasonable times.

Sec. 243. NRS 573.125 is hereby amended to read as follows:

573.125 Each operator of a livestock auction shall issue to each purchaser of livestock a receipt on a form approved by the ~~[division,]~~ *department,* and the receipt must contain:

1. The name and address of the purchaser of the livestock.

2. A description of the livestock, which must include the number and kind, approximate age, the sex, and any visible brands or other distinguishing or identifying marks.

Sec. 244. NRS 573.130 is hereby amended to read as follows:

573.130 1. ~~[No livestock]~~ *Livestock that is* under quarantine ~~[on account]~~ *because* of any contagious, infectious or communicable disease ~~[may]~~ *must not* be consigned to or sold through any public livestock auction.

2. ~~[No livestock]~~ *Livestock that is* known to be infected with, or known to have been exposed to, any contagious, infectious or parasitic livestock disease ~~[may]~~ *must not* be consigned to or sold through any public livestock auction except under rules and regulations governing ~~[such]~~ *the* consignments and sales ~~[made]~~ *adopted* by the ~~[division.]~~ *department.*

3. The ~~[division]~~ *department* may require such testing, treating and examining of livestock sold, traded, exchanged or handled at or through public livestock auctions as in its judgment may be necessary to prevent the spread of infectious, contagious or parasitic diseases among the livestock of this state.

4. The ~~[division]~~ *department* may require operators of public livestock auctions to reimburse the ~~[division]~~ *department* for actual expenses or any part thereof incurred in testing, treating and examining livestock sold, traded, exchanged or handled at or through ~~[such]~~ *those* auctions.

Sec. 245. NRS 573.160 is hereby amended to read as follows:

573.160 ~~[For the purpose of carrying]~~ *To carry* out the provisions of this chapter and ~~[making inspections thereunder, the division]~~ *to conduct inspections pursuant thereto, the department* or any ~~[duly]~~ authorized representative thereof may enter the establishment or premises where any public livestock auction is held and inspect the records thereof at all reasonable times.

Sec. 246. NRS 573.165 is hereby amended to read as follows:

573.165 Public livestock auction facilities must include space and facilities approved by the ~~[administrator]~~ *director* for brand inspectors to carry out their duties in a safe and expeditious manner.

Sec. 247. NRS 573.170 is hereby amended to read as follows:

573.170 1. The operator of a public livestock auction may apply to the ~~[division]~~ *department* for a change of the weekly or monthly sales day or

days specified in his license. The application is subject to a hearing and approval by the ~~[administrator.~~

~~2. No]~~ *director.*

2. A special sale ~~[may]~~ *must not* be conducted by the operator of a public livestock auction unless he has applied to the ~~[division]~~ *department* in writing 15 days before the proposed sale ~~[,]~~ and the date of the sale is approved by the ~~[administrator.]~~ *director.*

Sec. 248. NRS 573.183 is hereby amended to read as follows:

573.183 ~~[When the administrator]~~ *If the director* determines, on the basis of any verified complaint or of any inspection or investigation made by him pursuant to this chapter, that any operator of a public livestock auction is violating or is about to violate any provision of this chapter for the protection of consignor creditors, he may order:

1. The operator to cease and desist from:

(a) Receiving or selling any livestock;

(b) Receiving or disbursing any money; or

(c) Any practice which violates any provision of this chapter or any other law or any rule, order or regulation issued pursuant to law.

2. Any bank which holds the custodial account of the operator, as required by NRS 573.104, to refrain from paying out any money from the account.

The order ceases to be effective upon the expiration of 3 days, ~~[exclusive of]~~ *excluding* Saturdays, Sundays and other nonjudicial days, ~~[from]~~ *after* its date of issuance unless a court has, pursuant to NRS 573.185, issued an order which continues the restraint.

Sec. 249. NRS 573.185 is hereby amended to read as follows:

573.185 ~~[Whenever]~~ *If* any licensee has engaged or is about to engage in any acts or practices which ~~[constitute or will constitute an offense against]~~ *violate or will violate any of the provisions of* this chapter or the rules and regulations adopted by the ~~[division pursuant to law,]~~ *department,* the district court of any county, on application of the ~~[administrator,]~~ *director,* may issue an injunction or other appropriate order restraining ~~[such]~~ *that* conduct. Proceedings under this section are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the ~~[administrator.]~~ *director.*

Sec. 250. NRS 573.190 is hereby amended to read as follows:

573.190 1. Any person who operates a public livestock auction without a license required by this chapter, or who violates any of the provisions of this chapter or of any rules or regulations ~~[lawfully issued pursuant to law,]~~ *adopted pursuant thereto,* is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the ~~[division]~~ *department* an administrative fine of not more than $1,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~[division.]~~ *department.*

2. Each day's operation in which livestock is sold or exchanged at any unlicensed public livestock auction constitutes a separate offense.

Sec. 251. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. ~~[When]~~ *If* an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, he shall post the notice on the property from which he takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with *the provisions of* subsection 2 or, if he has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. ~~[This section does]~~ *The provisions of this section do* not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of subsection 2 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or his designee, a licensed veterinarian and the district brand inspector or his designee. In such a case, the sheriff shall direct that the impoundment occur ~~[no]~~ *not* later than 48 hours after the veterinarian determines that a violation of subsection 2 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with *the provisions of* subsection 6 must, before the animal is released to his custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ shall sell the animal. The

~~[division]~~ *department* shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 252. NRS 574.485 is hereby amended to read as follows:

574.485 1. In addition to any other penalty provided by law, the ~~[administrator]~~ *director of the state department of agriculture* may impose an administrative fine on any retailer or dealer who violates the provisions of NRS 574.460, 574.470 or 574.480 in an amount not to exceed:

For the first violation	$250
For the second violation	500
For each subsequent violation	1,000

2. All fines collected by the ~~[administrator]~~ *director* pursuant to subsection 1 must be deposited with the state treasurer for credit to the state general fund.

~~[3. As used in this section, "administrator" means the administrator of the division of agriculture of the department of business and industry.]~~

Sec. 253. NRS 575.050 is hereby amended to read as follows:

575.050 1. The governor may enter into agreements with the United States, its departments or agencies, respecting the granting and extending of financial aid, or any other form of benefits, to the state for the benefit of persons, firms or corporations engaged in the livestock or agriculture industry.

2. Before any such agreement is entered into, the governor, after diligent inquiry, shall determine by proclamation that such an emergency exists as in the interests of the livestock or agriculture industry of the state warrants a request for federal aid, money or such other type of benefit as may be available. ~~[From and after the issuing of such]~~ *After issuing the* proclamation, the governor may match ~~[such]~~ available federal money, or benefits, from the livestock aid fund, not to exceed the total sum of $30,000. ~~[Where]~~ *If* an emergency has been proclaimed by the governor, the ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ may expend money in the livestock aid fund, as the interests of the livestock or agriculture industry of the state may require, without federal participation in the form of aid, money or other benefits.

3. There is hereby created in the state treasury the livestock aid fund. Money for the livestock aid fund must be provided as needed by the state board of examiners from ~~[their]~~ *its* emergency fund, and may be used only to carry out the provisions of this section.

4. The governor, or such commission, department or agency of the State of Nevada as he may designate and entrust with the disbursement of the ~~[moneys]~~ *money* or benefits made available, may adopt such regulations as may be necessary for the proper administration thereof, and if the benefits are in the form of money , each expenditure from the fund must be approved by

the state board of examiners in the manner provided generally for the payment of claims against the state.

5. The State of Nevada, through the acts of its governor, in accepting the agreements entered into, is obligated to perform the agreements fully as to all the terms thereof for the duration of the agreements.

Sec. 254. NRS 575.060 is hereby amended to read as follows:

575.060 1. As used in this section, unless the context *otherwise* requires ~~[otherwise, "division"]~~ , *"department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

2. Any cattle, horses or mules found by the ~~[division]~~ *department* or an authorized representative of the ~~[division]~~ *department* to be in the possession of any person who does not have satisfactory evidence of the ownership or right to possession thereof may be impounded by the ~~[division]~~ *department* or its representative without liability at the expense of the owner, until the ownership of the animal is established.

3. After the expiration of 10 days ~~[from]~~ *after* the date the animal is impounded, if the ~~[division]~~ *department* cannot with reasonable diligence determine the lawful owner thereof, the animal may be sold by the ~~[division]~~ *department* in the manner provided in chapter 569 of NRS. All expenses incurred by the ~~[division]~~ *department* in the keeping of the animal and in the sale thereof must be paid out of the proceeds of the sale.

4. Except as otherwise provided in subsection 5, the net proceeds of any such sale must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the livestock inspection account after 1 year. The ~~[division]~~ *department* may disallow all claims if it deems the claims illegal or if satisfactory evidence of title is not shown.

5. If the animal is consigned to a public livestock market for sale at that market, the proceeds of the sale must be kept by the ~~[division,]~~ *department* or, if the ~~[division]~~ *department* deems it advisable, by the public livestock market, for 30 days, to permit the consignor to prove his legal ownership or his right to sell the animal. If the consignor is unable to prove his ownership to or his right to sell the animal, the proceeds must be disposed of ~~[as]~~ *in the manner* provided in subsection 4.

Sec. 255. NRS 575.070 is hereby amended to read as follows:

575.070 1. Upon receipt of the reports from the committee for assessing livestock pursuant to NRS 575.180, the Nevada beef council may fix a special tax, to be known as the tax to promote beef, on all cattle except calves that have not been weaned, the rate of which must not exceed $1 per head. If such a tax is fixed, the council shall send *a* notice of the rate of ~~[this]~~ *the* tax to the county assessor or treasurer of each county on or before the first Monday in May of each year. The proceeds of the tax, if any, must be deposited in the state treasury for credit to the account for the promotion of beef.

2. During the month of April if such a tax is fixed, any person who has paid the special tax may file a claim for *a* refund with the ~~[division]~~ *state department* of agriculture , ~~[of the department of business and industry,]~~ accompanied by a receipt showing the payment. Upon verification of the claim, the ~~[division]~~ *department* shall transmit ~~[it]~~ *the claim* to the state controller for payment from the account for the promotion of beef.

Sec. 256. NRS 575.080 is hereby amended to read as follows:

575.080 As used in NRS 575.080 to 575.230, inclusive, unless the context otherwise requires:

1. "Board" means the state board of sheep commissioners.

2. ~~["Division"]~~ *"Department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

3. "Livestock" means the animals subject to the taxes levied pursuant to NRS 571.035 and 575.070.

4. "Sheep" means the animals subject to the taxes levied pursuant to NRS 562.170 and 567.110.

5. "Tax" means any of the taxes levied pursuant to NRS 562.170, 567.110, 571.035 and 575.070.

Sec. 257. NRS 575.090 is hereby amended to read as follows:

575.090 1. There is hereby created in each county a committee for assessing livestock composed of:

(a) Two persons who own livestock in the county and who are appointed by the state board of agriculture;

(b) One person who owns sheep in the county and who is appointed by the board or, if there is no owner of sheep in the county, another person who owns livestock in the county who is appointed by the state board of agriculture;

(c) A brand inspector who is designated by the ~~[administrator]~~ *director* of the ~~[division;]~~ *department;* and

(d) The county assessor or a person designated by him.

2. Except as otherwise provided in this subsection, the term of each member is 2 years, and any vacancy must be filled by appointment for the unexpired term. The term of the county assessor expires upon the expiration of the term of his office. A person designated by the county assessor serves at the pleasure of the county assessor. The brand inspector serves at the pleasure of the ~~[administrator]~~ *director* of the ~~[division.]~~ *department.*

3. While engaged in official business of the committee for assessing livestock, each member of the committee is entitled to:

(a) A salary not exceeding $60 per day for attending meetings or performing other official business, to be paid from any money available to the ~~[division.]~~ *department.*

(b) The per diem allowance and travel expenses fixed for state officers and employees.

Sec. 258. NRS 575.120 is hereby amended to read as follows:

575.120 1. The ~~[division]~~ *department* shall prepare a form for declaration of livestock and sheep on which an owner of livestock or sheep shall declare the average number, kind and classification of all livestock and sheep in the state owned by him during the year immediately preceding the date the declaration is made.

2. Before May 6 of each year, the ~~[division]~~ *department* shall distribute the form for declaration to all the county assessors.

Sec. 259. NRS 575.170 is hereby amended to read as follows:

575.170 1. An owner of sheep or livestock who wishes to challenge the accuracy of the report as changed by the committee for assessing livestock may, within 15 days after receiving notice of the change, file a statement with the committee for assessing livestock for his county specifying the alleged inaccuracy.

2. Upon receipt of the statement under subsection 1, the committee for assessing livestock shall review the allegations and may ~~[change what]~~ *make any changes* it considers necessary to make the report accurate and complete. An owner of sheep or livestock, the board, or the ~~[administrator]~~ *director* of the ~~[division]~~ *department* may appeal from any decision of the committee for assessing livestock to and in the manner prescribed by the state board of agriculture.

Sec. 260. NRS 575.180 is hereby amended to read as follows:

575.180 1. When the report of owners of livestock and sheep is approved by the committee for assessing livestock as complete and accurate, the approval must be noted on the report. The report must ~~[then]~~ be returned to the county assessor and a copy sent to the board, the ~~[division]~~ *department* and the Nevada beef council.

2. If, as the result of a challenge of the accuracy of the report, any change is ordered in the report of owners of livestock and sheep after it has been approved by the committee for assessing livestock, the county assessor, the board, the ~~[division]~~ *department* and the Nevada beef council must be notified of the change.

Sec. 261. NRS 575.190 is hereby amended to read as follows:

575.190 Using the tax levies from the board, the ~~[division]~~ *department* and the Nevada beef council, the county assessor, auditor or treasurer shall calculate the total taxes due from each owner of livestock or sheep based on the report of owners of livestock or sheep approved by the committee for assessing livestock.

Sec. 262. NRS 575.220 is hereby amended to read as follows:

575.220 Any taxes delinquent must be reported by the county assessor or county treasurer to the:

1. ~~[Division]~~ *Department,* if the taxes were levied pursuant to NRS 571.035 and 575.070; or

2. Board , if the taxes were levied pursuant to NRS 562.170 and 567.110.

Sec. 263. NRS 575.230 is hereby amended to read as follows:

575.230 A brand inspection clearance certificate described in NRS 565.120 or a certificate or bill of health described in NRS 562.460 may not be issued for the movement of any sheep or livestock owned by a person delinquent in the payment of a tax. The ~~[division]~~ *department* may collect any delinquent tax and the penalty and interest thereon at the time of a brand or health inspection. The appropriate county authority must be notified if the tax is so collected.

Sec. 264. Chapter 576 of NRS is hereby amended by adding thereto a new section to read as follows:

"Director" means the director of the department.

Sec. 265. NRS 576.010 is hereby amended to read as follows:

576.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[576.011]~~ *576.0115* to 576.018, inclusive, *and section 264 of this act* have the meanings ascribed to them in those sections.

Sec. 266. NRS 576.015 is hereby amended to read as follows:

576.015 ~~["Division"]~~ *"Department"* means the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

Sec. 267. NRS 576.020 is hereby amended to read as follows:

576.020 A person shall not act as a broker, dealer, commission merchant, cash buyer or agent without having obtained a license from the ~~[division]~~ *department* as provided in this chapter.

Sec. 268. NRS 576.030 is hereby amended to read as follows:

576.030 1. Every person, before acting as a broker, dealer, commission merchant, cash buyer or agent, shall file an application with the ~~[division]~~ *department* for a license to transact such business. Separate applications must be filed for each class of business.

2. The application must be on a form prescribed and furnished by the ~~[division]~~ *department* and must set forth:

(a) The full name of the person applying for the license. If the applicant is a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation must be given in the application.

(b) If the applicant is a natural person, the social security number of the applicant.

(c) The principal business address of the applicant in this state and elsewhere.

(d) The name ~~[or names]~~ of the person ~~[or persons]~~ authorized to accept service of summons and legal notice of all kinds for the applicant.

(e) The names and addresses of all persons by whom the applicant has been employed for a period of 3 years immediately preceding the making of the application.

(f) A complete statement of the applicant's business activity for the 3 years immediately preceding the making of the application which is not covered by paragraph (e).

(g) A statement of whether the applicant has ever been arrested for ~~[anything]~~ *any crime* other than a traffic violation punishable by a fine of $25 or less and, if so, when and where, the nature of the crime charged, the disposition of the charge, the title and address of the police ~~[officials]~~ *officers* having custody of the record of arrest, and the names and locations of all the courts before which any proceedings in connection with the arrest took place.

(h) A statement of whether the applicant has ever been a party in a civil suit and, if so, the nature of the suit, whether the applicant was the plaintiff or the defendant, the disposition of the suit, and, if the applicant was the defendant and lost, whether there is a judgment or any portion thereof which remains unpaid.

(i) The county or counties in which the applicant proposes to engage in business.

(j) The class or classes of farm products the applicant proposes to handle.

(k) Such other information as the ~~[division]~~ *department* may reasonably require.

3. In addition to the general requirements applicable to all classes of applications as set forth in subsection 2, the following requirements apply to the class of applications specified in ~~[paragraphs (a) and (b) of]~~ this subsection:

(a) Commission merchants. Each application must include a complete schedule of commissions and an itemized listing of all charges for all services. Any services rendered for which charges are made, if not listed in the schedule on the application, must be rendered on a strictly cost basis.

(b) Agents. Each application must be in the same form as an application for a license as a broker, dealer or commission merchant, and must include the name and address of the broker, dealer, commission merchant or cash buyer represented or sought to be represented by the agent, and the written endorsement or nomination of ~~[such]~~ *the* broker, dealer, commission merchant or cash buyer.

4. The application must be accompanied by an executed instrument whereby the applicant:

(a) Appoints and constitutes the ~~[administrator]~~ *director* and his successor or successors in office the true and lawful attorney of the applicant upon whom all lawful process in any action or legal proceeding against the applicant arising in this state from a transaction under the provisions of this chapter may be served; and

(b) Agrees that any ~~[such]~~ lawful process against him which may be served upon his attorney as provided in this subsection is of the same force and validity as if served upon him and that the authority thereof continues in force irrevocably as long as any liability of the applicant in the state remains outstanding.

Sec. 269. NRS 576.032 is hereby amended to read as follows:

576.032 1. A natural person who applies for the issuance or renewal of a license as a broker, dealer, commission merchant, cash buyer or agent shall

submit to the ~~[division]~~ *department* the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[division]~~ *department* shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the ~~[division.]~~ *department.*

3. A license as a broker, dealer, commission merchant, cash buyer or agent may not be issued or renewed by the ~~[division]~~ *department* if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~[division]~~ *department* shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 270. NRS 576.035 is hereby amended to read as follows:

576.035 1. The ~~[division]~~ *department* shall require the applicant for a license as a broker, dealer, commission merchant, cash buyer or agent to make a showing of character, responsibility and good faith in seeking to carry on the business stated in the application, and may make investigations, hold hearings and make determinations regarding ~~[such]~~ *those* matters.

2. ~~[Should]~~ *If* the applicant ~~[be]~~ *is* a corporation or partnership, it shall ~~[likewise]~~ satisfy the ~~[division]~~ *department* of the character, responsibility and good faith of all persons connected with it in a responsible or managing position, ~~[such as]~~ *including the* manager, superintendent, officer ~~[or]~~ *and* director.

3. Failure of any person to satisfy the ~~[division]~~ *department* of his character, responsibility or good faith may be considered by the ~~[division]~~ *department* as adverse to a showing of such qualifications and is ~~[good and]~~ sufficient grounds for the denial of an application for a license or of the renewal thereof. ~~[Previous]~~ *A previous* conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the ~~[division]~~ *department* as adverse to a showing of such character, responsibility or good faith on the part of the applicant.

4. Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen or deposit in lieu of bond a claim ~~[or claims have]~~ *has* been collected by *a* court order, who has not made full settlement with all producer-creditors, may not be licensed by the ~~[division during the period of]~~ *department for* 3 years ~~[from]~~ *after* the date of ~~[such]~~ *the* adjudication or collection.

5. The ~~[division]~~ *department* may refuse to accept a new application for a license by an applicant rejected pursuant to this section for a period not exceeding 3 years ~~[from]~~ *after* the date of rejection of the first application.

Sec. 271. NRS 576.040 is hereby amended to read as follows:

576.040 1. Each applicant to whom a license to act as a dealer, broker or commission merchant is issued shall:

(a) File one of the following:

(1) A bond of a surety company authorized to do business in this state.

(2) A bond with individual sureties owning unencumbered real property within this state subject to execution and worth, above all exemptions, double the amount of the bond.

(3) A personal bond secured by a first deed of trust on real property within this state which is subject to execution and worth, above all exemptions, double the amount of the bond. ~~[When]~~ *If* the applicant files the bond with the ~~[division]~~ *department,* he shall also file a policy of title insurance on the real property from a title insurance company licensed in this state which states that the property is free and clear of all encumbrances and liens other than the first deed of trust. The applicant shall certify under oath that the property is worth at least twice the amount of the bond and that it is unencumbered. The certificate must be approved by the ~~[division.]~~ *department.*

The bond must be in the form prescribed by, and to the satisfaction of, the ~~[division,]~~ *department,* conditioned for the payment of a judgment against the applicant and arising out of the failure of the applicant or his agent to conduct his business in accordance with the provisions of this chapter, or for nonpayment of obligations in connection with the purchase and sale of livestock or farm products. The bond must provide that the surety company, if any, will notify the ~~[division]~~ *department* before the end of the second business day after any claim or judgment has been made against the bond. The aggregate liability of any surety to all claimants is limited to the amount of the bond for each licensing period.

(b) File a copy of the bond required by the United States pursuant to the provisions of the Packers and Stockyards Act , ~~[(]~~ 7 U.S.C. § 204 . ~~[).]~~

(c) Furnish other security in the amount required by this section which is acceptable to the ~~[division.]~~ *department.*

2. In lieu of complying with one of the alternatives provided in subsection 1, the dealer, broker or commission merchant may deliver to the ~~[division]~~ *department* the receipt of a bank or trust company in this state showing the deposit with that bank or trust company of cash or of securities

endorsed in blank by the owner thereof and of a market value equal at least to the required principal amount of the bond. The cash or securities must be deposited in escrow under an agreement conditioned as in the case of a bond. Any receipt must be accompanied by evidence that there are no unsatisfied judgments against the dealer, broker or commission merchant of record in the county ~~[or counties]~~ in which he is doing business or resides. An action for recovery against any such deposit may be brought in the same manner as in the case of an action for recovery on a bond filed under the provisions of NRS 576.042.

3. The amount of the bond, other security or deposit must be:

(a) Based on the applicant's annual volume of purchases, according to a schedule adopted by the ~~[division,]~~ *department;* and

(b) Not less than $5,000 ~~[nor]~~ *or* more than $100,000.

4. All bonds must be renewed or continued in accordance with regulations adopted by the ~~[division.]~~ *department.*

5. Any licensed dealer, broker or commission merchant who knowingly sells or otherwise encumbers real property which is the security for a bond under subsection 1, after a policy of title insurance on that property has been issued and while the bond is in force, is guilty of a gross misdemeanor.

Sec. 272. NRS 576.042 is hereby amended to read as follows:

576.042 1. Any:

(a) Producer of livestock or farm products or his agent or consignee;

(b) Licensed broker, dealer or commission merchant; or

(c) ~~[Organization]~~ *Nonprofit organization* or association ~~[which is entirely nonprofit in character, such as]~~ , *including* the Nevada Fair of Mineral Industries, 4-H clubs, the Nevada junior livestock show, the Nevada state livestock show ~~[or]~~ *and* the Nevada Hereford Association,

who is injured by any violation of the provisions of this chapter, or by any misrepresentations or fraud on the part of any licensed dealer, broker or commission merchant, may maintain a civil action against the dealer, broker or commission merchant. If the dealer, broker or commission merchant is licensed, he may also maintain an action against the surety on any bonds, or the money or securities deposited in lieu of a bond. In such an action against an unlicensed dealer, broker or commission merchant, the injured person is entitled to treble damages.

2. Any person having a claim pursuant to subsection 1 against any licensed dealer, broker or commission merchant must begin legal action on any bond, or money or securities deposited in lieu of a bond, for recovery of the amount claimed to be due within 1 year after the claim has accrued.

3. Pursuant to subsection 4 of NRS 576.030, process may be served by delivering to the ~~[administrator]~~ *director* duplicate copies of the process and paying a fee of $2. The service upon the ~~[administrator]~~ *director* shall be deemed service upon the dealer, broker or commission merchant. The ~~[administrator]~~ *director* shall forward one copy of the process by registered mail prepaid to the defendant dealer, broker or commission merchant, giving

the day and hour of service. The defendant's return receipt is prima facie evidence of the completion of service. If service of summons is made upon the ~~[administrator]~~ *director* in accordance with the provisions of this subsection, the time within which the defendant is required to appear is extended 10 days. The provisions of this subsection are not exclusive, but if a defendant dealer, broker or commission merchant is found within the State of Nevada, he must be served with process in the State of Nevada.

Sec. 273. NRS 576.045 is hereby amended to read as follows:

576.045 If any licensed dealer, broker or commission merchant for any reason ceases to operate as such, the amount of money or securities deposited in lieu of a bond must be retained by the ~~[division]~~ *department* for 1 year. If after the expiration of 1 year after the cessation of such operation, no legal action has been commenced to recover against the money or securities, they must be delivered to the owner. If a legal action has been commenced within that time, all the money and securities must be held by the ~~[division]~~ *department* subject to the order of the district court.

Sec. 274. NRS 576.048 is hereby amended to read as follows:

576.048 1. If the ~~[division]~~ *department* receives notice from a producer of livestock or farm products or his agent or consignee of the default of a licensed dealer, broker or commission merchant, the ~~[division]~~ *department* shall issue an order to the licensee to show cause why his license should not be revoked. The notice must be in writing and set forth a time and place for a hearing to be held before the ~~[administrator of the division.]~~ *director.*

2. If a license is revoked pursuant to subsection 1, the ~~[division]~~ *director* shall, by publication in a newspaper of general circulation in the area, notify all known producers of livestock or farm products in the area in which the licensee operated that the license has been revoked.

Sec. 275. NRS 576.050 is hereby amended to read as follows:

576.050 1. Each applicant for a license as a broker, dealer, commission merchant or cash buyer shall pay to the ~~[division]~~ *department* an annual license fee of $40.

2. Each applicant for a license as an agent shall pay to the ~~[division]~~ *department* an annual license fee of $10.

Sec. 276. NRS 576.060 is hereby amended to read as follows:

576.060 1. Upon receipt of an application for a license, accompanied by the license fee and a surety bond, other acceptable security, a copy of the bond required by the United States, or a deposit receipt, as provided in NRS 576.040, and the statement required pursuant to NRS 576.032, the ~~[division]~~ *department* shall examine the application, bond and other papers and, subject to the provisions of NRS 576.032 and 576.120, upon the completion of its investigation, the ~~[division]~~ *department* shall grant the license as applied for.

2. The ~~[division]~~ *department* shall complete its investigation and issue or deny the license within 30 days after receipt of the application, bond and other papers.

Sec. 277. NRS 576.080 is hereby amended to read as follows:

576.080 Licenses must be in such form as the ~~[division]~~ *department* may prescribe, must be under the seal of the ~~[division]~~ *department* and must set forth:

1. The name and address of the dealer, broker, commission merchant, cash buyer or agent.

2. The period of the license.

3. Such other information as the ~~[division]~~ *department* reasonably may require.

4. The amount of the bond, deposit or other security required by NRS 576.040.

Sec. 278. NRS 576.100 is hereby amended to read as follows:

576.100 1. ~~[No agent may]~~ *An agent shall not* act for any dealer, broker, cash buyer or commission merchant unless:

(a) The dealer, broker, cash buyer or commission merchant is licensed and has designated the agent to act in his behalf; and

(b) The ~~[division]~~ *department* has been notified in writing and has approved the appointment of the agent.

2. The dealer, broker, cash buyer or commission merchant is accountable and responsible for contracts made by his agents.

3. An agent must, ~~[prior to]~~ *before* approval by the ~~[division,]~~ *department,* file an application with the ~~[division]~~ *department* pursuant to paragraph (b) of subsection 3 of NRS 576.030.

Sec. 279. NRS 576.110 is hereby amended to read as follows:

576.110 1. The ~~[division]~~ *department* on its own motion may, or upon the verified complaint of any interested party shall, investigate, examine or inspect any transaction involving solicitation, receipt, sale or attempted sale of farm products by any person or persons acting or assuming to act as a dealer, agent, commission merchant or broker, the intentional making of false statements as to condition and quantity of any farm products received or in storage, the intentional making of false statements as to market conditions, the failure to make payment for farm products within the time required by this chapter, and all other injurious transactions.

2. In furtherance of any such investigation, examination or inspection, the ~~[division]~~ *department* or any authorized representative may examine that portion of the ledgers, books, accounts, memoranda and other documents, farm products, scales, measures and other articles and things used in connection with the business of ~~[such]~~ *the* person relating to the transaction involved.

Sec. 280. NRS 576.120 is hereby amended to read as follows:

576.120 1. The ~~[division]~~ *department* may refuse to grant or renew a license or registration as provided in subsection 4 of NRS 576.140 or may suspend or revoke a license or registration as provided in subsection 4 of NRS 576.140 ~~[already granted]~~ if, after ~~[due]~~ notice and *a* hearing, the ~~[division]~~ *department* is satisfied of the existence of any of the following

facts, the existence of which is hereby declared to be a violation of this chapter:

(a) That the applicant or licensee has intentionally made any false or misleading statement ~~[as to]~~ *concerning* the conditions of the market for any farm products.

(b) That the applicant or licensee has made fictitious sales or has been guilty of collusion to defraud the producer.

(c) That the licensee was intentionally guilty of fraud or deception in the procurement of the license.

(d) That the applicant or licensee has in the handling of any farm products been guilty of fraud, deceit or willful negligence.

(e) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a producer.

(f) That the licensee, without reasonable cause, has issued checks for the payment of farm products received without sufficient ~~[funds]~~ *money* to cover them or has stopped payment on a check given in payment for farm products received.

(g) That the licensee, without reasonable cause, has failed to account or make payment for farm products as required by this chapter.

(h) That the licensee has knowingly employed an agent without causing the agent to comply with the licensing requirements of this chapter applicable to agents.

(i) That the licensee has failed or refused to ~~[keep,]~~ maintain and file records as required by this chapter.

(j) That the licensee has failed or refused to ~~[keep and]~~ maintain a bond or other security as required by the provisions of NRS 576.040.

2. The ~~[division]~~ *department* may suspend, pending inquiry, for not longer than 30 days, and after hearing or investigation may refuse to grant, renew or revoke any license as the case may require, ~~[when]~~ *if* it is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of farm products, or for the handling of farm products on consignment.

3. A license is suspended automatically, without action of the ~~[division,]~~ *department,* if the bond filed pursuant to subsection 1 of NRS 576.040 is canceled, and remains suspended until ~~[such]~~ *the* bond is renewed.

4. In the case of any hearing held under the provisions of this section, there must be filed in the office of the ~~[division]~~ *department* a memorandum stating briefly the reasons of the ~~[division]~~ *department* for the denial, suspension or revocation of the license, but formal findings of fact need not be made or filed.

Sec. 281. NRS 576.121 is hereby amended to read as follows:

576.121 1. If the ~~[division]~~ *department* receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits

issued to a person who is the holder of a license as a broker, dealer, commission merchant, cash buyer or agent, the ~~[division]~~ *department* shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~[division]~~ *department* receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~[division]~~ *department* shall reinstate a license as a broker, dealer, commission merchant, cash buyer or agent that has been suspended by a district court pursuant to NRS 425.540 if the ~~[division]~~ *department* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 282. NRS 576.123 is hereby amended to read as follows:

576.123 1. Every commission merchant, having received any farm products for sale as a commission merchant, shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale or storage of the farm products:

(a) The name and address of the consignor.

(b) The date received.

(c) The condition and quantity upon arrival.

(d) Date of ~~[such]~~ *the* sale for account of the consignor.

(e) The price for which sold.

(f) An itemized statement of the charges to be paid by the consignor in connection with the sale.

(g) The names and addresses of all purchasers if the commission merchant has any financial interest in the business of the purchasers, or if the purchasers have any financial interest in the business of the commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise, the interest must be noted in the records following the name of the purchaser.

(h) A lot number or other identifying mark for each consignment, which number or mark must appear on all sales tags and other essential records needed to show the amount for which the farm products actually sold.

(i) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of the farm products by the act, neglect or failure of the person. The records must be open to the inspection of the ~~[administrator]~~ *director* and the consignor of farm products for whom the claim or claims are made.

2. Every dealer purchasing any farm products from the producer thereof shall promptly make and keep for 1 year a correct record showing in detail the following:

(a) The name and address of the grower.

(b) The date received.

(c) The price to be paid.

(d) An itemized statement of any charges paid by the dealer for the account of the producer.

3. Every broker, upon negotiating the sale of farm products, shall issue to ~~[both]~~ buyer and seller a written memorandum of sale, showing price, date of delivery, quality and other details concerned in the transaction. A copy of the memorandum must be retained by the broker for ~~[a period of]~~ 1 year.

Sec. 283. NRS 576.125 is hereby amended to read as follows:

576.125 1. ~~[When]~~ *If* requested by his consignor, a commission merchant shall, before the close of the next business day following the sale of any farm products consigned to him, transmit or deliver to the owner or consignor of the farm products a true written account of the sale, showing the amount sold and the selling price. Remittance in full of the amount realized from such sales, including all collections, overcharges and damages, less the agreed commission and other charges, together with a complete account of sales, must be made to the consignor within 10 days after receipt of the money by the commission merchant, unless otherwise agreed in writing.

2. Each commission merchant shall retain a copy of all records covering each transaction for ~~[a period of]~~ 1 year ~~[from]~~ *after* the date thereof, which copy must at all times be available for and open to the confidential inspection of the ~~[administrator]~~ *director* and the consignor, or *an* authorized representative of ~~[either.]~~ *the director or consignor.*

3. Each dealer shall pay for farm products delivered to him at the time and in the manner specified in the contract with the producer, but if no time is set by the contract, or at the time of the delivery, ~~[then]~~ within 30 days after the delivery or taking possession of the farm products, except that livestock whose sale is subject to the Packers and Stockyards Act, 7 U.S.C. §§ 181 to 231, inclusive, must be paid for within the ~~[time]~~ *period* required by that act and any applicable regulations adopted ~~[thereunder.]~~ *pursuant thereto.*

4. A person who, with the intent to defraud, fails to make full payment for farm products purchased pursuant to this chapter within 10 days after receiving written notice of the fact that the payment is past due:

(a) Is guilty of a gross misdemeanor, if the amount owed is $1,000 or less.

(b) Is guilty of a category D felony, if the amount owed is more than $1,000, and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 284. NRS 576.127 is hereby amended to read as follows:

576.127 1. Each dealer, commission merchant and cash buyer operating a motor vehicle in the conduct of his licensed business shall carry on the motor vehicle a manifest on a form to be prescribed or approved by the ~~[division]~~ *department* showing:

(a) A description of the cargo on the motor vehicle.

(b) The brand inspection certificate number for any livestock being transported.

(c) Where and from whom the cargo was purchased.

(d) The weight or measure upon which the purchase was made and, if purchased upon weight, where and by whom weighed and the weight obtained at the weighing.

2. The manifest must be executed in triplicate. One copy must be given to the consignor or seller. One copy must be retained by the licensee, and the original, signed by the licensee, must be transmitted immediately to the ~~[division.]~~ *department.*

3. ~~[False]~~ *Any false* statements *included* on a manifest ~~[as to]~~ *concerning* the nature, quantity, weight, count, grade, quality or any other essential feature of the cargo constitute grounds for suspension or cancellation of the licensee's license issued pursuant to *the provisions of* this chapter.

Sec. 285. NRS 576.128 is hereby amended to read as follows:

576.128 1. The ~~[division]~~ *department* shall adopt regulations pursuant to which a person may obtain certification that he is an actual producer of an agricultural product of the soil. The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this state.

2. The ~~[division]~~ *department* may impose fees for the certification of persons as actual producers of an agricultural product of the soil and any inspections necessary for that certification. The fees must be set in an amount which approximates the cost to the ~~[division]~~ *department* of performing those services and activities.

3. A person who obtains certification pursuant to this section is exempt from any:

(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, an agricultural product of the soil for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to *the provisions of* chapter 446 of NRS to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, an agricultural product of the soil for which the person has obtained certification pursuant to this section; or

(2) Any inspection conducted pursuant to *the provisions of* chapter 446 of NRS relating to such a sale or offer to sell.

Sec. 286. NRS 576.131 is hereby amended to read as follows:

576.131 1. An owner of alternative livestock may request assistance from the ~~[division of agriculture,]~~ *department,* the division of wildlife of the state department of conservation and natural resources and local law

enforcement agencies to recapture any alternative livestock that has escaped from confinement.

2. Any alternative livestock that is recaptured may be impounded at a suitable facility until sufficient repairs or improvements are made to the owner's facility to ensure that the escape of the alternative livestock does not recur.

3. The owner of the alternative livestock is liable for:

(a) The costs incurred by the ~~[division of agriculture,]~~ *department,* the division of wildlife of the state department of conservation and natural resources and any local law enforcement agency to recapture the alternative livestock;

(b) The costs of impounding the alternative livestock; and

(c) Any damages caused by the alternative livestock during the escape.

Sec. 287. NRS 576.133 is hereby amended to read as follows:

576.133 ~~[When the administrator]~~ *If the director* believes, on the basis of a verified complaint or of an investigation made pursuant to NRS 576.110, that any licensee or person assuming to transact business for which a license is required under this chapter is violating or is about to violate any provision of this chapter, he may order the licensee or other person to cease and desist from the unlawful practice. The order ceases to be effective upon the expiration of 10 days, exclusive of Saturdays, Sundays and other nonjudicial days, ~~[from]~~ *after* its date of issuance unless a court has, pursuant to NRS 576.135, issued an order which continues the restraint.

Sec. 288. NRS 576.135 is hereby amended to read as follows:

576.135 ~~[Whenever]~~ *If* any licensee or person assuming to transact business for which a license is required under this chapter has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter or the rules and regulations adopted by the ~~[division pursuant to law,]~~ *department,* the district court of any county, on application of the ~~[administrator,]~~ *director,* may issue an injunction or other appropriate order restraining ~~[such]~~ *the* conduct. Proceedings under this section are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the ~~[administrator.]~~ *director.*

Sec. 289. NRS 576.137 is hereby amended to read as follows:

576.137 A cash purchaser, purchasing for his own use, may be exempted by the ~~[division]~~ *department* from the requirements of this chapter upon his filing *of* an affidavit stating such facts as may be required by the ~~[division.]~~ *department.*

Sec. 290. NRS 576.140 is hereby amended to read as follows:

576.140 Except as otherwise provided in NRS 576.042, the provisions of this chapter do not apply to:

1. The Nevada Fair of Mineral Industries, 4-H clubs, the Nevada junior livestock show, the Nevada state livestock show, the Nevada Hereford

Association, or any other *nonprofit* organization or association . ~~[which is entirely nonprofit in character.]~~

2. Any railroad transporting livestock ~~[either]~~ interstate or intrastate.

3. Any farmer or rancher purchasing or receiving livestock for grazing, pasturing or feeding on his premises within the State of Nevada and not for immediate resale.

4. Operators of public livestock auctions as defined in NRS 573.010, and all buyers of livestock at ~~[such]~~ *those* auctions at which the public livestock auction licensee does not control title or ownership to the livestock being sold or purchased at ~~[such]~~ *those* auctions, and any person buying for interstate shipments only and subject to and operating under a bond required by the United States pursuant to the provisions of the Packers and Stockyards Act , ~~[(]~~ 7 U.S.C. § 204 , ~~[)]~~ and the regulations adopted ~~[thereunder. All persons]~~ *pursuant to those provisions. Each person* exempted by the provisions of this subsection shall register annually with the ~~[division,]~~ *department,* giving the location of ~~[their]~~ *his* place of business, the number of ~~[their]~~ *his* license and bond and the expiration date thereof. Each such registrant shall pay an annual registration fee of $40 to the ~~[division.]~~ *department.*

5. Any farmer or rancher whose farm or ranch is located in the State of Nevada, who buys or receives farm products or livestock from another farmer or rancher not for immediate resale.

6. Any retail merchant having a fixed and established place of business in this state and who conducts a retail business exclusively.

Sec. 291. NRS 576.150 is hereby amended to read as follows:

576.150 1. Except as otherwise provided by a specific statute, a person who acts as a dealer, broker, commission merchant, cash buyer or agent without a license therefor as required by *the provisions of* this chapter, or who violates any other provision of this chapter, or any of the regulations lawfully adopted pursuant to provisions of this chapter, is guilty of a misdemeanor. If the violation relates to the failure to make payment for farm products, an intent to defraud must be proven before a misdemeanor or other penalty may be imposed.

2. Any prosecution brought pursuant to this chapter may be brought in any county of this state in which the defendant or any one of the defendants resides, or in which the unlawful act was committed, or in which the defendant or any one of the defendants has his principal place of business.

3. In addition to any criminal penalty imposed pursuant to, or any remedy provided by, this chapter, the ~~[administrator,]~~ *director,* after notice and *a* hearing in an administrative proceeding, may issue an order against any person who has violated any provision of this chapter or any regulation adopted pursuant to this chapter imposing a civil penalty of not more than $5,000 for each violation. Any civil penalty collected pursuant to this subsection must be deposited in the state general fund.

Sec. 292. NRS 581.030 is hereby amended to read as follows:

581.030 The ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ is hereby designated and constituted ex officio state sealer of weights and measures, and is charged with the proper enforcement of the provisions of this chapter.

Sec. 293. NRS 581.500 is hereby amended to read as follows:

581.500 1. The council, consisting of seven members appointed by the governor, is hereby created within the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

2. The governor shall appoint:

(a) One member from business.

(b) One member from the engineering profession.

(c) One member from a trade organization.

(d) One member from industry.

(e) One member from a labor organization.

(f) One member from the faculty of a university in the University and Community College System of Nevada.

(g) One member from the faculty of a public elementary or secondary school.

Sec. 294. NRS 581.520 is hereby amended to read as follows:

581.520 1. The council may accept gifts or grants from any source, and expend money so received or otherwise available to it to contract with qualified persons or institutions for research in matters related to *the* conversion to the metric system of weights and measures.

2. There is hereby created in the state treasury the metric system trust fund. The ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ is responsible for the administration of the trust fund and shall deposit with the state treasurer for credit to the ~~[trust]~~ fund any money obtained by the council pursuant to this section. Claims against the ~~[trust]~~ fund must be approved by the council and paid as other claims against the state are paid.

Sec. 295. NRS 581.530 is hereby amended to read as follows:

581.530 The council shall:

1. Conduct appropriate research and investigations to determine the problems ~~[faced]~~ *experienced* by business, industry, science, engineering, education, labor, governmental agencies and the people of Nevada in a transition to the metric system.

2. Provide information on the metric system and on conversion to its use.

3. Recommend legislation and amendments to regulations of executive agencies to provide for ~~[a smooth]~~ *an orderly* transition to the metric system.

4. Cooperate with the United States Metric Board where appropriate.

5. Report to the legislature and ~~[to]~~ the governor through the ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ during the month of January of each odd-numbered year ~~[,]~~ on its activities and the progress toward conversion to the metric system of weights and measures.

6. Perform other duties necessary to carry out the provisions of NRS 581.500 to 581.540, inclusive.

Sec. 296. NRS 583.055 is hereby amended to read as follows:

583.055 1. The ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ shall establish a program for grading and certifying meats, prepared meats and meat products in conformity with federal practice.

2. The ~~[division]~~ *department* may enter into cooperative agreements with the Agricultural Marketing Service of the United States Department of Agriculture and the college of agriculture of the University of Nevada, Reno, and adopt appropriate regulations to carry out the program.

3. The ~~[division]~~ *department* may establish fees, to be collected from slaughtering or other processing operations, for the purpose of grading and certifying meats, prepared meats and meat products.

Sec. 297. Chapter 586 of NRS is hereby amended by adding thereto a new section to read as follows:

"Director" means the director of the state department of agriculture.

Sec. 298. NRS 586.020 is hereby amended to read as follows:

586.020 As used in NRS 586.010 to 586.450, inclusive, *unless the context otherwise requires,* the words and terms defined in NRS 586.030 to 586.220, inclusive, *and section 297 of this act* have the meanings ascribed to them in those sections . ~~[unless the context otherwise requires.]~~

Sec. 299. NRS 586.053 is hereby amended to read as follows:

586.053 "Certified applicator" means any person who is certified by the ~~[administrator]~~ *director* as qualified to use or supervise the use of any restricted-use pesticide.

Sec. 300. NRS 586.060 is hereby amended to read as follows:

586.060 "Device" means any instrument or contrivance intended for trapping, destroying, repelling or mitigating insects or rodents, or destroying, repelling or mitigating fungi or weeds, or such other pests as designated by the ~~[administrator, but not including]~~ *director. The term does not include* equipment used for the application of pesticides when sold separately therefrom.

Sec. 301. NRS 586.195 is hereby amended to read as follows:

586.195 "Pesticide" ~~[means]~~ *includes,* but is not limited to:

1. Any substance or mixture of substances, including any living organisms , ~~[or]~~ any product derived therefrom ~~[or]~~ *and* any fungicide, herbicide, insecticide, nematocide ~~[or]~~ *and* rodenticide, intended to prevent, destroy, control, repel, attract or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except *a* virus on or in living ~~[man]~~ *humans* or other animals, which is normally considered to be a pest or which the ~~[administrator]~~ *director* declares to be a pest.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant, desiccant, and any other ~~[substances]~~ *substance* intended

for ~~[such]~~ *that* use as ~~[is]~~ named by the ~~[administrator]~~ *director* by regulation . ~~[after calling a public hearing for such purpose.]~~

Sec. 302. NRS 586.205 is hereby amended to read as follows:

586.205 "Restricted-use pesticide" means any pesticide, including any highly toxic pesticide, which:

1. The ~~[administrator has found and determined, subsequent to]~~ *director has determined after* a hearing, to be:

(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or

(b) Detrimental to:

(1) Vegetation, except weeds;

(2) Wildlife; or

(3) Public health and safety; or

2. Has been classified for restricted use by or under the supervision of a certified applicator in accordance with the Federal Environmental Pesticide Control Act , ~~[(]~~ 7 U.S.C. §§ 136 et seq. ~~[).]~~

Sec. 303. NRS 586.210 is hereby amended to read as follows:

586.210 "Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating rodents or any other vertebrate animal which the ~~[administrator]~~ *director* declares to be a pest.

Sec. 304. NRS 586.230 is hereby amended to read as follows:

586.230 Jurisdiction in all matters pertaining to the distribution, sale and transportation of pesticides and devices is ~~[by]~~ , *pursuant to* NRS 586.010 to 586.450, inclusive, vested exclusively in the ~~[administrator.]~~ *director.*

Sec. 305. NRS 586.250 is hereby amended to read as follows:

586.250 1. ~~[Every]~~ *Each* pesticide which is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered in the office of the ~~[administrator]~~ *director* and renewed annually.

2. Products which have the same formula and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide. Additional names and labels may be added by supplemental statements during the current period of registration.

Sec. 306. NRS 586.260 is hereby amended to read as follows:

586.260 1. The registrant shall file with the ~~[administrator]~~ *director* a statement including:

(a) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

(b) The name of the pesticide.

(c) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use.

(d) If requested by the ~~[administrator,]~~ *director,* a full description of the tests made and the results thereof upon which the claims are based.

2. In *the* case of *the* renewal of registration, a statement is required only with respect to information which is different from ~~[that]~~ *the information that was* furnished when the pesticide was registered or last reregistered.

Sec. 307. NRS 586.270 is hereby amended to read as follows:

586.270 1. A registrant shall pay an annual registration fee in an amount fixed by the ~~[administrator]~~ *director* not to exceed $50 for each pesticide registered.

2. The ~~[administrator]~~ *director* shall deposit in a separate account not more than $25 of each annual registration fee he collects. The money deposited in the account must be used only for the disposal of pesticides. The ~~[administrator]~~ *director* shall fix, by regulation, the amount of each registration fee which must be deposited in the account.

3. A registrant who offers a pesticide for sale before *the* registration of the pesticide shall pay an amount equal to twice the registration fee for registration of the pesticide.

Sec. 308. NRS 586.280 is hereby amended to read as follows:

586.280 1. ~~[Whenever the administrator]~~ *If the director* deems it necessary in the administration of NRS 586.010 to 586.450, inclusive, he may require the submission of the complete formula of any pesticide.

2. If it appears to the ~~[administrator]~~ *director* that the composition of the article is such as to warrant the proposed claims for it, and if the article and its labeling and other material required to be submitted comply with the requirements of NRS 586.350 to 586.410, inclusive, he shall register the article.

Sec. 309. NRS 586.290 is hereby amended to read as follows:

586.290 1. If it does not appear to the ~~[administrator]~~ *director* that the article is such as to warrant the proposed claims for it, or if the article and its labeling and other material required to be submitted do not comply with the provisions of NRS 586.010 to 586.450, inclusive, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fails to comply with NRS 586.010 to 586.450, inclusive, ~~[so as to afford]~~ *to allow* him an opportunity to make the necessary corrections.

2. ~~[In no event is the]~~ *The* registration of an article *is not* a defense for the commission of any offense prohibited under NRS 586.350 to 586.410, inclusive.

Sec. 310. NRS 586.310 is hereby amended to read as follows:

586.310 The ~~[administrator is authorized,]~~ *director may,* after *providing an* opportunity for a hearing:

1. ~~[To declare]~~ *Declare* as a pest any form of plant life or animal life or virus which is injurious to plants, ~~[men,]~~ *humans,* domestic animals, articles or substances.

2. ~~[To determine]~~ *Determine* whether pesticides are highly toxic to ~~[men.~~

~~3. To determine~~] *humans.*

3. Determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of NRS 586.380.

Sec. 311. NRS 586.330 is hereby amended to read as follows:

586.330 To avoid confusion endangering the public health resulting from diverse requirements, particularly as to the labeling and coloring of pesticides, and to avoid increased costs to the ~~[people]~~ *residents* of this state ~~[due to]~~ *because of* the necessity of complying with diverse requirements in the manufacture and sale of pesticides, it is desirable that there be uniformity between the requirements of the several states and the Federal Government relating to pesticides. To this end the ~~[administrator is authorized,]~~ *director may,* after a public hearing, ~~[to]~~ adopt such regulations applicable to and in conformity with the primary standards established by NRS 586.010 to 586.450, inclusive, as have been or may be prescribed by the United States Environmental Protection Agency with respect to pesticides.

Sec. 312. NRS 586.335 is hereby amended to read as follows:

586.335 1. The ~~[administrator]~~ *director* shall endeavor to eliminate from use in this state any pesticide:

(a) Which endangers the agricultural or nonagricultural environment;

(b) Which is not beneficial for the purposes for which it is sold; or

(c) Which is misrepresented.

2. In carrying out this responsibility, he shall develop an orderly program for the continuous evaluation of all pesticides actually registered.

Sec. 313. NRS 586.339 is hereby amended to read as follows:

586.339 1. Pursuant to NRS 586.335 , the ~~[administrator]~~ *director* may, after *a* hearing, cancel the registration of, or refuse to register, any pesticide:

(a) Which has demonstrated serious uncontrollable adverse effects ~~[either]~~ within or outside the agricultural environment.

(b) The use of which is of less public value or greater detriment to the environment than the benefit received by its use.

(c) For which there is a reasonably effective and practicable alternate material or procedure which is demonstrably less destructive to the environment.

(d) Which, ~~[when]~~ *if* properly used, is detrimental to:

(1) Vegetation, except weeds;

(2) Domestic animals; or

(3) Public health and safety.

(e) Which is of little or no value for the purpose for which it is intended.

(f) Concerning which any false or misleading statement is made or implied by the registrant or his agent, ~~[either verbally]~~ *orally* or in writing, or in the form of any advertising literature.

2. In making any such determination, the ~~[administrator]~~ *director* may require such practical demonstrations as are necessary to determine the facts.

3. If the ~~[administrator]~~ *director* has *a* reason to believe that any of the conditions stated in subsection 1 are applicable to any registered pesticide

and that the use or continued use of the pesticide constitutes an immediate substantial danger to persons or to the environment, he may, after notice to the registrant, suspend the registration of the pesticide pending a hearing and final decision.

Sec. 314. NRS 586.350 is hereby amended to read as follows:

586.350 It is unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any pesticide which has not been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration, except that, in the discretion of the ~~[administrator,]~~ *director,* a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product.

Sec. 315. NRS 586.360 is hereby amended to read as follows:

586.360 It is unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to the container, and to the outside container or wrapper of the retail package, if there ~~[be]~~ *is* one through which the required information on the immediate container cannot be clearly read, a label bearing:

1. The name and address of the manufacturer, registrant or person for whom manufactured.

2. The name, brand or trade-mark under which the article is sold.

3. The net weight or measure of the content, subject ~~[, however,]~~ to such reasonable variations as the ~~[administrator]~~ *director* may permit.

Sec. 316. NRS 586.380 is hereby amended to read as follows:

586.380 1. It is unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state the pesticides commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluorosilicate, and barium fluorosilicate, and those containing mercurial compounds, unless they have been distinctly colored or discolored as provided by *the* regulations ~~[issued]~~ *adopted* in accordance with *the provisions of* NRS 586.010 to 586.450, inclusive, or any other white powder pesticide which the ~~[administrator,]~~ *director,* after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of ~~[such]~~ *the* coloration or discoloration, by regulation requires to be distinctly colored or discolored, unless it has been so colored or discolored.

2. The ~~[administrator]~~ *director* may exempt any pesticide to the extent that it is intended for a particular use ~~[or uses]~~ from the coloring or discoloring required or authorized by this section if he determines that ~~[such]~~ *the* coloring or discoloring for ~~[such use or uses]~~ *that use* is not necessary ~~[for the protection of]~~ *to protect* the public health.

Sec. 317. NRS 586.401 is hereby amended to read as follows:

586.401 1. The ~~[administrator]~~ *director* shall adopt regulations governing the application and distribution of any pesticides which he finds must necessarily be applied in pest control but which unless carefully used are likely to be:

(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than the pest or vegetation it is intended to prevent, destroy, control or mitigate; or

(b) Detrimental to:

(1) Vegetation, except weeds;

(2) Wildlife; or

(3) Public health and safety.

2. The ~~[administrator]~~ *director* in classifying pesticides as ~~["]~~ restricted-use pesticides ~~["]~~ shall determine if:

(a) They are highly toxic to ~~[man]~~ *humans* or other animals, including wildlife.

(b) The regulations governing their application and distribution are reasonably calculated to avoid injury and are necessary for their proper use.

(c) The benefit received from their use is of greater public value than a detriment to the environment, public health and safety.

(d) They can be used by permit for purposes other than their registered purposes.

3. The ~~[administrator]~~ *director* may adopt such other rules and regulations as are necessary to carry out the provisions of this chapter, including, but not limited to:

(a) The collection and examination of pesticides.

(b) The use of certain types of containers or packages for specific pesticides, applicable to construction, strength or size to avoid the danger of spillage, breakage or misuse.

(c) The safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers.

(d) The information to be recorded and maintained of the sale, use and distribution of pesticides classified for restricted use.

Sec. 318. NRS 586.405 is hereby amended to read as follows:

586.405 1. The ~~[administrator]~~ *director* may issue a special use permit authorizing the use of a pesticide for a purpose other than that for which it is registered. The permit must set forth:

(a) The name and dosage rate of the pesticide or other material to be used.

(b) The type of pest to be controlled.

(c) The crop or property to be treated.

2. The special use permit may limit the time, quantity, area and manner of application.

Sec. 319. NRS 586.406 is hereby amended to read as follows:

586.406 1. It is unlawful for any person to sell or offer to sell at the retail level or distribute or deliver for transportation for delivery to the consumer or user a pesticide classified for restricted use pursuant to NRS 586.401 or the Federal Environmental Pesticide Control Act, ~~[(]~~ 7 U.S.C. §§ 136 et seq. ~~[) without first]~~ , *without* being registered with the ~~[administrator.]~~ *director*.

2. Each person applying for registration must provide a statement including:

(a) The name and address of the person registering; and

(b) The name and address of any person who, on behalf of the person registering, sells, offers to sell, distributes or delivers for transportation a restricted-use pesticide.

3. All registrations expire on December 31 and are renewable annually.

4. Each person registering shall pay:

(a) An annual registration fee of $10; and

(b) A penalty fee of $5 if his previous registration has expired by the failure to reregister on or before February 1, unless his registration is accompanied by a signed statement that no person named on the registration statement has sold or distributed any restricted-use pesticides during the ~~[period of the year during which]~~ *year* the registration was not in effect.

5. All persons registered shall maintain ~~[and keep for a period of]~~ *for* 2 years a record of all sales of restricted-use pesticides showing:

(a) The date of sale or delivery;

(b) The name and address of the person to whom sold or delivered;

(c) The brand name of the pesticide product;

(d) The amount of pesticide product sold or delivered;

(e) The certification number of the certified applicator who is applying or supervising the application of the pesticide if the purchaser of the pesticide is not certified to apply the pesticide; and

(f) Such other information as may be required by the ~~[administrator.]~~ *director*.

6. Each person registered pursuant to this section shall, on or before the 15th day of each month, file a report with the ~~[administrator]~~ *director* of restricted-use pesticides sold during the previous month. The ~~[administrator]~~ *director* shall provide the form for the report. The form must be filed even if the person did not sell any pesticides during the previous month.

Sec. 320. NRS 586.4065 is hereby amended to read as follows:

586.4065 The ~~[administrator]~~ *director* may refuse to grant or renew a registration under NRS 586.406 or may suspend or revoke ~~[such]~~ *the* registration if, after ~~[due]~~ notice and *a* hearing, he is satisfied that:

1. The person registered has, without reasonable cause, failed to record information as required by NRS 586.406 or ~~[by]~~ *a* regulation adopted by the ~~[administrator;]~~ *director;*

2. The person registered has made a fictitious or false entry in the required records; or

3. The applicant has made sales or delivery of restricted-use pesticides without ~~[first]~~ registering with the ~~[administrator.]~~ *director.*

Sec. 321. NRS 586.407 is hereby amended to read as follows:

586.407 It is unlawful for any person to sell or deliver any restricted-use pesticide to any person who is required by the regulations adopted by the ~~[administrator]~~ *director* to have a permit to use ~~[such]~~ *that* material, unless the person or his agent to whom delivery is made signs a written statement in a form prescribed by the ~~[administrator]~~ *director* stating that the person holds a valid permit to use the kind and quantity of the restricted-use pesticide which is delivered.

Sec. 322. NRS 586.410 is hereby amended to read as follows:

586.410 It is unlawful for any person to use for his own advantage, or to reveal, other than to the ~~[administrator]~~ *director* or proper ~~[officials]~~ *officers* or employees of the state, or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information ~~[relative]~~ *relating* to *the* formulas of products acquired by authority of NRS 586.280.

Sec. 323. NRS 586.420 is hereby amended to read as follows:

586.420 1. The penalties provided for violations of NRS 586.350 to 586.390, inclusive, do not apply to:

(a) Any carrier while lawfully engaged in transporting a pesticide within this state, if the carrier, upon request, permits the ~~[administrator]~~ *director* or his designated agent to copy all records showing the transactions in and movement of the articles.

(b) Public ~~[officials]~~ *officers* of this state and the Federal Government engaged in the performance of their ~~[official]~~ duties.

(c) The manufacturer or shipper of a pesticide for experimental use only:

(1) By or under the supervision of an agency of this state or of the Federal Government authorized by law to conduct research in the field of pesticides; or

(2) By ~~[others]~~ *other persons* if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold," together with the manufacturer's name and address, but if a written permit has been obtained from the ~~[administrator,]~~ *director,* pesticides may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit.

2. ~~[No]~~ *An* article shall *not* be deemed in violation of *the provisions of* NRS 586.010 to 586.450, inclusive, ~~[when]~~ *if* intended solely for export to a foreign country, and ~~[when]~~ *if* prepared or packed according to the

specifications or directions of the purchaser. If not so exported, all the provisions of NRS 586.010 to 586.450, inclusive, apply.

Sec. 324. NRS 586.430 is hereby amended to read as follows:

586.430 1. The examination of pesticides or devices must be made under the direction of the ~~[administrator for the purpose of determining]~~ *director to determine* whether they comply with the requirements of NRS 586.010 to 586.450, inclusive. If it appears from the examination that a pesticide or device fails to comply with the provisions of NRS 586.010 to 586.450, inclusive, and the ~~[administrator]~~ *director* contemplates instituting criminal proceedings against any person, the ~~[administrator]~~ *director* shall cause appropriate notice to be given to the person. Any person so notified must be given an opportunity to present his views, ~~[either]~~ orally or in writing, with regard to ~~[such]~~ *those* contemplated proceedings, and if thereafter in the opinion of the ~~[administrator]~~ *director* it appears that the provisions of NRS 586.010 to 586.450, inclusive, have been violated by the person, the ~~[administrator]~~ *director* shall refer the facts to the district attorney of the county in which the violation occurred with a copy of the results of the analysis or the examination of the article. ~~[Nothing in]~~ *The provisions of* NRS 586.010 to 586.450, inclusive, ~~[requires the administrator]~~ *do not require the director* to report any act or failure to act for prosecution or for the institution of libel proceedings, or to report minor violations of NRS 586.010 to 586.450, inclusive, ~~[whenever]~~ *if* he believes that the public interest will be best served by a suitable notice of warning in writing.

2. Each district attorney to whom any such violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of proper jurisdiction without delay.

3. The ~~[administrator]~~ *director* shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of NRS 586.010 to 586.450, inclusive.

Sec. 325. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 326, 327 and 328 of this act.

Sec. 326. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 327 and 328 of this act have the meanings ascribed to them in those sections.*

Sec. 327. *"Department" means the state department of agriculture.*

Sec. 328. *"Director" means the director of the department.*

Sec. 329. NRS 587.015 is hereby amended to read as follows:

587.015 As used in NRS 587.015 to 587.123, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[587.016]~~ *587.017* to 587.073, inclusive, have the meanings ascribed to them in those sections.

Sec. 330. NRS 587.019 is hereby amended to read as follows:

587.019 "Agricultural seeds" includes the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds and mixtures of ~~[such]~~ *those* seeds,

and may include any other kind of seeds ~~[when the administrator]~~ *if the director* determines that ~~[such]~~ *the* seed is being used as agricultural seed.

Sec. 331. NRS 587.075 is hereby amended to read as follows:

587.075 The ~~[administrator]~~ *director* shall administer and enforce the provisions of NRS 587.015 to 587.123, inclusive.

Sec. 332. NRS 587.077 is hereby amended to read as follows:

587.077 The ~~[division]~~ *department* is designated as the official seed-certifying agency for the State of Nevada. The ~~[administrator]~~ *director* shall, by rules or regulations, adopt and enforce standards governing the certification of seed as to variety, purity, quality or other matters relating thereto, and shall establish a schedule of fees for ~~[such]~~ *that* certification.

Sec. 333. NRS 587.079 is hereby amended to read as follows:

587.079 The ~~[administrator]~~ *director* may do service grain grading, including testing for dockage and moisture, and may establish a schedule of fees for ~~[such]~~ *that* grading and testing.

Sec. 334. NRS 587.081 is hereby amended to read as follows:

587.081 The ~~[administrator]~~ *director* or his authorized representatives shall:

1. Sample, inspect, make analysis of and test seeds subject to NRS 587.015 to 587.123, inclusive, that are transported, sold, offered or exposed for sale within the state for sowing purposes, at such time and place and to such extent as may be necessary to determine whether the seeds are in compliance with NRS 587.015 to 587.123, inclusive.

2. Notify promptly the person who transported, sold, offered or exposed the seed for sale of any violation.

Sec. 335. NRS 587.083 is hereby amended to read as follows:

587.083 1. The ~~[administrator]~~ *director* shall adopt regulations:

(a) Governing the terms and methods used in sampling, inspecting, analyzing, testing and examining seeds subject to NRS 587.015 to 587.123, inclusive, and the tolerances to be used.

(b) Establishing a list of prohibited and restricted noxious weeds and prescribing the maximum rate of occurrence per pound of seeds of restricted noxious weeds which may be associated with any seeds. A noxious weed may be prohibited if it is highly destructive and difficult to control in this state by ordinary good cultural or chemical practice and restricted if it is objectionable or injurious in fields, lawns and gardens of this state, but ~~[can]~~ *may* be controlled by good cultural or chemical practices.

(c) Establishing minimum standards of germination for seeds of vegetables, herbs and flowers.

(d) Defining the terms to be used in labeling seeds.

(e) Establishing a list of the species of trees and shrubs subject to the labeling requirements ~~[of]~~ *set forth in* subsection 7 of NRS 587.105.

(f) Establishing the duration of the validity of testing to determine the percentage of germination of seeds subject to the requirements for labeling as

set forth in NRS 587.091 to 587.105, inclusive, before the sale, offering for sale or transporting of ~~[these]~~ *those* seeds.

(g) For the labeling of seeds of flowers in respect to kind and variety or the characteristics of type and performance as required by NRS 587.101 and 587.103.

(h) Establishing a list of the kinds of seeds of flowers which are subject to the labeling requirements of NRS 587.101 and 587.103.

2. The ~~[administrator]~~ *director* may adopt such other regulations as are necessary to carry out the provisions of NRS 587.015 to 587.123, inclusive.

Sec. 336. NRS 587.085 is hereby amended to read as follows:

587.085 The ~~[administrator]~~ *director* or his authorized representatives may:

1. Enter upon or within any public or private premises or upon or into any truck or other conveyance by land, water or air at any time to examine seeds, screenings or records which are subject to the provisions of NRS 587.015 to 587.123, inclusive, or rules and regulations adopted pursuant thereto.

2. Issue and enforce a written or printed stop-sale order against the owner or custodian of any seed or screenings which are found to be in violation of any of the provisions of NRS 587.015 to 587.123, inclusive, or the rules and regulations adopted pursuant thereto.

Sec. 337. NRS 587.087 is hereby amended to read as follows:

587.087 1. A ~~["]~~ stop-sale order ~~["]~~ issued pursuant to subsection 2 of NRS 587.085 may prohibit the sale, processing or movement of ~~[such]~~ *the* seed or screenings until evidence is submitted or obtained that the violation has been corrected and a release from the stop-sale order is issued.

2. Whenever tree seed, shrub seed or screenings are subject to a stop-sale order, the ~~[administrator]~~ *director* or his representative shall notify the shipper or consignor that the order is in effect. Upon the shipper's or consignor's request, the ~~[administrator]~~ *director* may permit the return of the seed to the shipper or may permit the seed to be transferred to a mutually acceptable storage area pending its further disposition as provided by law.

3. Any person aggrieved by a stop-sale order may, within 60 days after the order issues, appeal from ~~[such]~~ *the* order to the district court in the county in which the seeds, subject to ~~[such]~~ *the* order, are located.

Sec. 338. NRS 587.089 is hereby amended to read as follows:

587.089 The ~~[administrator]~~ *director* shall cooperate with the United States Department of Agriculture and other appropriate agencies in seed law enforcement.

Sec. 339. NRS 587.105 is hereby amended to read as follows:

587.105 Except for seed supplied by a seedsman of trees to a consumer under a contractual agreement, which may be labeled by invoice or by an analysis tag attached to the invoice if the seed is in bulk or if each bag or other container is clearly identified by the number of the lot stenciled on the container, the labeling of each bag or container which is not so identified and

each container of seeds of trees and shrubs which is sold, offered for sale or transported within this state for sowing purposes must state, in addition to the requirements of NRS 587.091:

1. The common name of the species of seed and subspecies, if appropriate.

2. The scientific name of the genus, species and subspecies, if appropriate.

3. The number or other identification of the lot.

4. The origin of the seed, specified as follows:

(a) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, geographic description or political subdivision, ~~[such as]~~ *including* state and county; or

(b) For seed collected from other than a predominantly indigenous stand, identification of the area of collection and the origin of the stand or, if applicable, the statement: "Origin not indigenous."

5. The upper and lower limits of elevations within which the seed was collected.

6. The purity of the seed as a percentage of pure seed by weight.

7. For those species for which standard procedures for testing germination are prescribed by the ~~[administrator,]~~ *director,* one of the following:

(a) The germination in percentage and percentage of firm ungerminated seed, and the month and year of the test;

(b) For seed transported or delivered for transportation within the year of collection or within 6 months following the year of collection, the statement: "Test is in process"; or

(c) For seed being transported to a consumer, the name of the consumer and a statement: "Contract seed not for resale, and subject to test to be arranged."

8. For those species for which standard procedures for testing germination have not been prescribed by the ~~[administrator,]~~ *director,* the year in which the seed was collected.

9. The name and address of the person who labeled the seed, or who sells or offers the seed for sale within this state.

Sec. 340. NRS 587.107 is hereby amended to read as follows:

587.107 Each person whose name appears on a label as handling seeds subject to any of the provisions of NRS 587.015 to 587.123, inclusive, shall keep for ~~[a period of]~~ 2 years complete records of each lot of seed handled and for 1 year a file sample of each lot of seed after final disposition of the lot. All such records and samples pertaining to the shipment or shipments involved must be available for inspection by the ~~[administrator]~~ *director* or his representative during normal business hours.

Sec. 341. NRS 587.109 is hereby amended to read as follows:

587.109 1. Any person importing any white or Irish potatoes intended for seed purposes into the State of Nevada shall, within 24 hours after the

receipt of ~~[such]~~ *the* potatoes, notify the ~~[administrator]~~ *director* of the arrival of the potatoes and hold them at his place of business or at the point of receipt until the potatoes are inspected and released by the ~~[administrator.]~~ *director.*

2. If, upon inspection, the ~~[administrator]~~ *director* finds that the potatoes are infected with bacterial ring rot, or other potato diseases in amounts in excess of that allowed under the standards set for Nevada certified potatoes, the potatoes may not be released for planting in this state, but must be disposed of for nonseed purposes in a manner approved by the ~~[administrator.]~~ *director.*

3. If the seed potatoes are found to be free from bacterial ring rot, and other potato diseases are not present in excess of that allowed under the standards set for Nevada certified seed potatoes, the ~~[administrator]~~ *director* shall release the potatoes.

Sec. 342. NRS 587.119 is hereby amended to read as follows:

587.119 1. ~~[Whenever any]~~ *If a* seed is prepared for use, all screenings or cleanings must be removed from the premises only under a permit issued by the ~~[administrator.]~~ *director.*

2. It is unlawful to distribute, give away, sell or use screenings containing weed seeds unless the screenings have been treated to destroy the viability of the weed seeds or otherwise in a manner approved by the ~~[administrator.]~~ *director.*

Sec. 343. NRS 587.121 is hereby amended to read as follows:

587.121 1. Any lot of seed found or reasonably suspected to be in violation of any of the provisions of NRS 587.015 to 587.119, inclusive, is subject to seizure upon a complaint by the ~~[administrator]~~ *director* filed in the district court of the county in which the seed is located.

2. If the court finds that the seed is in violation of any of ~~[such]~~ *those* provisions, it may, after allowing the party or parties in interest to apply for the release of the seed or for permission to bring the seed into compliance with the law, make such orders as may be necessary for the seed to be processed, relabeled, denatured, destroyed or otherwise disposed of according to the circumstances of the case.

Sec. 344. NRS 587.131 is hereby amended to read as follows:

587.131 As used in NRS 587.135 to 587.185, inclusive, unless the context requires otherwise:

1. "Advisory board" means the alfalfa seed advisory board.

2. "Alfalfa seed" means the seed that is harvested from any variety of alfalfa plant.

3. "Dealer" means any person, partnership, association, corporation, cooperative or other business unit or device that first handles, packs, ships, buys and sells alfalfa seed.

4. ~~["Division" means the division of agriculture of the department of business and industry.~~

~~5.~~] "Grower" means any landowner personally engaged in growing alfalfa seed, or both the owner and tenant jointly, and includes a person, partnership, association, corporation, cooperative organization, trust, sharecropper or any and all other business units, devices or arrangements that grow alfalfa seed.

Sec. 345. NRS 587.155 is hereby amended to read as follows:

587.155 1. The ~~[division]~~ *department* shall, on or before August 1 of each year, fix an annual special assessment not to exceed 50 cents per hundred weight of alfalfa seed to be levied upon all alfalfa seed grown in this state. The ~~[division]~~ *department* shall collect the assessment and transmit the proceeds to the state treasurer for credit to the alfalfa seed research and promotion account.

2. On or before June 30 of each year, any person who has paid the special assessment levied pursuant to this section may file a claim for *a* refund with the ~~[division]~~ *department* accompanied by a receipt showing ~~[such]~~ payment. Upon verification of the correctness of the claim, the ~~[division]~~ *department* shall transmit ~~[it]~~ *the claim* to the state controller for payment from the alfalfa seed research and promotion account.

Sec. 346. NRS 587.161 is hereby amended to read as follows:

587.161 All assessments levied pursuant to the provisions of NRS 587.155 must be paid to the ~~[division]~~ *department* by the person, either grower or dealer, by whom the alfalfa seed was first handled in the primary channels of the trade and must be paid within 60 days after the date on which the grower received payment for the alfalfa seed. If the person first handling the alfalfa seed in the primary channels of trade is a person other than the grower, he may charge against or recover from the grower the full amount of any assessment paid by him under NRS 587.155.

Sec. 347. NRS 587.165 is hereby amended to read as follows:

587.165 Any grower or dealer who fails to file a return or to pay any assessment pursuant to NRS 587.155 within the ~~[time]~~ *period* required forfeits to the ~~[division]~~ *department* a penalty of 5 percent of the amount of the assessment due and 1 percent of the assessment due for each month of delay or fraction thereof after the end of the month in which the return was required to be filed or in which the assessment became due. The ~~[division,]~~ *department,* if satisfied the delay was excusable, may remit all or any part of the penalty. The penalty must be paid to the ~~[division]~~ *department* and deposited for credit to the alfalfa seed research and promotion account.

Sec. 348. NRS 587.171 is hereby amended to read as follows:

587.171 Any assessment levied constitutes a personal debt of every person so assessed. If a person fails to pay the assessment, including all penalties, the ~~[division]~~ *department* may, at any time within 3 years ~~[from]~~ *after* the date of delinquency, maintain a civil action against ~~[him]~~ *the person* to recover the amount of the delinquent assessment and penalties.

Sec. 349. NRS 587.175 is hereby amended to read as follows:

587.175 1. Every dealer shall maintain accurate records of all Nevada alfalfa seed handled, packed, shipped or processed by him.

2. The records must be:

(a) In such form and contain such information as the state board of agriculture may require;

(b) Preserved for ~~[a period of]~~ 2 years; and

(c) Subject to inspection at any reasonable time at the request of the state board of agriculture or ~~[of the division.]~~ *the department.*

Sec. 350. NRS 587.181 is hereby amended to read as follows:

587.181 Alfalfa seed growers who ship their alfalfa seed directly to dealers outside the State of Nevada shall remit assessment fees to and file such reports as are required with the ~~[division.]~~ *department.*

Sec. 351. NRS 587.360 is hereby amended to read as follows:

587.360 1. The state quarantine officer ~~[is authorized to]~~ *may* designate any competent employee or agent of the ~~[division of agriculture of the department of business and industry]~~ *department* to inspect or classify agricultural products in accordance with such regulations as he may prescribe at such places as the volume of business may be found to warrant the furnishing of ~~[such]~~ *the* inspection service, at the request of persons having an interest in ~~[such]~~ *those* products, and to ascertain and to certify to ~~[such]~~ *those* persons the grade, classification, quality or condition thereof, and such other pertinent facts as the state quarantine officer may require.

2. The state quarantine officer ~~[is authorized to]~~ *may* fix, assess and collect, or cause to be collected, fees for ~~[such services when]~~ *those services if* they are performed by employees or agents of the ~~[division of agriculture.]~~ *department.*

Sec. 352. NRS 587.370 is hereby amended to read as follows:

587.370 1. The board of county commissioners of any county may employ one or more inspectors to assist in carrying out the provisions of NRS 587.290 to 587.450, inclusive, upon a salary or on a per diem basis, for such *a* period ~~[or periods]~~ as the board and the state quarantine officer deem necessary, but no inspector may be so employed who is not licensed by the state quarantine officer, who shall direct all of the inspector's official activities.

2. Any inspector so employed by any county shall collect all inspection fees fixed and established by the state quarantine officer for any inspections and certifications performed by him, and promptly forward the fees to the state quarantine officer. The state quarantine officer shall forward any portion of the fees due any federal agency to that agency. Ten percent of the inspection fees collected must be remitted to the ~~[division of agriculture of the department of business and industry]~~ *department* for use in the plant industry program, and the balance must be reimbursed to the counties ~~[in which]~~ *where* the fees were collected.

Sec. 353. NRS 587.460 is hereby amended to read as follows:

587.460 As used in NRS 587.460 to 587.660, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[587.465]~~ *587.470* to 587.530, inclusive, have the meanings ascribed to them in those sections.

Sec. 354. NRS 587.540 is hereby amended to read as follows:

587.540 The ~~[administrator]~~ *director* and the deputies and inspectors under his supervision and control shall enforce the provisions of NRS 587.460 to 587.660, inclusive.

Sec. 355. NRS 587.550 is hereby amended to read as follows:

587.550 The ~~[administrator]~~ *director* may adopt regulations:

1. Prescribing methods of selecting samples of lots or containers of fruits, nuts and vegetables on a basis of size or other specific classification which are reasonably calculated to produce by ~~[such]~~ *that* sampling fair representations of the entire lots or containers which are sampled.

2. Establishing and issuing official color charts which depict the color standards and requirements which may be established by NRS 587.460 to 587.660, inclusive.

3. Which are ~~[reasonably]~~ necessary to secure uniformity in the enforcement of *the provisions of* NRS 587.460 to 587.660, inclusive.

Sec. 356. NRS 587.560 is hereby amended to read as follows:

587.560 The ~~[administrator]~~ *director* may cooperate financially or otherwise with any county in accordance with *the provisions of* NRS 244.327 and 561.245 in the enforcement of *the provisions of* NRS 587.460 to 587.660, inclusive.

Sec. 357. NRS 587.570 is hereby amended to read as follows:

587.570 1. All potatoes sold or offered for sale for human consumption within this state must meet the U.S. No. 2 grade requirements or better, as adopted by the United States Department of Agriculture and by the ~~[division under authority]~~ *department pursuant to the provisions* of NRS 587.390.

2. All containers of potatoes ~~[when]~~ *if* full must bear upon them in plain sight and plain letters the name of the person who authorized the packing of the potatoes or the name under which the packer is engaged in business, together with a sufficiently explicit address to permit *the* ready location of the packer.

3. All containers of potatoes sold must be marked with one of the grade markings for potatoes established by the United States Department of Agriculture and the ~~[division,]~~ *department,* except that open containers ~~[need not]~~ *are not required to* be marked with one of the grade markings ~~[when]~~ *if* they are part of an open display of potatoes which is marked with one of the grade markings. The potatoes in ~~[such]~~ *those* containers must meet the grade marked on the open display.

Sec. 358. NRS 587.580 is hereby amended to read as follows:

587.580 1. All onions sold or offered for sale for human consumption within this state must meet the U.S. No. 2 grade requirements, or better, as

adopted by the United States Department of Agriculture and ~~[by the division under authority]~~ *the department pursuant to the provisions* of NRS 587.390.

2. All containers of onions ~~[when]~~ *if* full must bear upon them in plain sight and plain letters the name of the person who authorized the packing of the onions or the name under which the packer is engaged in business, together with a sufficiently explicit address to permit *the* ready location of the packer.

3. All containers of onions sold must be marked with one of the grade markings for onions established by the United States Department of Agriculture and the ~~[division,]~~ *department,* except that open containers ~~[need not]~~ *are not required to* be marked with one of the grade markings ~~[when]~~ *if* they are part of an open display of onions which is marked with one of the grade markings. The onions in ~~[such]~~ *those* containers must meet the grade marked on the open display.

Sec. 359. NRS 587.660 is hereby amended to read as follows:

587.660 The provisions of NRS 587.590 to 587.650, inclusive, apply only to those fruits, nuts or vegetables for which specific quality standards are not otherwise established by this chapter or by ~~[regulation]~~ *regulations* adopted by the ~~[administrator.]~~ *director.* All nuts, fruits and vegetables ~~[when]~~ *if* offered for sale must be mature but not overripe.

Sec. 360. NRS 587.670 is hereby amended to read as follows:

587.670 As used in *this section and* NRS ~~[587.670,]~~ 587.680 and 587.690:

1. ~~["Administrator" means the administrator of the division of agriculture of the department of business and industry.~~

~~2.]~~ "Commercial feed" means all materials except seed, whole or processed, which are distributed for use as feed or for mixing in feed intended for livestock except that the ~~[administrator]~~ *director* by regulation may exempt from this definition or from specific provisions of NRS 587.680 and 587.690 commodities ~~[such as]~~ *including* hay, straw, stover, silage, cobs, husk, hull and individual chemical compounds ~~[or substances when such]~~ *and substances if those* commodities, compounds or substances are not intermixed or mixed with other materials.

~~[3.]~~ *2.* "Contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby ~~[such]~~ *the* commercial feed is supplied, furnished or otherwise provided to ~~[such]~~ *the* person and whereby ~~[such person's]~~ *his* remuneration is determined in whole or in part by feed consumption, mortality, profits ~~[,]~~ or *the* amount or quality of *the* product.

~~[4.]~~ *3.* "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or feed ingredients , ~~[or both,]~~ each batch of which is manufactured according to the specific instructions of the final purchaser.

~~[5.]~~ *4.* "Livestock" means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All goats or animals of the caprine species.

(e) All poultry or domesticated fowl or birds.

(f) All rabbits of the genus oryctolagus.

(g) All sheep or animals of the ovine species.

Sec. 361. NRS 587.680 is hereby amended to read as follows:

587.680 The ~~[administrator]~~ *director* may adopt such rules and regulations for commercial feed for livestock as are necessary for the efficient enforcement of *the provisions of* NRS 587.690. Regulations must include , but are not limited to:

1. Methods of labeling;

2. Descriptions or statements of the ingredients or the effects thereof;

3. Directions for use for all feed containing drugs; and

4. Warning or caution statements necessary for the safe and effective use of the commercial feed.

Sec. 362. NRS 587.700 is hereby amended to read as follows:

587.700 As used in NRS 587.700 to 587.850, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[587.710]~~ *587.720* to 587.790, inclusive, have the meanings ascribed to them in those sections.

Sec. 363. NRS 587.730 is hereby amended to read as follows:

587.730 "Certifying agent" means a person accredited by the ~~[administrator]~~ *director* or the Secretary of Agriculture of the United States to certify a producer or handler for the purposes of the federal act or NRS 587.700 to 587.850, inclusive.

Sec. 364. NRS 587.800 is hereby amended to read as follows:

587.800 1. The ~~[administrator]~~ *director* shall establish a program for the certification of organic agricultural products. The program must ~~[cover]~~ *include* all vegetable products and may ~~[cover]~~ *include* animal products.

2. The governor and the ~~[administrator]~~ *director* shall submit the program to the Secretary of Agriculture for approval . ~~[pursuant to the federal act.]~~

Sec. 365. NRS 587.810 is hereby amended to read as follows:

587.810 1. An advisory council for organic agricultural products is hereby created in the ~~[division of agriculture of the department of business and industry.]~~ *department.* The advisory council ~~[must consist]~~ *consists* of:

(a) Four members who are producers or handlers of organic agricultural products;

(b) One member who is a purchaser, consumer, or wholesale or retail seller of organic agricultural products; and

(c) One member who represents an agricultural interest other than organic agricultural products.

2. The ~~[administrator]~~ *director* shall nominate members for the advisory council, and the state board of agriculture shall appoint the members.

3. The advisory council shall advise the ~~[administrator]~~ *director* and the state board of agriculture concerning the administration of the program for the certification of organic agricultural products.

Sec. 366. NRS 587.820 is hereby amended to read as follows:

587.820 1. The state board of agriculture shall appoint three of the first members of the advisory council for organic agricultural products for terms of 2 years and three for terms of 3 years. After the expiration of the initial term, the term of office of each member is 3 years. A vacancy must be filled, for the unexpired term, by appointment of a member whose qualifications are the same as those of the member replaced. The advisory council shall elect a chairman and vice chairman from among its members. The ~~[administrator]~~ *director* shall provide appropriate secretarial support and a place for the meetings of the advisory council.

2. The advisory council shall meet at least quarterly, upon the call of the ~~[administrator]~~ *director* or the chairman. A majority of the members appointed to the advisory council constitutes a quorum.

3. For each day or portion of a day necessarily spent on the business of the advisory council, each member is entitled to receive:

(a) Compensation, to be fixed by regulation of the state board of agriculture, which must not exceed $80 per day; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 367. NRS 587.850 is hereby amended to read as follows:

587.850 1. The ~~[administrator,]~~ *director,* after giving at least 20 days' written notice and the opportunity for a hearing, may impose, for a violation of this section or of a regulation adopted pursuant to NRS 587.830, a civil penalty of not more than:

(a) For the first violation, $200;

(b) For the second violation, $1,500; and

(c) For the third or subsequent violation, $3,000.

The ~~[administrator]~~ *director* shall deposit any money collected as a penalty with the state treasurer for credit to the state general fund and may present a claim to the state board of examiners for recommendation to the interim finance committee for an allocation from the contingency fund if money is needed to pay attorney's fees or the cost of an investigation.

2. A person shall not sell or offer for sale an agricultural product with the representation that it is organic if he knows or has reason to know that it has not been certified pursuant to the federal act or NRS 587.700 to 587.850, inclusive.

3. A person who violates the provisions of subsection 2 is guilty of a misdemeanor.

Sec. 368. Chapter 588 of NRS is hereby amended by adding thereto the provisions set forth as sections 369 and 370 of this act.

Sec. 369. *"Department" means the state department of agriculture.*

Sec. 370. *"Director" means the director of the department.*

Sec. 371. NRS 588.010 is hereby amended to read as follows:

588.010 As used in this chapter, unless the context otherwise requires, the words and ~~[phrases]~~ *terms* defined in NRS ~~[588.015]~~ *588.020* to 588.150, inclusive, *and sections 369 and 370 of this act* have the meanings ascribed to them in those sections.

Sec. 372. NRS 588.020 is hereby amended to read as follows:

588.020 "Agricultural minerals" means substances, mixtures of mineral substances, and mixtures of mineral and organic substances, containing less than 5 percent in available form of nitrogen, phosphorus pentoxide, or potassium oxide, singly, collectively, or in combination, except sand and soil, unless otherwise authorized by the ~~[administrator.]~~ *director.*

Sec. 373. NRS 588.100 is hereby amended to read as follows:

588.100 "Official sample" means any sample of commercial fertilizer or agricultural mineral taken by the ~~[administrator]~~ *director* or his agent according to the methods prescribed by the ~~[administrator.]~~ *director.*

Sec. 374. NRS 588.160 is hereby amended to read as follows:

588.160 ~~[This]~~ *The provisions of this* chapter must be administered by the ~~[administrator.]~~ *director.*

Sec. 375. NRS 588.170 is hereby amended to read as follows:

588.170 1. Each brand and grade of commercial fertilizer or agricultural mineral must be registered with the ~~[division]~~ *department* before being offered for sale, sold or distributed in this state.

2. An application for registration must be submitted in duplicate to the ~~[administrator]~~ *director* on a form furnished by him, and must be accompanied by a registration fee in an amount to be fixed annually by the ~~[administrator,]~~ *director,* not to exceed $25 for each combined registration of brand and grade.

3. The applicant must also deposit with the ~~[division]~~ *department* an airtight container containing not less than 2 pounds of the fertilizer or agricultural mineral, with an affidavit that it is a fair sample of the fertilizer or agricultural mineral to be sold or offered for sale.

4. Upon approval by the ~~[administrator,]~~ *director,* a copy of the registration must be furnished to the applicant.

5. All registrations expire on June 30 of each year.

Sec. 376. NRS 588.180 is hereby amended to read as follows:

588.180 1. The application must include the following information in the following order:

(a) The name and address of the person guaranteeing the registration.

(b) The brand and grade.

(c) The guaranteed analysis showing the minimum percentage and source of plant food claimed in the following order and form:

Total nitrogen: Percentage ...., source ....
Available phosphoric acid: Percentage ...., source ...
Soluble potash: Percentage ...., source ....

2. Fertilizer materials containing only one plant food element and recognized by their chemical names ~~[need only]~~ *are not required to* be guaranteed for the plant food element contained therein.

3. Unacidulated mineral phosphatic materials and basic slag must be guaranteed as to both total and available phosphoric acid, and the degree of fineness.

4. In the case of bone, tankage and other natural organic phosphate materials, only the total phosphoric acid ~~[need]~~ *is required to* be guaranteed.

5. Additional plant food elements, determined by chemical methods, may be guaranteed only by permission of the ~~[administrator. When any such]~~ *director. If any of those* additional plant foods are claimed , they must be included in the guarantee, and are subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the ~~[administrator.]~~ *director.*

6. The ~~[administrator]~~ *director* may permit or require the potential basicity or acidity, expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton, to be registered and guaranteed.

Sec. 377. NRS 588.190 is hereby amended to read as follows:

588.190 The guaranteed analysis of agricultural minerals must be stated as follows:

1. Limestone, limerock, chalk, dolomite, dolomitic limestone, marl, oystershell, shells and every other agricultural mineral, the principal constituent of which is calcium carbonate, the percentage of calcium carbonate therein.

2. Burnt lime, quicklime, and every agricultural mineral, the principal constituent of which is calcium oxide, the percentage of calcium oxide therein.

3. Hydrated lime, slacked lime, and every agricultural mineral, the principal constituent of which is calcium hydroxide, the percentage of calcium hydroxide therein.

4. By-products in the manufacture of sugar or acetylene and every other agricultural mineral obtained as a by-product, the principal constituent of which is a compound of calcium, the neutralizing powers expressed as calcium carbonate equivalent.

5. Gypsum, land plaster, plaster, and every agricultural mineral, the principal constituent of which is calcium sulfate, the percentage of calcium sulfate dihydrate ($CaSO_4$-$2H_20$) therein.

6. Sulfur, brimstone, and every agricultural mineral, the principal ingredient of which is elemental sulfur, the percentage of elemental sulfur therein.

7. In the case of any agricultural mineral not specifically mentioned herein, the percentage of all constituents claimed to be therein in terms or equivalent as prescribed by the ~~[administrator.]~~ *director.*

8. In the case of any mixture of two or more agricultural minerals, the percentage of each principal constituent as ~~[above prescribed.]~~ *prescribed in this section.*

Sec. 378. NRS 588.210 is hereby amended to read as follows:

588.210 1. There must be paid to the ~~[division]~~ *department* for all commercial fertilizers offered for sale, sold or distributed in this state a fee at the rate of 25 cents per ton on every ton sold, but sales to manufacturers or exchanges between them are exempted.

2. There must be paid to the ~~[division]~~ *department* for all agricultural minerals offered for sale, sold or distributed in this state a fee of 25 cents per ton on every ton if sold in packages, or 5 cents per ton if sold in bulk, but sales to manufacturers or exchanges between them are exempt.

3. The ~~[division]~~ *department* shall prepare suitable forms for reporting sales and on request shall furnish the forms without cost to all persons dealing in registered brands of commercial fertilizers or agricultural minerals.

Sec. 379. NRS 588.230 is hereby amended to read as follows:

588.230 1. The ~~[administrator,]~~ *director,* who may act through his authorized agent, shall sample, inspect, make analyses of and test commercial fertilizers and agricultural minerals distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether ~~[such]~~ *those* commercial fertilizers and agricultural minerals are in compliance with the provisions of this chapter. The ~~[administrator, individually or through his agent, is authorized to]~~ *director or his agent may* enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers and agricultural minerals subject to the provisions of this chapter and the rules and regulations ~~[pertaining]~~ *adopted pursuant* thereto.

2. The methods of analysis must be those adopted by the ~~[administrator]~~ *director* from sources such as those of the Association of Official Agricultural Chemists.

3. The ~~[administrator,]~~ *director,* in determining for administrative purposes whether any commercial fertilizer or agricultural mineral is deficient in plant food, must be guided solely by the official sample as defined in NRS 588.100, and obtained and analyzed as provided for in subsection 2 of this section.

4. The results of official analysis of any commercial fertilizer or agricultural mineral which has been found to be subject to penalty or other legal action must be forwarded by the ~~[administrator]~~ *director* to the registrant at least 10 days before the report is submitted to the purchaser. If during that period no adequate evidence to the contrary is made available to the ~~[administrator,]~~ *director,* the report becomes official.

5. Upon request, the ~~[administrator]~~ *director* shall furnish to the registrant a portion of any sample found subject to penalty or other legal action.

Sec. 380. NRS 588.240 is hereby amended to read as follows:

588.240 1. If the analysis shows that any commercial fertilizer or agricultural mineral falls short of the guaranteed analysis in any one ingredient, a penalty must be assessed in accordance with the following provisions:

(a) Total nitrogen: A penalty of 3 times the value of the deficiency, if the deficiency is in excess of 0.020 of 1 percent on goods that are guaranteed 2 percent; 0.25 of 1 percent on goods that are guaranteed 3 percent; 0.35 of 1 percent on goods that are guaranteed 4 percent; 0.40 of 1 percent on goods that are guaranteed 5 percent up to and including 8 percent; 0.50 of 1 percent on goods guaranteed above 8 percent up to and including 30 percent; and 0.75 of 1 percent on goods guaranteed over 30 percent.

(b) Available phosphoric acid: A penalty of 3 times the value of the deficiency, if the deficiency exceeds 0.40 of 1 percent on goods that are guaranteed up to and including 10 percent; 0.50 of 1 percent on goods that are guaranteed above 10 percent up to and including 25 percent; and 0.75 of 1 percent on goods guaranteed over 25 percent.

(c) Soluble potash: A penalty of 3 times the value of the deficiency, if the deficiency is in excess of 0.20 of 1 percent on goods that are guaranteed 2 percent; 0.30 of 1 percent on goods that are guaranteed 3 percent; 0.40 of 1 percent on goods that are guaranteed 4 percent; 0.50 of 1 percent on goods guaranteed above 4 percent up to and including 8 percent; 0.60 of 1 percent on goods guaranteed above 8 percent up to and including 20 percent; and 1 percent on goods guaranteed over 20 percent.

(d) Deficiencies in any other constituent or constituents covered under NRS 588.190 which the registrant is required to or may guarantee must be evaluated by the ~~[administrator]~~ *director* and penalties therefor must be prescribed by him.

2. ~~[Nothing contained in]~~ *The provisions of* this section ~~[prevents]~~ *do not prevent* any person from appealing to a court of competent jurisdiction praying for judgment as to the justification of ~~[such]~~ *the* penalties.

3. All penalties assessed under this section must be paid to the consumer of the lot of commercial fertilizer or agricultural mineral represented by the sample analyzed within 3 months after the date of *the* notice from the ~~[administrator]~~ *director* to the registrant, and a receipt taken therefor and promptly forwarded to the ~~[administrator.]~~ *director.* If the consumer cannot be found, the amount of the penalty must be paid to the ~~[division.]~~ *department.*

Sec. 381. NRS 588.250 is hereby amended to read as follows:

588.250 ~~[For the purpose of determining]~~ *To determine* the commercial values to be applied under the provisions of NRS 588.240, the ~~[administrator]~~ *director* shall determine and publish annually the values per pound of nitrogen, phosphoric acid, and soluble potash in commercial fertilizers or agricultural minerals in this state. The values ~~[so]~~ determined and published must be used in determining and assessing penalties.

Sec. 382. NRS 588.270 is hereby amended to read as follows:

588.270 1. At least annually, the ~~[administrator]~~ *director* shall publish, in such form as he may deem proper:

(a) Information concerning the sales of commercial fertilizers and agricultural minerals, together with such data on their production and use as he may consider advisable.

(b) A report of the results of the analyses based on official samples of commercial fertilizers or agricultural minerals sold within the state as compared with the analyses guaranteed under NRS 588.170 to 588.200, inclusive.

2. The information concerning production and use of commercial fertilizers or agricultural minerals must be shown separately for the periods ~~[of]~~ *from* July 1 to December 31 and *from* January 1 to June 30 of each year.

3. No disclosure may be made of the operations of any person.

Sec. 383. NRS 588.290 is hereby amended to read as follows:

588.290 If any commercial fertilizer or agricultural mineral in the possession of the consumer is found by the ~~[administrator]~~ *director* to be short in weight, the registrant of the commercial fertilizer or agricultural mineral shall, within 30 days after ~~[official]~~ notice from the ~~[administrator,]~~ *director,* pay to the consumer a penalty equal to 4 times the value of the actual shortage.

Sec. 384. NRS 588.300 is hereby amended to read as follows:

588.300 The ~~[administrator is authorized and empowered to]~~ *director may* cancel the registration of any brand of commercial fertilizer or agricultural mineral or ~~[to]~~ refuse to register any brand of commercial fertilizer or agricultural mineral, as provided in this chapter, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of this chapter or any rules and regulations adopted ~~[thereunder,]~~ *pursuant thereto,* but no registration may be revoked or refused until the registrant has been given the opportunity to appear ~~[for]~~ *at* a hearing *held* by the ~~[administrator.]~~ *director.*

Sec. 385. NRS 588.320 is hereby amended to read as follows:

588.320 1. Any lot of commercial fertilizer or agricultural mineral not in compliance with the provisions of this chapter is subject to seizure upon *the* complaint of the ~~[administrator]~~ *director* to a court of competent jurisdiction in the area in which the commercial fertilizer or agricultural mineral is located.

2. If the court finds *that* the commercial fertilizer or agricultural mineral ~~[to be in violation]~~ *does not comply with the provisions* of this chapter and orders the condemnation of the commercial fertilizer or agricultural mineral, it must be disposed of in any manner consistent with the quality of the commercial fertilizer or agricultural mineral and the laws of ~~[the]~~ *this* state.

3. In no instance may the disposition of ~~[such]~~ *the* commercial fertilizer or agricultural mineral be ordered by the court without ~~[first]~~ giving the claimant an opportunity to apply to the court for release of the commercial fertilizer or agricultural mineral, or for permission to process or relabel the

commercial fertilizer or agricultural mineral, to bring it into compliance with *the provisions of* this chapter.

Sec. 386. NRS 588.330 is hereby amended to read as follows:

588.330 1. If it appears from the examination of any commercial fertilizer or agricultural mineral that any of the provisions of this chapter or the rules and regulations ~~[issued thereunder]~~ *adopted pursuant thereto* have been violated, the ~~[administrator]~~ *director* shall cause notice of the violations to be given to the registrant, distributor or possessor from whom the sample was taken. Any person so notified must be given an opportunity to be heard under such rules and regulations as may be prescribed by the ~~[administrator.]~~ *director*. If it appears after the hearing, ~~[either]~~ in the presence or absence of the person so notified, that any of the provisions of this chapter or *the* rules and regulations ~~[issued thereunder]~~ *adopted pursuant thereto* have been violated, the ~~[administrator]~~ *director* may certify the facts to the proper district attorney.

2. ~~[Nothing in]~~ *The provisions of* this chapter ~~[requires the administrator]~~ *do not require the director* or his representative to report for prosecution, or for the institution of seizure proceedings, minor violations of this chapter ~~[when]~~ *if* he believes that the public interest will be best served by a suitable notice of warning in writing.

3. Each district attorney to whom any violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

4. The ~~[administrator is authorized to]~~ *director may* apply for and the court ~~[to]~~ *may* grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation adopted ~~[under]~~ *pursuant to* this chapter notwithstanding the existence of other remedies at law. The injunction must be issued without bond.

Sec. 387. NRS 590.063 is hereby amended to read as follows:

590.063 1. The use of pumps or other devices which are capable of withdrawing gasoline from each of two tanks containing different qualities of the same petroleum product and dispensing them as a single combined product must be authorized if the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities of the gasoline being simultaneously withdrawn from each of the two tanks and the quantity dispensed.

(b) The device mechanism accurately and visibly records and displays the resulting combined quality, the total quantity, the price per gallon for the particular quality combination being dispensed, and the total price of the quantity of gasoline dispensed at the particular sale.

(c) The device has a locking selector mechanism which prevents the changing of the proportion of the two qualities being combined during the dispensing of the desired quantity.

2. ~~[It is the purpose]~~ *The provisions* of this section ~~[to]~~ authorize the operation of a blending type of pump connected to two tanks containing two different grades of the same product, which, ~~[when]~~ *if* blended together in different proportions, will produce gasoline of different octane rating, each blend of which meets the specifications for gasoline as required by this chapter.

Sec. 388. NRS 590.065 is hereby amended to read as follows:

590.065 1. The use of pumps or other devices which are capable of withdrawing gasoline from one tank containing gasoline and another tank containing motor oil and dispensing them as a single combined product and of withdrawing gasoline alone from the tank containing gasoline must be authorized if the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed, and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed.

(b) The device mechanism accurately and visibly records and displays the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for gasoline being dispensed and the price per quart for motor oil being dispensed, or a device the mechanism of which accurately and visibly records and displays the ratio of gasoline to motor oil, the total volume of the oil and gasoline mixture delivered, and computes the total cost based upon the price set for the finished blend.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

(d) There is firmly attached to or painted upon the device mechanism panel a sign or label plainly visible consisting of the words "outboard motor fuel" in letters not less than one-half inch in height, together with the brand, trade-mark or trade name of the product, which ~~[shall also]~~ *must* be in letters of not less than one-half inch in height.

2. ~~[It is the purpose]~~ *The provisions* of this section ~~[to]~~ authorize the operation of a blending type of pump connected to two tanks, one containing motor oil and the other gasoline, but only if the motor oil in its separate state meets the specifications for lubricating oil as required by NRS 590.080, and the gasoline in its separate state meets the specifications for gasoline as required by NRS 590.070.

Sec. 389. NRS 590.090 is hereby amended to read as follows:

590.090 1. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, or assist in the sale of or permit to be

sold or offered for sale any petroleum or petroleum product to be used for heating purposes, unless the petroleum or petroleum product conforms to the ~~[latest]~~ *most recent* standards adopted by the American Society for Testing and Materials.

2. All bulk storage tanks, dispensers and petroleum tank truck compartment outlets containing or dispensing heating fuel must be labeled with the brand name and the grade designation of the heating fuel.

3. A person shall not use the numerical grade designation for heating fuels adopted by the American Society for Testing and Materials unless the designation conforms to ~~[the ASTM specification.]~~ *that designation.* Persons using a designation other than the ~~[ASTM]~~ numerical grade designation *adopted by the American Society for Testing and Materials* must ~~[first]~~ file with the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ the designation to be used together with its corresponding ~~[ASTM grade designation.]~~ *grade designation of the American Society for Testing and Materials.*

Sec. 390. NRS 652.230 is hereby amended to read as follows:

652.230 The provisions of this chapter apply to all public and private medical laboratories except:

1. A laboratory of any college, university or school which is conducted for the training of its students, actively engaged in research and approved by the state department of education.

2. Laboratories operated by the Federal Government.

3. Laboratories operated by the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

Sec. 391. NRS 705.190 is hereby amended to read as follows:

705.190 1. Every owner or operator of a railroad in this state who injures or kills any livestock of any description by ~~[the running of]~~ *running* an engine or car over or against the livestock shall:

(a) Within 5 days thereafter post for ~~[a period of]~~ at least 30 days, at the first railroad station in each direction from the place of the injury or killing, notices in writing in ~~[some]~~ *a* conspicuous place on the outside of the stations; and

(b) Within 10 days after ~~[the injury]~~ *injuring* or killing ~~[of]~~ the livestock, forward by registered or certified mail a duplicate of each notice to the ~~[division]~~ *state department* of agriculture . ~~[of the department of business and industry.]~~

2. The notice ~~[or notices]~~ must:

(a) Contain the number and kind of the animals ~~[so]~~ injured or killed, with a full description of the animals, including brands and marks and sex.

(b) Give the time and place, as near as possible, of the injury or killing.

(c) Be dated and signed by an officer or agent of the owner or operator of the railroad concerned.

Sec. 392. NRS 552.08505, 552.08585, 576.011, 586.035, 587.016, 587.027, 587.465, 587.710, 588.015 and 588.074 are hereby repealed.

Sec. 393. This act becomes effective:

1. Upon passage and approval for the purpose of the adoption of regulations by the commission on mineral resources that are necessary to carry out the provisions of this act; and

2. On July 1, 1999, for all other purposes.

Sec. 394. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any reference to:

(a) "Division of agriculture" to "state department of agriculture"; and

(b) Any other agency or any officer whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate agency or officer.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any reference to:

(a) "Division of agriculture" to "state department of agriculture"; and

(b) Any other agency or any officer whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate agency or officer.

LEADLINES OF REPEALED SECTIONS

552.08505 "Administrator" defined.

552.08585 "Division" defined.

576.011 "Administrator" defined.

586.035 "Administrator" defined.

587.016 "Administrator" defined.

587.027 "Division" defined.

587.465 "Administrator" defined.

587.710 "Administrator" defined.

588.015 "Administrator" defined.

588.074 "Division" defined.".

Amend the title of the bill to read as follows:

"AN ACT relating to state government; reestablishing the state department of agriculture; requiring the commission on mineral resources to establish fees for the production of certain oil and gas and for filing certain documents and issuing certain permits to drill wells; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Reestablishes state department of agriculture. (BDR 18-102)".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 107.

Bill read second time.

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

Amendment No. 129.

Amend sec. 4, page 2, line 14, after "*in*" by inserting:

"*a brokerage agreement or*".

Amend sec. 4, page 2, by deleting lines 19 through 23 and inserting:

"*be distributed until:*

(a) An application for:

(1) A certificate of ownership for the manufactured home, mobile home or commercial coach; or

(2) A certificate of title or certificate of ownership that does not pass immediately upon the sale or transfer of the manufactured home, mobile home or commercial coach,

has been submitted to the division;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

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

Amendment No. 298.

Amend section 1, page 1, line 13, by deleting "To" and inserting:

"~~[To]~~ *Except as otherwise provided in subsection 5, to*".

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:

"(c) Have a monthly household income , *as determined by the administrator in accordance with subsection 4,* which is at or below:

(1) The federally designated level signifying poverty or $750,".

Amend section 1, page 2, lines 12 and 13, by deleting "~~[1,125,]~~ *$1,225,*" and inserting "$1,125,".

Amend section 1, page 2, by deleting lines 21 through 26 and inserting:

"*(2) The* contents of that mobile home *;* and ~~[one]~~

(3) One motor vehicle.".

Amend section 1, page 2, line 34, after "4." by inserting:

"*In determining the monthly household income of an applicant pursuant to subsection 3, the administrator shall exclude from the calculation:*

(a) The value of any food stamps the applicant received pursuant to the Food Stamp Act of 1977, as amended, 7 U.S.C. §§ 2011 et seq., during the year immediately preceding his application for assistance; or

(b) If the applicant is receiving coverage pursuant to Medicare Part B, 42 U.S.C. §§ 1395j et seq., the value of the cost of such coverage during the year immediately preceding his application for assistance,
whichever is greater.

5. The administrator may waive the requirements for eligibility set forth in subsection 3 upon the written request of an applicant if the circumstances of the applicant have changed as a result of:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship based upon a significant reduction of income, when considering the applicant's current financial circumstances.
An applicant shall include with his request for a waiver all medical and financial documents that support his request.

6.".

Amend section 1, page 3, line 1, by deleting "5." and inserting "~~[5.]~~ *7.*".

Amend the title of the bill, second line, after "homes;" by inserting: "authorizing a waiver from the eligibility requirements under certain circumstances;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 678.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 13.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 72 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman de Braga moved that upon return from the printer Assembly Bill No. 103 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 418 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Goldwater moved that Assembly Bills Nos. 207, 211 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 94.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 83.

Amend section 1, pages 1 and 2, by deleting lines 2 through 12 on page 1 and lines 1 through 28 on page 2 and inserting:

"417.220 1. *The account for veterans' affairs is hereby created in the state general fund.*

2. Money received by the executive director or the deputy executive director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the Department of Veterans Affairs ~~[or the Social Security Administration;~~

~~(c) Appropriations made by the legislature for veterans' cemeteries;]~~ *;*

(c) Receipts from the sale of gifts and general merchandise; and

(d) Except as otherwise provided in subsection ~~[5,]~~ *6 and* NRS 417.145 and 417.147, gifts of money ~~[or]~~ *and* proceeds derived from the sale of gifts of personal property he is authorized to accept, *if the use of such gifts has not been restricted by the donor,*

must be deposited with the state treasurer for credit to the account for *veterans' affairs and must be accounted for separately for* a veterans' cemetery in northern Nevada or ~~[the account for]~~ a veterans' cemetery in southern Nevada, whichever is appropriate . ~~[, in the state general fund.~~

~~2.]~~ *3.* The interest and income earned on the money ~~[in the accounts,]~~ *deposited pursuant to subsection 2,* after deducting any applicable charges, must be ~~[credited to the accounts.~~

~~3.]~~ *accounted for separately. Interest and income must not be computed on:*

(a) Money appropriated from the state general fund to the account for veterans' affairs.

(b) Fees charged pursuant to NRS 417.110 that are deposited in the account for veterans' affairs.

4. Except as otherwise provided in subsection ~~[5,]~~ *6,* the money ~~[in each account]~~ *deposited pursuant to subsection 2* may only be used for the operation and maintenance of the cemetery for which the ~~[account was created.~~

~~4.]~~ *money was collected.*

5. Except as otherwise provided in subsection ~~[5,]~~ *6,* gifts of personal property which the executive director or the deputy executive director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

~~[5.]~~ *6.* The *gift account for veterans' cemeteries is hereby created in the state general fund. The* executive director or the deputy executive director shall use gifts of money or personal property that he is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery, only in the manner designated by the donor. Gifts of money that the executive director or the deputy executive director is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery must be accounted for separately in the ~~[state general fund.~~

~~6.]~~ *gift account for veterans' cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, as applicable.* Any money remaining in the ~~[accounts]~~ *gift account for veterans' cemeteries* at the end of each fiscal year does not revert to the state general fund, but must be carried over into the next fiscal year.".

Amend sec. 2, page 3, by deleting lines 23 and 24 and inserting:

"subsection 6 with the state treasurer for credit to *the account for veterans' affairs in the state general fund and*".

Amend the title of the bill as follows:

"AN ACT relating to veterans' affairs; revising certain provisions relating to the account for a veterans' cemetery in northern Nevada and the account for a veterans' cemetery in southern Nevada; creating an account for veterans' affairs and a gift account for veterans' cemeteries; and providing other matters properly relating thereto.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 186, 345, 459, 489, 530, 588, 626, 630 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 5, 32, 34, 189, 237, 285, 287, 308, 337, 372, 382, 446, 468, 525, 597 and 679.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 42, 43.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered into the Journal.

SPEAKER DINI:

I have a very special young man and his father here today visiting the Legislature as my guests.

Justin Thran, the 15-year old son of Bob Thran, of Wellington, has given away more money than most of his peers have ever seen. Justin is a sixth generation Nevadan on his grandmother's side and fifth generation Nevadan on his grandfather's side. Justin is in ninth grade and has been chosen as one of five Jefferson Award recipients for Nevada. The late Jacqueline Kennedy Onassis and the Honorable Robert Taft, Jr. to honor the highest ideals and achievements in public service in the United States, founded the Jefferson Awards in 1972. The Jefferson Awards honor the unique dedication, sacrifices, and accomplishments of individuals serving the American people whose acts largely have gone unrecognized and strives to attract new leadership into public service. Justin was honored for earning the Jefferson Award on KTVN Channel 2 out of Reno, on Saturday, March 27.

The latest exciting news is Justin was recently chosen to represent the State of Nevada at the national ceremonies in Washington, D.C. in June. He will be among more than 40 other nominees from around the country eligible for the Jacqueline Kennedy Onassis Award for Public Service. Of the 40 nominees, five will receive the final award, which includes a medal from the Franklin mint and $1,000.

Justin was featured in the March edition of Reader's Digest, selecting him as one of five "Heroes for Today." Just what has this young man done to receive all this recognition? Over the past five years, Justin has raised more than $20,000 for the Food Bank of Northern Nevada and other nonprofit organizations from the sale of his custom birdhouses and feeders. Justin has brought several of these special birdhouses with him today, and I know that you will be joining me today in purchasing all of them on behalf of a great cause. Justin also has a newsletter and is working on a Web site. Whew, what a busy young man.

When asked why he gives so much away, Justin answers, "I give so much money away because I have had a roof over my head, food on the table, and a caring family. I think all children should have what I have. If we don't feed these children, what will become of them in the future?"

Justin, good luck in Washington, D.C., I hear the ceremony will take place during your 16th birthday, so have a great time. I just want you to know, that you are indeed a special young man.

Please help me welcome Justin and his father, Bob, here today.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to William Jeff Johnson.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Donald F. Nisley.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Thran, Bob Thran, and the Nevada Society of Scottish Clans.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy L. Sullivan, Cindy Kirkland, Richard Kirkland and Dennis Balaam.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to James M. Sohns.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Mejorado.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 7, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:20 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 7, 1999

Assembly called to order at 11:37 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Tom Rahme.

O God, Our God, we see the heavens and earth as Your handiwork. Lord, You are wisdom; You are power; and yet, You are loving, caring, warm and personal. We pray, Lord, that You would be especially near this Assembly today and that You would bless each and every one of them and that You would bless their efforts. Lord, we ask this in Your Son's Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 532, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 622, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 199, 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 6, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 285, 339, 352, 494, 533; Assembly Joint Resolution No. 23.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 291.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 44.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Evans, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 45—Commending the Reno Chamber Orchestra for 25 years of contribution to the arts in the State of Nevada.

WHEREAS, The Reno Chamber Orchestra is celebrating 25 years of inspired musical performances of repertoire written for the smaller, more intimate orchestra; and

WHEREAS, The Reno Chamber Orchestra has added immeasurably to the cultural life of the residents of the Truckee Meadows and Northern Nevada; and

WHEREAS, The Reno Chamber Orchestra has provided a forum for the extraordinary wealth of musical talent in the Reno area and for nationally and internationally recognized artists, including showcasing the musical compositions of Reno composers by performing their works; and

WHEREAS, The two December performances of Handel's *Messiah* by this talented orchestra have become a family Christmas tradition for many Northern Nevadans; and

WHEREAS, Through its annual College Concerto Competition, the only one of its kind in the State of Nevada, the Reno Chamber Orchestra continues to foster the careers of young, aspiring musicians enrolled in the University of Nevada or Nevada residents enrolled full time in a university elsewhere, including allowing the winner the opportunity to perform with the Reno Chamber Orchestra; and

WHEREAS, The Reno Chamber Orchestra makes all performances accessible to young music students from public schools by encouraging businesses to support the arts through the underwriting of student ticket costs; and

WHEREAS, By traveling to rural Nevada communities, the Reno Chamber Orchestra brings chamber music performances to communities that would not otherwise have access to performances by such a professional orchestra; and

WHEREAS, The Reno Chamber Orchestra has demonstrated its support for showcasing Reno as an arts community by participating in Uptown, Downtown, ARTown, Reno's annual summer arts festival, by holding two free concerts for the community; and

WHEREAS, The hard work and loyal support of Amici della Musica, a dedicated group of volunteers who have helped raise money for the orchestra, is invaluable to the success of the orchestra and is greatly appreciated by the Board of Directors and musicians of the Reno Chamber Orchestra; and

WHEREAS, The vision and leadership of Maestro Vahe Khochayan, and 8 of the original 20 accomplished musicians still playing this 1998-1999 Silver Anniversary season, including Maestro Khochayan, Jack Beck, Katherine Jerome, Valerie Nelson, Lani Oelrich, Marilyn Sevilla-Gunther, Eileen Tibbits and Ginny Tilton, have served to enrich the cultural lives of Northern Nevadans; and

WHEREAS, The members of the Reno Chamber Orchestra enhance the quality of musical instruction in Washoe County schools and educate the young people of Northern Nevada in the enjoyment of chamber orchestra music; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature do hereby commend and congratulate the Reno Chamber Orchestra for 25 years of contributions to the arts in the State of Nevada; and be it further

RESOLVED, That the Nevada Legislature does hereby applaud the artistic leadership and vision of Maestro Vahe Khochayan in bringing to the Reno area outstanding musicians who have become vital to the music programs of the public schools and the University of Nevada, including guest soloists who have greatly enhanced the musical performances of the Reno Chamber Orchestra; and be it further

RESOLVED, That the residents of the State of Nevada are hereby encouraged to take advantage of all opportunities to attend performances of the Reno Chamber Orchestra whenever possible; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Board of Directors of the Reno Chamber Orchestra.

Assemblywoman Evans moved the adoption of the resolution.

Remarks by Assemblywoman Evans.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN EVANS:

ACR 45 recognizes and congratulates the Reno Chamber Orchestra as it concludes 25 years of performing outstanding chamber music.

We who live in Nevada accept many forms of entertainment as a way of life. We sometimes take for granted the kaleidoscope of performing arts activities. Although Broadway and Hollywood music often dominate the billboards and marquees of hotels and nightspots, we dare not overlook the array of music and musical talent that reside in our communities.

In speaking about Nevada's quality of life, we acknowledge the enriching experiences of the opera, a philharmonic orchestra, and yes, a superlative chamber orchestra.

From 17th century French salons to modern times, chamber music has delighted generations of music lovers. In celebration of the silver anniversary of the Reno Chamber Orchestra, we pay tribute to the musicians who had a dream and courageously started the orchestra. We salute those who followed, giving their time and talent, and to the many volunteers and benefactors who provide resources and support services necessary to make the chamber orchestra a great success.

Clearly, leadership is an essential ingredient for success and the Reno Chamber Orchestra has had the good fortune to have the superior artistry of Maestro Vahe Khochayan.

It is altogether fitting and proper for the Nevada Legislature to pause this day and pay special tribute to the men and women of the Reno Chamber Orchestra.

Thank you for sharing your talent and for bringing joy to your listening audiences.

Resolution adopted unanimously.

Assemblywoman Evans moved that all rules be suspended and that Assembly Concurrent Resolution No. 45 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 14.

Assemblyman Perkins moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Assembly Concurrent Resolution No. 12.

Resolution read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 165.

Amend the resolution, page 2, by deleting lines 6 through 11.

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 285.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 291.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 339.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 352.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 494.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 533.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 251.

Amend section 1, page 1, by deleting lines 5 and 6.

Amend section 1, page 1, line 7, by deleting "*3.*" and inserting "2.".

Amend section 1, page 2, line 1, by deleting "*4. The*" and inserting:

"*3. Upon receiving a referral from the State Bar of Nevada pursuant to subsection 4, the*".

Amend section 1, page 2, line 2, by deleting "*shall*" and inserting "*may*".

Amend section 1, page 2, line 4, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 2, by deleting lines 5 and 6 and inserting:

"*(a) Issue an order to cease and desist to a person whom it suspects of violating the provisions of this section;*

(b) If a person to whom an order was issued pursuant to paragraph (a) refuses or fails to cease and desist, refer the person to the district attorney of the county in which it suspects the".

Amend section 1, page 2, line 8, by deleting "*(b)*" and inserting "*(c)*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 135.

Amend section 1, page 2, by deleting lines 16 and 17 and inserting:

"*a collision, accident or other casualty involving a vessel which results in death or substantial bodily injury and shall gather evidence to be used in the*".

Amend section 1, page 2, line 19, after the period by inserting:

"*The division of wildlife may investigate or cause to be investigated a collision, accident or other casualty involving a vessel which does not result in death or substantial bodily injury and may gather evidence to be used in the prosecution of a person charged with violating a law in connection with the collision, accident or other casualty.*".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 327.

Amend sec. 9, page 3, line 42, after "*district.*" by inserting:

"*If a case described in this subsection is heard initially by a master, the recommendation, report or order of the master must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.*".

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

"Sec. 10. NRS 22.030 is hereby amended to read as follows:

22.030 1. ~~[When]~~ *If* a contempt is committed in the immediate view and presence of the court or judge at chambers, ~~[it]~~ *the contempt* may be punished summarily . ~~[, for which]~~ *If the court or judge summarily punishes a person for a contempt pursuant to this subsection, the court or judge shall enter* an order ~~[shall be made, reciting]~~ *that:*

(a) Recites the facts ~~[as occurring in such]~~ *constituting the contempt in the* immediate view and presence ~~[, adjudging that]~~ *of the court or judge;*

(b) Finds the person ~~[proceeded against is thereby]~~ guilty of ~~[a contempt and that he be punished as therein prescribed.~~

~~2. When the]~~ *the contempt; and*

(c) Prescribes the punishment for the contempt.

2. If a contempt is not committed in the immediate view and presence of the court or judge at chambers, an affidavit ~~[shall]~~ *must* be presented to the court or judge of the facts constituting the contempt, or a statement of the facts by the masters or arbitrators.

3. ~~[In all cases of contempt arising without]~~ *Except as otherwise provided in this subsection, if a contempt is not committed in* the immediate

view and presence of the court, the judge of ~~[such]~~ *the* court in whose contempt the ~~[defendant]~~ *person* is alleged to be shall not preside at ~~[such]~~ *the* trial *of the contempt* over the objection of the ~~[defendant. This subsection shall not be construed or deemed to]~~ *person. The provisions of this subsection do not* apply in ~~[any]~~ *:*

(a) Any case where a final judgment or decree of the court is drawn in question and such judgment or decree was entered in such court by a predecessor judge thereof 10 years or more preceding the bringing of contempt proceedings for the violation of the judgment or decree.

(b) Any proceeding described in subsection 1 of NRS 3.223, whether or not a family court has been established in the judicial district.".

Amend sec. 10, pages 4 and 5, by deleting lines 17 through 43 on page 4 and lines 1 through 12 on page 5, and inserting:

"*1. In any action for divorce, at any time more than 10 days before trial, a party may petition the court to allow the party to serve upon the opposing party a written offer to allow judgment concerning the property rights of the parties to be taken in accordance with the terms and conditions of the offer.*

2. The court may allow a party to make an offer of judgment pursuant to this section if the court finds that the offer of judgment is likely to encourage cooperation and promote settlement or swift resolution of the case. In determining whether to allow a party to make an offer of judgment pursuant to this section, the court shall consider, without limitation:

(a) Whether each party is represented by counsel;

(b) Whether the issues concerning the property rights of the parties are conducive to an offer of judgment; and

(c) Whether the parties have conducted any discovery and, if not, whether discovery is necessary before an offer of judgment is made.

3. If an offer of judgment made pursuant to this section is accepted by the opposing party and approved by the court and a divorce is granted:

(a) The court shall enter judgment concerning the property rights of the parties in accordance with the terms and conditions of the offer; and

(b) The judgment of the court shall be deemed an agreement by the parties settling their property rights.

4. If an offer of judgment made pursuant to this section is not accepted by the opposing party before trial or within 10 days after it is made, whichever occurs first, the offer shall be deemed rejected and cannot be given in evidence upon the trial. The rejection of an offer of judgment does not preclude either party from petitioning the court to allow another offer of judgment to be made pursuant to this section.

5. If a party rejects an offer of judgment made pursuant to this section and the court determines that the party rejected the offer in bad faith, the court may award to the party who made the offer of judgment any or all of the following costs and fees that are incurred by the party on and after the date on which the offer is rejected:

(a) Taxable costs that are attributable to preparing for and conducting the litigation concerning the property rights of the parties.

(b) Reasonable costs for each expert witness whose services are reasonably necessary in preparing for and conducting the litigation concerning the property rights of the parties.

(c) Reasonable attorney's fees in preparing for and conducting the litigation concerning the property rights of the parties.

6. The provisions of this section do not apply to any offer of judgment by a party concerning the custody of a child, the support of a child or the support of a spouse.".

Amend sec. 12, page 7, line 31, by deleting:

"sections 10 and" and inserting "section".

Amend the title of the bill by deleting the fifth through seventh lines and inserting:

"information concerning other cases in family court; revising the provisions governing contempt in certain cases involving family law; allowing parties in divorce actions to make offers of judgment concerning property rights under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning family law. (BDR 1-874)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 162.

Amend section 1, page 1, line 8, after "*persons*" by inserting:

"*under 19 years of age who are not required to enroll in a Medicaid managed care program and are*".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Assemblywoman Freeman moved that Assembly Bill No. 178 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 184.

Amend sec. 2, pages 1, 2 and 3, by deleting lines 8 and 9 on page 1, lines 1 through 42 on page 2 and lines 1 through 36 on page 3, and inserting:

"*subsection 1, the child must not be released before a detention hearing is held pursuant to subsection 7 of NRS 62.170.*

3. At a detention hearing held pursuant to subsection 7 of NRS 62.170 concerning a child who was taken into custody for an offense described in subsection 1, the judge or master shall determine whether to order the child to be evaluated by a qualified professional. If the judge or master orders a child to be evaluated by a qualified professional, the evaluation must be completed within 14 days after the detention hearing. Until the evaluation is completed, the child must be:

(a) Detained at a facility for the detention of juveniles; or

(b) Placed under a program of supervision in his home that may include electronic surveillance of the child.".

Amend sec. 2, page 3, line 37, by deleting "*7.*" and inserting "*4.*".

Amend sec. 2, page 3, line 38, by deleting "*4,*" and inserting "*3,*".

Amend sec. 2, page 4, line 4, by deleting "*4.*" and inserting "*3.*".

Amend sec. 2, page 4, by deleting line 5 and inserting:

"*5. As used in this section:*

(a) "Firearm" has the meaning ascribed to it in subsection 1 of NRS 202.253.

(b) "Qualified professional" means:".

Amend sec. 2, page 4, line 6, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 2, page 4, line 8, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 2, page 4, line 9, by deleting "*(c)*" and inserting "*(3)*".

Amend sec. 2, page 4, line 11, by deleting "*(d)*" and inserting "*(4)*".

Amend sec. 2, page 4, line 14, by deleting "*(e)*" and inserting "*(5)*".

Amend sec. 3, page 4, line 20, after "*2.*" by inserting:

"*The court shall order the parent or guardian of the child, to the extent of his financial ability, to pay the cost of the child to participate in the counseling or other psychological treatment.*

3.".

Amend sec. 6, page 8, by deleting line 23 and inserting:

"*7. If a* child *who*".

Amend the title of the bill to read as follows:

"AN ACT relating to children; providing that a child who allegedly commits an offense involving a firearm must be taken into custody and detained for certain periods and may be psychologically evaluated; requiring the juvenile court to order counseling or other psychological treatment for a child who commits an offense involving cruelty to an animal; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning actions to be taken when child allegedly commits offense involving firearm or is found to have committed offense involving cruelty to animal. (BDR 5-187)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 284.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 418.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *As used in NRS 445A.010 to 445A.050, inclusive, this section and section 3 of this act, unless the context otherwise requires, "public water system" has the meaning ascribed to it in NRS 445A.840.*".

Amend sec. 2, page 1, by deleting lines 4 and 5 and inserting:

"*requiring the fluoridation of each public water system that serves a population of 100,000 or more.*".

Amend sec. 2, page 2, by deleting lines 18 and 19 and inserting:

"*3. The state board of health shall not require the fluoridation of:*

(a) The wells of a public water system if:

(1) The ground water production of the public water system is less than 15 percent of the total average annual water production of the system for the years in which drought conditions are not prevalent; and

(2) The wells are part of a combined regional and local system for the distribution of water that is served by a fluoridated source.

(b) A public water system:

(1) During an emergency or period of routine maintenance, if the wells of the system are exempt from fluoridation pursuant to paragraph (a) and the supplier of water determines that it is necessary to change the production of the system from surface water to ground water because of an emergency or for purposes of routine maintenance; or

(2) If the natural water supply of the system contains".

Amend sec. 2, page 3, by deleting lines 4 through 11 and inserting:

"*7. As used in this section, "supplier of water" has the meaning ascribed to it in NRS 445A.845.*".

Amend sec. 3, page 3, by deleting lines 12 and 13 and inserting:

"Sec. 4. NRS 445A.050 is hereby amended to read as follows:

445A.050 The provisions of NRS 445A.025 to ~~[445A.045,]~~ *445A.050,* inclusive, do not apply ~~[:~~

~~1. To purveyors]~~ *to:*

1. A public water system that serves a population of 100,000 or more.

2. Purveyors of bottled water who label their containers to inform the purchaser that the naturally occurring fluoride concentration of the water has been adjusted to recommended levels.

~~[2. To any]~~

3. A supplier of water who supplies water to less than 500 users.".

Amend the bill as a whole by deleting sections 4 and 5 and renumbering sec. 6 as sec. 5.

Amend sec. 6, page 4, line 24, by deleting "Section 2" and inserting "Section 3".

Amend sec. 6, page 4, line 27, by deleting:

"3, 4 and 5" and inserting:

"2 and 4".

Amend the title of the bill by deleting the second through sixth lines and inserting:

"the fluoridation of certain public water systems; limiting the application of certain existing provisions concerning proposals to adjust the concentration of fluoride in water in certain circumstances; and".

Assemblyman Thomas moved the adoption of the amendment.

Remarks by Assemblyman Thomas.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 295.

Bill read second time.

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

Amendment No. 368.

Amend section 1, page 2, line 40, before "*or*" by inserting:

"*, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983*".

Amend sec. 2, page 4, line 17, before "*or*" by inserting:

"*, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983*".

Amend sec. 3, pages 4 and 5, by deleting lines 26 through 43 on page 4 and lines 1 through 16 on page 5, and inserting:

"~~[Beginning at the northeast corner of section 10, Township 13 South, Range 71 East, Mount Diablo Meridian and running south approximately 15 miles along the section lines to the southeast corner of section 22, Township 15 South, Range 71 East, Mount Diablo Meridian; thence westerly along the section lines approximately 15 miles to the southwest corner of section 20, Township 15 South, Range 69 East; thence northerly along the section lines approximately 2 miles to the northwest corner of section 17, Township 15 South, Range 69 East; thence easterly along the north line of that section 17, a distance of 1 mile more or less to the southwesterly corner of section 9, Township 15 South, Range 69 East; thence northerly along the westerly~~

~~section lines of sections 9 and 4 to the northwesterly corner of section 4, Township 15 South, Range 69 East; thence westerly along the south lines of Township 14 South approximately 14 miles to the southwesterly corner of section 31, Township 14 South, Range 67 East, that point also being on the west range line of Range 67 East; thence northerly along that range line a distance of 12 miles more or less to the northerly line of Clark County; thence easterly along the north line of Clark County 28 miles more or less to a point in the north-south boundary line between the States of Nevada and Arizona; thence southerly along the Nevada-Arizona state line to the northeast corner of section 10, Township 13 South, Range 71 East, Mount Diablo Meridian,]~~ *Beginning at the northeast corner of section 3, Township 13 South, Range 71 East, Mount Diablo Meridian (MDM), which is also the intersection of the common boundary line of Clark and Lincoln counties and the Nevada and Arizona state line; thence south along the Nevada and Arizona state line to the southeast corner of section 22, Township 15 South, Range 71 East, MDM, a distance of approximately 16 miles; thence westerly to the southwest corner of section 20, Township 15 South, Range 69 East, MDM, a distance of approximately 14 1/2 miles; thence northerly to the northwest corner of section 17, Township 15 South, Range 69 East, MDM, a distance of approximately 2 miles; thence easterly to the northeast corner of section 17, Township 15 South, Range 69 East, MDM, a distance of approximately 1 mile; thence northerly to the northwest corner of section 4, Township 15 South, Range 69 East, MDM, a distance of approximately 2 miles; thence westerly to the southwest corner of section 31, Township 14 South, Range 68 East, MDM, a distance of approximately 8 miles; thence northerly to the northwest corner of section 19, Township 14 South, Range 68 East, MDM, a distance of approximately 3 miles; thence easterly to the northeast corner of section 19, Township 14 South, Range 68 East, MDM, a distance of approximately 1 mile; thence northerly to the southeast corner of section 6, Township 14 South, Range 68 East, MDM, a distance of approximately 2 miles; thence westerly to the southwest corner of section 6, Township 14 South, Range 68 East, MDM, a distance of approximately 1 mile; thence northerly to the northwest corner of section 6, Township 13 South, Range 68 East, MDM, a distance of approximately 7 miles, a point located on the common boundary of Clark and Lincoln counties; thence easterly along said common county line to the northeast corner of section 3, Township 13 South, Range 71 East, MDM, a distance of approximately 21 1/2 miles, the intersection of the common boundary line of Clark and Lincoln counties and the Nevada and Arizona state line,* that point being the true point of beginning.".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to water districts; extending an exception from the advertising of public contracts to certain additional water districts; excluding

a certain part of the original territory of the Virgin Valley water district; and".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning certain water districts. (BDR 28-1430)".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 302.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 215.

Amend section 1, page 1, line 2, by deleting "10," and inserting "9,".

Amend sec. 2, pages 1 and 2, by deleting lines 3 through 6 on page 1 and lines 1 through 7 on page 2, and inserting:

"Sec. 2. *The chief shall encourage and assist organizations that offer toll-free telephone services for the provision of information regarding child care to include in those services the provision of information regarding:*".

Amend sec. 2, page 2, line 8, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 2, page 2, by deleting line 9 and inserting:

"*432A.131 to 432A.220, inclusive, and sections 7, 8 and 9 of this act;*".

Amend sec. 2, page 2, line 10, by deleting "*(b)*" and inserting "*2.*".

Amend sec. 2, page 2, line 11, by deleting "*(c)*" and inserting "*3.*".

Amend sec. 2, page 2, line 13, by deleting "*(d)*" and inserting "*4.*".

Amend sec. 2, page 2, line 15, by deleting "*(e)*" and inserting "*5.*".

Amend sec. 3, page 2, by deleting lines 18 through 34 and inserting:

"Sec. 3. *1. The child care quality account is hereby created in the state general fund.*

2. The chief shall administer the account and may accept gifts and grants of money from any source for deposit in the account. The chief may expend money in the account only to carry out the provisions of section 4 of this act.

3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account. The money in the account does not lapse to the state general fund at the end of a fiscal year. All claims against the account must be paid as other claims against the state are paid.".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. *The chief shall:*

1. Establish a program to assist in:

(a) Improving the education and training of providers of child care in this state;

(b) Increasing the accreditation of providers of child care in this state by:

(1) The National Association for the Education of Young Children or its successor organization; or

(2) Any other accrediting body approved by the board;

(c) Increasing the ratio of the number of persons providing child care in this state to the number of children receiving child care in this state;

(d) Increasing the remuneration of providers of child care in this state;

(e) Decreasing the turnover rate among persons employed to provide child care in this state; and

(f) Providing loans for the construction and renovation of child care facilities in this state.

2. Prepare and advertise a request for proposals by independent contractors to assist in carrying out the program established pursuant to subsection 1. Any contract awarded to such a contractor must be awarded by competitive selection and require the contractor to provide funding to carry out the program in an amount that is not less than the amount of money provided to the contractor by the chief.".

Amend sec. 4, page 2, by deleting lines 38 through 40 and inserting:

"*payment, at a rate that is 10 percent greater than the usual and customary rate of payment, of a child care facility that is accredited by:*

1. The National Association for the Education of Young Children or its successor organization; or

2. Any other accrediting body approved by the board.".

Amend the bill as a whole by deleting sec. 5.

Amend sec. 6, page 3, line 9, by deleting the italicized comma and inserting an italicized period.

Amend sec. 6, page 3, by deleting lines 10 through 21 and inserting:

"*2. The instruction required pursuant to this section must be obtained in:*

(a) Courses approved for the award of academic credit by a university or community college within the University and Community College System of Nevada; or

(b) A program of instruction approved by the bureau that encourages the categorization of professions in child care based upon education and experience.".

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 through 10 as sections 7 through 9.

Amend sec. 9, page 3, by deleting line 42 and inserting:

"*facility unless:*

(a) The bureau has:".

Amend sec. 9, page 4, line 1, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 9, page 4, line 4, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 9, page 4, line 7, by deleting "*(c)*" and inserting "*(3)*".

Amend sec. 9, page 4, by deleting line 8 and inserting:

"*instruction required pursuant to section 6 of this act; or*

(b) The bureau and the child care facility have agreed to a plan for the correction by the facility of any grounds for the bureau to deny the renewal of the license pursuant to paragraph (a).".

Amend the bill as a whole by deleting sections 11 and 12 and renumbering sections 13 through 16 as sections 10 through 13.

Amend sec. 13, page 5, line 10, by deleting "*4*" and inserting "*5*".

Amend sec. 14, page 5, by deleting lines 17 through 28 and inserting:

"(b) In consultation with the state fire marshal, plans and requirements to".

Amend sec. 14, page 5, line 36, by deleting "~~[(c)]~~ *(d)*" and inserting "(c)".

Amend sec. 14, page 5, line 39, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 15, page 6, line 31, by deleting "~~[five]~~ *four*" and inserting "five".

Amend the bill as a whole by deleting sections 17 through 21 and adding new sections designated sections 14 through 17, following sec. 16, to read as follows:

"Sec. 14. The chief of the bureau of services for child care of the division of child and family services of the department of human resources:

1. Shall use his best efforts to ensure that the program established pursuant to section 4 of this act is achieving successful results before January 1, 2001.

2. Shall:

(a) Cause an independent study to be conducted to determine:

(1) The extent to which the program established pursuant to section 4 of this act has resulted in any:

(I) Improvement in the average amount of education and training obtained by providers of child care in this state;

(II) Increase in the number of providers of child care in this state who have obtained or are in the process of obtaining accreditation from the National Association for the Education of Young Children or its successor organization, or from any other accrediting body approved by the board for child care;

(III) Increase in the ratio of the number of persons providing child care in this state to the number of children receiving child care in this state;

(IV) Increase in the average amount of remuneration received by providers of child care in this state; and

(V) Decrease in the turnover rate among persons employed to provide child care in this state; and

(2) The effect of the program established pursuant to section 4 of this act on the number, amount and purpose of any loans provided for the construction and renovation of child care facilities in this state; and

(b) Submit the findings of the study to:

(1) The board for child care; and

(2) The legislative commission or, if the legislature is in general session, the senate standing committee on human resources and facilities and the assembly standing committee on health and human services.

3. Notwithstanding the provisions of section 3 of this act, may expend money from the child care quality account created pursuant to section 3 of this act to carry out the provisions of subsection 2.

Sec. 15. There is hereby appropriated from the state general fund to the child care quality account created pursuant to section 3 of this act the sum of $50,000.

Sec. 16. 1. There is hereby appropriated from the state general fund to the City of Las Vegas the sum of $350,000 for continued support of the child care training program currently operated by the City of Las Vegas.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 17. This act becomes effective on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to the care of children; making various changes regarding the provision of services relating to child care and the licensing and inspection of child care facilities; creating and providing for the use of the child care quality account; requiring a study to determine the results of the use of the account; making appropriations; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Assemblyman Williams moved that Assembly Bill No. 302 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 362.

Amend section 1, page 2, line 6, by deleting "*501(c)*" and inserting "*501(c)(3)*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 338.

Bill read second time.

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

Amendment No. 311.

Amend section 1, page 1, by deleting lines 2 through 4 and inserting:

"687B.385 ~~[An]~~

1. Except as otherwise provided in subsection 2, an insurer shall not cancel, refuse to renew or increase the premium for renewal of a policy of *casualty or property insurance covering residential property or a policy of* motor vehicle insurance covering private passenger cars or".

Amend section 1, page 1, after line 6, by inserting:

"*2. The provisions of subsection 1 do not apply if an insurer can demonstrate a substantial and material increase in the risk that is insured beyond that contemplated at the time the policy was issued or last renewed.*".

Amend the title of the bill, third line, by deleting "insurance;" and inserting:

"insurance purchased for residential property; providing an exception to the prohibition generally;".

Amend the summary of the bill, first line, by deleting "policy" and inserting:

"certain types of policies".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 353.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sec. 4 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of a notice of realty action from the United States concerning the purchase by the Federal Government of private land or the exchange of public land for private land, the state land use planning agency shall give written notice of the proposed action to the governing body of each county or city affected within 1 week after its receipt of the notice.

2. The governing body of each affected county or city may, in addition to submission of comments directly to the Federal Government, deliver its written comments on the proposed realty action, including an estimation of

any related reduction in the total assessed valuation of the real property within the jurisdiction of the local government and recommendations for mitigation of the loss of assessed valuation, to the state land use planning agency within 30 days after receipt of the notice.

3. If the state land use planning agency elects to submit written comment to the Federal Government upon the realty action, it shall include in its submission any comments it received pursuant to subsection 2.

Sec. 2. NRS 321.655 is hereby amended to read as follows:

321.655 As used in NRS 321.640 to 321.770, inclusive ~~[.]~~ *, and section 1 of this act:*

1. "Administrator" means the executive head of the division.

2. "Area of critical environmental concern" means any area in this state where there is or could develop irreversible degradation of more than local significance but does not include an area of depleting water supply which is caused by the beneficial use or storage of water in other areas pursuant to legally owned and fully appropriated water rights.

3. "Planning agency" means:

(a) The planning commission for the city in which the land is entirely located; or

(b) A county or regional planning commission, if there is one, or the board of county commissioners or Nevada Tahoe regional planning agency, within whose jurisdiction the land is located.

4. "Public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the University and Community College System of Nevada;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.".

Amend the title of the bill to read as follows:

"AN ACT relating to state land use planning; revising provisions governing the procedures to be followed if the Federal Government files a realty action concerning the purchase of private land in Nevada or the exchange of public land for private land in Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing procedures to be followed if Federal Government files realty action concerning purchase of private land in Nevada or exchange of public land for private land in Nevada. (BDR 26-521)".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 364.

Amend section 1, page 1, line 2, by deleting "$1,497,000" and inserting "$748,500".

Amend section 1, page 1, line 4, by deleting "115" and inserting "515".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The Department of Transportation may use the money appropriated pursuant to section 1 of this act only if matching money is received in full from local governments or other public or private sources.".

Amend the title of the bill to read as follows:

"AN ACT making a contingent appropriation to the Department of Transportation for the construction of an extension to the sound barrier along the east side of U.S. Highway No. 95/Interstate Highway No. 515 near Elaina Avenue in Las Vegas; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes contingent appropriation to Department of Transportation for construction of extension to sound barrier on east side of U.S. Highway No. 95/Interstate Highway No. 515 near Elaina Avenue in Las Vegas. (BDR S-478)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 368.

Bill read second time.

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

Amendment No. 367.

Amend sec. 2, page 3, by deleting lines 35 through 37 and inserting:

"2. The audit must include an examination of the actions taken by the University and Community College System of Nevada to carry out the recommendations to control its budgets and expenditures which were made by the legislative auditor after the audit that was conducted pursuant to chapter 33, Statutes of Nevada 1995, at page 33.".

Amend sec. 2, page 4, line 5, by deleting "$120,000" and inserting "$40,000".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 249.

Amend sec. 10, page 2, by deleting lines 31 through 35 and inserting: "*that arises before the death of the decedent.*".

Amend sec. 24, page 3, line 42, after "*means*" by inserting: "*funeral expenses and*".

Amend sec. 49, page 5, line 35, after "*includes a*" by inserting: "*natural person, organization,*".

Amend sec. 51, page 5, line 41, before "*written*" by inserting "*verified*".

Amend sec. 96, page 13, by deleting lines 18 and 19, and inserting: "the other persons entitled to it under the provisions of this ~~[chapter.~~

~~2. If:".~~

~~Amend sec. 96, page 13, line 27, by deleting "If the" and inserting: "Title.~~

~~2. If the".~~

~~Amend sec. 123, page 20, line 4, by deleting: "heir, next of kin or".~~

~~Amend sec. 181, page 36, line 6, by deleting "or".~~

~~Amend sec. 181, page 36, line 7, by deleting "$___." and inserting: "$____; or~~

~~[~~ *a directive for both the establishment of a blocked account for sums in excess of $ _____ and the posting of bond in the sum of $ _____.*".

Amend sec. 185, page 38, line 29, by deleting "*or*".

Amend sec. 185, page 38, line 30, by deleting "*$___.*" and inserting: "*$____; or*

[ ] a directive for both the establishment of a blocked account for sums in excess of $ _____ and the posting of bond in the sum of $ _____.".

Amend sec. 186, page 39, line 34, by deleting "*or*".

Amend sec. 186, page 39, line 35, by deleting "*$___.*" and inserting: "*$____; or*

[ ] a directive for both the establishment of a blocked account for sums in excess of $ _____ and the posting of bond in the sum of $ _____.".

Amend sec. 256, page 63, line 32, by deleting "*238*" and inserting "*252*".

Amend sec. 263, page 65, by deleting lines 20 through 23, and inserting:

"law from execution, and shall set apart the homestead, as designated by the general homestead law then in force, whether ~~[such]~~ *the* homestead has theretofore previously been selected as required by law, or not, and the property thus set apart ~~[shall".~~

~~Amend sec. 268, page 68, line 17, by deleting the comma.~~

~~Amend sec. 332, page 89, line 20, by deleting "trustee" and inserting "personal representative".~~

~~Amend sec. 352, page 97, line 1, by deleting "and devisees." and inserting: "in an intestacy proceeding and devisees in a will proceeding.".~~

~~Amend sec. 431, page 121, by deleting line 7 and inserting: ", but [, except as provided in this subsection,]~~".

Amend sec. 457, page 130, line 43, by deleting "*145.060,*" and inserting "*147.040,*".

Amend sec. 458, page 131, line 12, after "notice" by inserting: "*and a copy*".

Amend sec. 458, page 131, line 22, by deleting "*proceedings*" and inserting:

"*proceedings, together with a copy of the filing,*".

Amend sec. 478, page 137, line 17, by deleting "*164.030.*" and inserting: "*section 512 of this act.*".

Amend sec. 481, page 137, line 30, by deleting "*164.030.*" and inserting: "*section 512 of this act.*".

Amend sec. 491, page 139, line 41, by deleting "*164.030.*" and inserting: "*section 512 of this act.*".

Amend sec. 511, page 148, line 19, by deleting "*NRS 164.030,*" and inserting:

"*section 513 of this act,*".

Amend sec. 512, page 148, line 33, by deleting "*511*" and inserting "*428*".

Amend sec. 513, page 149, between lines 37 and 38, by inserting:

"*6. Any person aggrieved by an order entered pursuant to this section may appeal to the supreme court within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court. The appellant shall mail a copy of the notice to each person who has appeared of record.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 265.

Amend section 1, page 1, by deleting lines 6 through 10 and inserting:

"(1) Except as otherwise provided in subsection 6, order him to ~~[pay]~~ :

(I) Pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the department and complete the course within the time specified in the order, and the court shall notify the department if he fails to complete the course within the specified time; *or*

(II) Attend".

Amend section 1, page 2, line 1, by deleting "$200" and inserting "$400".

Amend section 1, page 2, line 10, by deleting "$500" and inserting "$750".

Amend section 1, page 3, by deleting lines 20 and 21 and inserting:

"subparagraph (1) of paragraph (a) ~~[or (b)]~~ of subsection 1, the court shall ~~[:]~~ *, if it does not order the person to attend a program of treatment for the abuse of alcohol or drugs:*

(a) Order the person to pay tuition for and submit evidence of".

Amend section 1, page 3, by deleting lines 24 through 27 and inserting:

"within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the department within the time specified in the order, and the court shall notify the".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. 1. This section and sections 2, 3 and 4 of this act become effective on October 1, 1999.

2. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill, third line, after "and" by inserting:

"to attend an educational course on the abuse of alcohol and controlled substances or".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 29.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Evans, Gibbons, Ohrenschall, Segerblom, Buckley, Leslie, Carpenter, Price and Mr. Speaker.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. In my mind, though I didn't have the privilege of serving with her, there are few words that could sum up Jean Ford. However, I still remember stories from my former assemblywoman, Eileen Brookman. She told me stories about working these halls with Jean and Flora Duncan and others. I think Jean was always a lady with grace and class and she was very progressive. I have to say, as a woman, to have captured what she did through women's studies and the women's history that she compiled—about what has come from this state and how progressive Nevada is regarding inclusion of gender within many of our activities—was just remarkable. None of us, as women, would be where we are today if it hadn't of been for the likes of Sue Wagner, Jean Ford, Flora Duncan, and Eileen Brookman—because they all paved the way so that we have the access we now have.

So, with few words, I would just say I support this. I don't think it goes far enough in saying what types of contributions she made, but she was a woman of broad breadth. There was no such thing as just a "woman's issue" for her. It was air quality; or it was libraries; or it was quality of life issues that affected every single family. By opening up that broad breadth, it allowed people to think that women could chair Transportation—they weren't just going to be on the Education Committee or Health Committee. That is one of the contributions Jean has left us. I would urge our body to support this resolution. Thank you, Mr. Speaker.

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. The first time I met Jean Ford was by telephone. I did so at the behest and instruction of Sue Wagner, her colleague in the Senate, because we were working on the original domestic violence funding bill. When the first draft was finished, Senator Wagner said, "You better run this past Jean Ford, because if there is anything wrong with the bill, Jean will find it." Well, it was a very discouraging experience, because she picked the bill apart like I never anticipated. She found all kinds of faults and flaws. But, we did come out with a better piece of legislation because of her ability to spot things all the rest of us have a tendency to overlook. Indeed, she had a very keen and analytic mind. She was always willing to be helpful.

Yes, Jean was an environmentalist before the word "environmentalist" became very well known. Her work with the state parks and with our historical and cultural heritage in the state is almost unparalleled. Today, we are working with our universities, especially with women's athletics on something called "gender equity." I like to think that Jean would be proud of the efforts that are being made on that topic. Secondly, I would also think she would be pleased because Nevada, as you may have noticed, is ranked #2 in the nation in the number of women elected to its legislature.

Jean was very thoughtful and generous in helping other people. She ran campaign schools. I had the privilege of attending one of those. She did them for free, just to help others learn the ropes—what to do and how to get there. Jean, for those of us who follow in your footsteps, thank you.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of SCR 29. I knew Jean Ford. I am very thankful for Jean, for paving the way for women, like many of my colleagues who are sitting here today. I think that Jean Ford and Sue Wagner are the reasons that our legislative body looks like it does today, because they were leaders and took risks. They were risk takers. I am very thankful for women like this. I will always remember Jean Ford and very I'm very happy I still have Sue Wagner.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. In addition to everything else that has been said about Jean Ford, I would like to add that I knew her when she was an ordinary housewife. And also when she became a displaced homemaker, when the phrase "displaced homemaker" didn't exist. She turned her life around to public service, and to setting such a wonderful example for all of us. I think it befits us to remember this, for those women still today struggling with issues of being displaced homemakers. They can take her example to heart and follow suit. Thank you.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of SCR 29. We toured the state parks many times with Jean, when my husband was on the State Park Commission with her in the '70s. We were very active with her when she started studying prominent Nevada women. Of course, my mother served in the legislature and she was interested in that. I rise in support of this and think we certainly miss people like Jean Ford. Thank you.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of SCR 29. It is very easy in these busy days of 120-day sessions to fail to remember people who blazed the trail for so many of us, as women legislators and as just legislators. I think it is also easy to forget the work that Jean did to preserve Nevada's history and Nevada's women's history. When I first was elected and served, I had the opportunity to go to an reenactment at the old Assembly Chambers and to view some of her work in recording and preserving Nevada history. It was excellent work that no one else seems to have the time for. If we don't take time to remember history, we are bound to repeat the mistakes that we made. So, I applaud Jean Ford for her life's work in these halls and in the state. Nevada will miss Jean Ford.

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I, too, am part of the Jean Ford legacy. After the election, someone gave me a copy of her oral history, which I read page to page—all 500 pages of it. After I had read that and digested the information that was in there, about her time here during previous sessions, I almost called Mr. Perkins and said, "Can you find someone else? I don't think I can do this."

Jean Ford was a role-model and will continue to be a role-model for me and for many, many other women. About nine months before she died, she called me and asked me to facilitate a meeting of the Nevada Women's History Project—one she knew would be a very contentious meeting. I didn't want to do it, but I said yes—no one ever said no to Jean Ford. I hope to continue that legacy here and throughout my life. To her daughters, I would just like to send my condolences. She will always be remembered. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of SCR 29. I'd known Jean Ford for many years. She was a great supporter of rural Nevada. She was my kind of environmentalist. She wanted to preserve things but not to lock them up. I really appreciated her when I came to the Assembly because she was kind of my mentor, also. I just want to say I think her leadership is really going to be missed. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you, to our body. I am very proud to be able to stand in favor of SCR 29. I, too, was here. My first legislative session was in 1975 and Jean was here a little before I was. I had the pleasure of also serving with Jean. I can tell you that that she was as fine a legislator as we've had come through this house, in my opinion, in the 26 years I've been here, because of her forward thinking and her abilities and her love for this state and her love for this body. It was self-evident. I was also thinking about the changing of parties, as the Speaker mentioned. Again, this shows how forward thinking she was. Jean was a wonderful person, a wonderful legislator and I'm very proud to be able to be remembering and recognizing her for everything.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I was here in 1973 when she first came to the legislature. In the 1973 through 1974 interim, I chaired a subcommittee on Legislative Reorganization and Ethics. Jean Ford was so far ahead of us all on that committee it wasn't even funny. If you knew the Assembly in 1973, you knew it was "rednecked," with a male chauvinistic attitude. A woman had trouble serving here. But she made her mark in that subcommittee report. We adopted that report in 1975, which was a prospect for greatness. It only has taken 25 years to adopt all those things which were in that report. She was really responsible for most of the progressive things that were in that report. She did a fine job.

I think she changed party and went to the Senate because, in 1977, there were 35 Democrats and 5 Republicans in the Assembly and Republicans had trouble getting their bills passed. I think she took the alternative. She left an impression in my life and my attitude towards her. She was a wonderful woman.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 328.

Amend section 1, page 3, lines 31 and 32, by deleting:

"*at the scene of an emergency*".

Amend section 1, page 3, by deleting line 34 and inserting:

"amounting to gross negligence, by that".

Amend section 1, page 3, by deleting line 40 and inserting:

"amounting to gross negligence, by the".

Amend section 1, page 4, by deleting lines 2 through 5 and inserting:

"*external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or* for".

Amend section 1, page 4, by deleting lines 19 and 20 and inserting:

"*maintenance of the equipment.*

11. As used in this section, "gratuitously" means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.".

Amend sec. 2, page 4, by deleting line 22 and inserting:

"41.505 1. Any physician or registered nurse".

Amend sec. 2, page 4, line 23, by deleting "*nurse*".

Amend sec. 2, page 4, by deleting line 24 and inserting:

"emergency medical attendant or ~~[to a]~~ registered nurse,".

Amend sec. 2, page 4, line 25, by deleting "*practical nurse,*".

Amend sec. 2, page 5, line 33, by deleting "section, "emergency" and inserting:

"section ~~[, "emergency]~~ *:*

(a) "Emergency".

Amend sec. 2, page 5, between lines 36 and 37, by inserting:

"*(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 350.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting:

"361.111 1. ~~[All]~~ *Except as otherwise provided in subsections 2 and 3, all* real property and improvements thereon acquired by the Nature Conservancy *, American Land Conservancy or Nevada Land Conservancy* and held for ultimate acquisition by the state or a local governmental unit are exempt from taxation ~~[except as otherwise provided in subsections 2 and 3.]~~ *if:*

(a) The state or a local governmental unit has agreed, in writing, that acquisition of the property will be given serious consideration; and

(b) For property for which the state has given the statement required by paragraph (a), the governing body of the county in which the property is located has approved the potential acquisition of the property by the state.

2. When the Nature Conservancy *, American Land Conservancy or Nevada Land Conservancy* transfers".

Amend section 1, page 1, by deleting line 13 and inserting:

"3. When the Nature Conservancy *, American Land Conservancy or Nevada Land Conservancy* transfers".

Amend section 1, page 2, by deleting lines 2 and 3 and inserting:

"criteria for determining when property has been held by the Nature Conservancy *, American Land Conservancy or Nevada Land Conservancy* for purposes of conservation.".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend sec. 4, page 3, by deleting line 40 and inserting:

"Conservancy ~~[.]~~ *, American Land Conservancy or Nevada Land Conservancy.*".

Amend sec. 5, page 4, by deleting lines 7 through 10 and inserting:

"Sec. 3. This act becomes effective on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; exempting certain property acquired by the Nevada Land Conservancy and the American Land Conservancy from property taxes; revising the provisions governing the requirements for such exemptions; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 425.

Bill read second time and ordered to third reading.

Assembly Bill No. 437.

Bill read second time and ordered to third reading.

Assembly Bill No. 438.

Bill read second time and ordered to third reading.

Assembly Bill No. 441.

Bill read second time and ordered to third reading.

Assembly Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 310.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 513.094 is hereby amended to read as follows:

513.094 1. An additional fee ~~[of $1 per claim]~~ *, in an amount established pursuant to subsection 4,* is imposed upon all filings to which NRS 517.185 applies. Each county recorder shall collect and pay over the additional fee, and the additional fee must be deposited in the same manner as provided in that section.

2. The administrator shall, within the limits of the money provided by this fee, establish a program to discover dangerous conditions that result from mining practices which took place at a mine that is no longer operating, identify if feasible the owner or other person responsible for the condition, and rank the conditions found in descending order of danger. ~~[He]~~ *The administrator* shall annually during the month of January, or more often if the danger discovered warrants, inform each board of county commissioners concerning the dangerous conditions found in the respective counties, including their degree of danger relative to one another and to such conditions found in the state as a whole. ~~[He shall further]~~ *In addition, the administrator shall* work to educate the public to recognize and avoid those hazards resulting from mining practices which took place at a mine that is no longer operating.

3. To carry out this program and these duties, the administrator shall employ a qualified assistant, who must be in the unclassified service of the state and whose position is in addition to the unclassified positions otherwise authorized in the division by statute.

4. The commission shall ~~[provide]~~ *establish* by regulation:

(a) *The fee required pursuant to subsection 1, in an amount not to exceed $4 per claim.*

(b) Standards for determining which conditions created by the abandonment of a former mine or its associated works constitute a danger to persons or animals and for determining the relative degree of danger. A condition whose existence violates a federal or state statute or regulation intended to protect public health or safety is a danger by virtue of that violation.

~~[(b)]~~ *(c)* Standards for abating the kinds of dangers usually found, including, but not limited to, standards for excluding persons and animals from dangerous open excavations.".

Amend section 1, page 1, line 13, by deleting "*1.*" and inserting:

"*1 in an amount not to exceed $6 per claim.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 519A.250 is hereby amended to read as follows:

519A.250 1. An operator who is required by federal law to file a plan of operation or an amended plan of operation with the United States Bureau of Land Management or the United States Forest Service for operations relating to mining or exploration on public land administered by a federal agency, shall, not later than 30 days after approval of the plan or amended plan, provide the division of minerals of the department of business and industry with a copy of the filing and pay to the division of minerals a fee ~~[of $20]~~ *in an amount established pursuant to subsection 5* for each acre or part of an acre of land to be disturbed by mining included in the plan or incremental acres to be disturbed pursuant to an amended plan.

2. The division of minerals shall adopt by regulation a method of refunding a portion of the fee required by this section if a plan of operation is amended to reduce the number of acres or part of an acre to be disturbed pursuant to the amended plan. The refund must be based on the reduced number of acres or part of an acre to be disturbed.

3. All money received by the division of minerals pursuant to subsection 1 must be accounted for separately and used by the division of minerals to create and administer programs for:

(a) The abatement of hazardous conditions existing at abandoned mine sites which have been identified and ranked pursuant to the degree of hazard established by regulations adopted by the division of minerals; and

(b) The education of the public concerning the dangers of the hazardous conditions described in paragraph (a).

All interest and income earned on the money in the account, after deducting applicable charges, must be deposited in the account for the division of minerals.

4. On or before February 1 of each odd-numbered year, the division of minerals shall file a report with the governor and the legislature describing its activities, total revenues and expenditures pursuant to this section.

5. The commission on mineral resources shall, by regulation, establish the fee required pursuant to subsection 1 in an amount not to exceed $30 per acre.

Sec. 4. NRS 522.050 is hereby amended to read as follows:

522.050 *1.* A person desiring to drill a well in search of oil or gas shall notify the division of that intent on a form prescribed by the division and shall pay a fee ~~[of $50]~~ *in an amount established pursuant to subsection 2* for a permit for each well. Upon receipt of notification and fee, the division shall

promptly issue such a person a permit to drill, unless the drilling of the well is contrary to law or a regulation or order of the division. The drilling of a well is prohibited until a permit to drill is obtained in accordance with the provisions of this chapter.

2. The commission on mineral resources shall, by regulation, establish the fee required pursuant to subsection 1 in an amount not to exceed $200 per permit.".

Amend sec. 2, page 2, by deleting lines 17 through 20 and inserting:

"producer. ~~[The administrative fee is 50 mills]~~

3. The commission on mineral resources shall, by regulation, establish the administrative fee required pursuant to subsection 2 in an amount not to exceed 20 cents per barrel of oil or per 50,000 cubic feet of natural gas.".

Amend sec. 3, page 2, line 21, by deleting "and 2" and inserting:

"to 5, inclusive,".

Amend sec. 3, page 2, by deleting lines 24 through 26 and inserting:

"1. The fee required pursuant to NRS 513.094 is $1 per claim.

2. The filing fee required pursuant to NRS 517.185 is $1.50 per claim.

3. The fee required pursuant to NRS 519A.250 is $20 per acre.

4. The fee required pursuant to NRS 522.050 is $50 per permit.

5. The administrative fee required pursuant to NRS 522.150 is 50 mills".

Amend the title of the bill, third line, by deleting "division;" and inserting:

"division and for certain programs of the division;".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 351.

Amend section 1, pages 1 and 2, by deleting lines 3 through 19 on page 1 and lines 1 through 3 on page 2, and inserting:

"*1. Except as otherwise provided in subsection 5, one vehicle registered by an elderly person who is an actual bona fide resident of this state is exempt from taxation to the extent of $2,000 of its determined valuation.*

2. For the purpose of this section, the first $2,000 of the determined valuation of a vehicle in which an elderly person has any interest shall be deemed to belong to that person.

3. Upon first claiming an exemption pursuant to this section, the elderly person shall furnish to the department, or the county assessor if acting as the agent of the department for that county, an affidavit stating that the exemption is only being claimed on one vehicle and proof of age and residency including his driver's license or a copy of his birth certificate and such other proof as the department or assessor determines necessary.

4. After the filing of the original affidavit pursuant to subsection 3, the department shall mail a form for renewal of the exemption with the form for the renewal of the registration of the vehicle each year. The form must include an affidavit on which the elderly person shall declare that he is an actual bona fide resident of the State of Nevada and that the exemption is only being claimed on one vehicle. The form must be designed to facilitate its return by mail with the form for the renewal of the registration of the vehicle for which the exemption is claimed. The department shall provide a form to be filled out to change the vehicle to which the exemption applies which must be distributed by and returned to the department or the county assessor, if acting as the agent of the department for the county.".

Amend section 1, page 2, line 13, by deleting "*55*" and inserting "*65*".

Amend sec. 4, page 2, by deleting line 36 and inserting:

"Sec. 4. This act becomes effective on January 1, 2000, for the purposes of adopting regulations and performing any administrative tasks necessary to carry out the provisions of this act and on July 1, 2000, for all other purposes.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 456.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 325.

Amend sec. 2, page 1, line 6, after "*unless*" by inserting:

"*the court determines that it is in the best interest of the child to do so or*".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 7 as sections 4 through 6.

Amend sec. 5, page 3, line 5, by deleting:

"6 and 7" and inserting:

"5 and 6".

Amend sec. 6, page 3, line 9, after "*unless*" by inserting:

"*the court determines that it is in the best interest of the child to do so or*".

Amend sec. 7, page 3, line 20, by deleting "*6*" and inserting "*5*".

Amend the title of the bill to read as follows:

"AN ACT relating to domestic relations; prohibiting a court from awarding custody to or rights to visitation to a parent who is convicted of murder of the first degree for the murder of the other parent of a child under certain circumstances; establishing a presumption that custody of a child by a person who has engaged in certain acts of domestic violence is not in the best interest of the child; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning custody of children. (BDR 11-1301)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 468.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 300.

Amend section 1, page 1, by deleting lines 6 through 13 and inserting:

"~~[After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which he is entitled to carry forward from one year to the next is limited to one-half of the unused sick leave accrued during that year, but the department may by regulation provide for subsequent use of unused sick leave accrued but not carried forward by reason of this limitation in cases where the employee is suffering from a long-term or chronic illness and has used all sick leave otherwise available to him.]~~ Upon the retirement of an employee, his termination through no".

Amend section 1, page 2, by deleting lines 1 through 10 and inserting:

"of 30 days ~~[, exclusive of any unused sick leave accrued but not carried forward,]~~ according to his number of years of public service, except service with a political subdivision of the state, as follows:

(a) For 10 years of service or more but less than 15 years, not more than ~~[$2,500.]~~ *$3,000.*

(b) For 15 years of service or more but less than 20 years, not more than ~~[$4,000.]~~ *$5,000.*

(c) For 20 years of service or more but less than 25 years, not more than ~~[$6,000.]~~ *$7,000.*

(d) For 25 years of service or more, not more than ~~[$8,000.]~~ *$10,000.*".

Amend section 1, page 2, by deleting lines 27 and 28 and inserting:

"3. *Except as otherwise provided in this subsection, at the end of the biweekly pay period immediately following January 1 and July 1 of each year, an employee who has not used more than 10 hours of*".

Amend section 1, page 2, line 34, after "*leave.*" by inserting:

"*The provisions of this subsection do not apply to employees who are subject to the provisions of NRS 284.148.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Any unused sick leave accrued by an employee who is in the public service on July 1, 1999, that was not carried forward by the employee because of the limitation set forth in subsection 1 of NRS 284.355, but was

placed in a separate account pursuant to NAC 284.546, must be transferred to the account of the employee on July 1, 1999.".

Amend the title of the bill, second line, after "circumstances;" by inserting: "removing the limitation on the amount of unused sick leave a state employee is entitled to carry forward from year to year; increasing the amount that a retiring employee may be paid for his unused sick leave;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblywoman Giunchigliani moved that Assembly Bill No. 468 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 539.

Bill read second time and ordered to third reading.

Assembly Bill No. 599.

Bill read second time.

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

Amendment No. 344.

Amend section 1, page 1, line 3, by deleting "12" and inserting "~~[12]~~ *13*".

Amend section 1, pages 1 and 2, by deleting lines 15 through 17 on page 1 and lines 1 through 20 on page 2, and inserting:

"(f) ~~[Five]~~ *Six* members to be appointed by the members selected pursuant to paragraphs (a) to (e), inclusive ~~[. These]~~ *, of which:*

(1) Three members must be selected from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county. If the nominees so listed are unsatisfactory to the members making the selection, they may, until satisfied, request additional lists of nominees. The members *appointed pursuant to this subparagraph* must be selected as follows:

~~[(1) Three]~~

(I) Two members who are representatives of *tourism, at least one of whom must be a representative of* the resort hotel business ~~[, at least one of whom is engaged in that business in the central business district of the largest city;~~

~~(2)]~~ *; and*

(II) One member who is a representative of ~~[motel operators; and~~

~~(3) One member who is a representative of]~~ other commercial interests ~~[.]~~ *or interests related to tourism.*

(2) Three members must be selected from a list of nominees submitted by the association of gaming establishments whose membership in the county collectively paid the most gross revenue fees to the state pursuant to NRS 463.370 in the preceding year. If the nominees so listed are unsatisfactory to

the members making the selection, they may, until satisfied, request additional lists of nominees. The members selected pursuant to this subparagraph must be representatives of the resort hotel business, at least one of whom is engaged in that business in the central business district of the largest incorporated city in the county.".

Amend the bill as a whole by adding new sections designated sec. 2 and sec. 3, following section 1, to read as follows:

"Sec. 2. The term of each member of the county fair and recreation board who was appointed pursuant to paragraph (f) of subsection 1 of NRS 244A.603 and holds office on June 30, 1999, expires on June 30, 1999. On or before July 1, 1999, the members of the county fair and recreation board selected pursuant to paragraphs (a) to (e), inclusive, of subsection 1 of NRS 244A.603 shall appoint to the county fair and recreation board in accordance with the amendatory provisions of this act:

1. One member pursuant to subparagraph (1) of paragraph (f) of subsection 1 of NRS 244A.603 to an initial term that begins on July 1, 1999, and expires on June 30, 2000.

2. Two members pursuant to subparagraph (1) of paragraph (f) of subsection 1 of NRS 244A.603 to initial terms that begin on July 1, 1999, and expire on June 30, 2001.

3. One member pursuant to subparagraph (2) of paragraph (f) of subsection 1 of NRS 244A.603 to an initial term that begins on July 1, 1999, and expires on June 30, 2000.

4. Two members pursuant to subparagraph (2) of paragraph (f) of subsection 1 of NRS 244A.603 to initial terms that begin on July 1, 1999, and expire on June 30, 2001.

Sec. 3. This act becomes effective on July 1, 1999.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 606.

Bill read second time and ordered to third reading.

Assembly Bill No. 611.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 341.

Amend sec. 2, page 2, by deleting lines 31 through 39 and inserting:

"(b) Each source of his income, or that of any member of his household. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.".

Amend sec. 2, page 3, line 27, by deleting the period and inserting:

"*who is 18 years of age or older.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 637.

Bill read second time and ordered to third reading.

Assembly Bill No. 640.

Bill read second time and ordered to third reading.

Assembly Bill No. 644.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 296.

Amend the bill as a whole by renumbering sections 8 and 9 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. NRS 31A.350 is hereby amended to read as follows:

31A.350 1. If a court orders a parent to obtain health insurance for his child and the parent fails to comply with the order, the enforcing authority shall mail to the parent's employer or labor organization by ~~[certified]~~ *first-class* mail, a notice requiring the employer or organization to enroll the child in the plan of health insurance provided for his employees or its members. The notice must include:

(a) The parent's name and social security number;

(b) A statement that the parent has been required by an order of the court to obtain and maintain health insurance for his child;

(c) The name, date of birth and social security number for the child; and

(d) A statement that any assistance needed to complete the enrollment of the child in a plan of health insurance may be obtained from the parents of the child and the enforcing authority.

2. Except as otherwise provided in subsection 6, no enforcing authority may mail or cause to be mailed a notice to enroll pursuant to subsection 1 unless:

(a) The enforcing authority first notifies the parent by certified mail at his last known address of:

(1) Its intent to seek enrollment of the child; and

(2) The provisions of subsection 6; and

(b) The parent fails, within 15 days after the notice is mailed, to provide written proof to the enforcing authority that:

(1) The parent has enrolled the child in a plan of health insurance required by the order of the court; or

(2) The coverage required by the order of the court was not available at a reasonable cost for more than 30 days before the date on which the notice was mailed.

3. Except as otherwise provided in this subsection, upon receipt of a notice to enroll, mailed pursuant to subsection 1, the employer or labor organization shall enroll the child named in the notice in the plan of health insurance provided for his employees or its members. The child must be enrolled without regard to any restrictions upon periods for enrollment. If more than one plan is offered by the employer or labor organization, and each plan may be extended to cover the child, the child must be enrolled in the parent's plan. If the parent's plan cannot be extended to cover the child, the child must be enrolled in the plan with the least expensive option for providing coverage for a dependent that is otherwise available to the parent, subject to the eligibility requirements of that plan. An employer, labor organization, health maintenance organization or other insurer is not required to enroll the child in a plan of health insurance if the child is not otherwise eligible to be enrolled in that plan. If the child is not eligible to be enrolled in the parent's plan of health insurance, the employer or labor organization shall notify the enforcing authority.

4. After the child is enrolled in a plan of health insurance, the premiums required to be paid by the parent for the child's coverage may be deducted from the parent's wages. If the parent's wages are not sufficient to pay for those premiums, the employer or labor organization shall notify the enforcing authority.

5. A notice to enroll sent pursuant to subsection 1 has the same effect as an enrollment application signed by the parent. No employer or labor organization may refuse to enroll a child because a parent has not signed an enrollment application.

6. If the enforcing authority:

(a) Has complied with the requirements of subsection 2 regarding a parent; and

(b) Subsequently determines that the parent:

(1) Has another employer or belongs to another labor organization; and

(2) Does not have the child enrolled in a plan of health insurance as required by the order of the court,

the enforcing authority shall, without again complying with the requirements of subsection 2, mail pursuant to subsection 1 a subsequent notice to enroll to the other employer or labor organization. Any employer or labor organization receiving such a notice shall notify the parent immediately of the receipt of that notice and comply with the provisions of this section unless, within 20 days after the notice was mailed to the employer or labor organization, the enforcing authority notifies the employer or labor organization that the parent has provided the enforcing authority with written proof that the parent has enrolled the child in a plan of health insurance required by the order of the court.

7. An employer or labor organization shall, without liability to the parent, provide to the enforcing authority, upon request, information about the name of the insurer and the number of the parent's policy of health insurance.

8. The enforcing authority may withhold wages or other income and require withholding of state tax refunds whenever the responsible parent has received payment from the third party and not used the payment to reimburse the other parent or provider to the extent necessary to reimburse the Medicaid agency.

9. The remedy provided by this section is in addition to, and is not a substitute for, any other remedy available for the enforcement of such an order.".

Amend the title of the bill, sixth line, after "disbursement;" by inserting: "revising the procedure for notifying an employer of his duty to enroll a child of his employee in a plan of health insurance as ordered by a court;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing obligations for support of children. (BDR 3-636)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 21.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 354.

Amend the resolution, page 2, by deleting line 27 and inserting: "formula used to determine the regulatory threshold number of animals which in its current form will reduce the threshold number and significantly expand the applicability".

Amend the resolution, page 2, between lines 29 and 30, by inserting:

"RESOLVED, That the Nevada Legislature strongly urges the United States Environmental Protection Agency to seek out and give serious consideration to comments from representatives of the states, local governments, farm bureaus, agricultural industry and soil conservation services and any other affected group or person before revising regulations regarding animal feeding operations; and be it further".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 221 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that the vote whereby Senate Bill No. 352 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 352 be referred to the Committee on Judiciary.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 489 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 532 be re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:59 p.m.

ASSEMBLY IN SESSION

At 1:17 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 275, Amendments Nos. 183, 407, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 275.

The following Senate amendment was read:

Amendment No. 183.

Amend section 1, page 1, by deleting lines 8 through 15 and inserting:

"*2. Before dissolving a hospital district pursuant to subsection 1, the board of county commissioners shall determine whether the proceeds from the taxes currently being levied in the district, if any, for the operation of the*

hospital and the repayment of debt are sufficient to repay any outstanding obligations of the hospital district within a reasonable period after the dissolution of the district. If there are no taxes currently being levied for the hospital district or the taxes being levied are not sufficient to repay the outstanding obligations of the hospital district within a reasonable period after the dissolution of the district, before dissolving the district pursuant to subsection 1 the board of county commissioners may levy a property tax on all of the taxable property in the district that is sufficient, when combined with any revenue from taxes currently being levied in the district, to repay the outstanding obligations of the hospital district within a reasonable period after the dissolution of the district. The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to any additional property tax levied pursuant to this subsection. If the hospital district is being managed by the department of taxation pursuant to NRS 354.685 to 354.725, inclusive, at the time of dissolution, the rate levied pursuant to this subsection must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453 but the rate levied when combined with all other overlapping rates levied in the state must not exceed $4.50 on each $100 of assessed valuation. The board of county commissioners shall discontinue any rate levied pursuant to this subsection on a date that will ensure that no taxes are collected for this purpose after the outstanding obligations of the hospital district have been paid in full.

3. If, at the time of the dissolution of the hospital district, there are any outstanding loans, bonded indebtedness or other obligations of the hospital district, including, without limitation, unpaid obligations to organizations such as the public employees' retirement system, unpaid salaries or unpaid loans made to the hospital district by the county, the taxes being levied in the district at the time of dissolution must continue to be levied and collected in the same manner as if the hospital district had not been dissolved until all outstanding obligations of the district have been paid in full, but for all other purposes the hospital district shall be deemed dissolved from the time the resolution is filed pursuant to subsection 1.

4. If the hospital district is being managed by the department of taxation pursuant to NRS 354.685 to 354.725, inclusive, at the time of dissolution, the management ceases upon dissolution but the board of county commissioners shall continue to make such financial reports to the department of taxation as the department deems necessary until all outstanding obligations of the hospital district have been paid in full.".

Amend section 1, page 2, line 1, by deleting "*3.*" and inserting "*5.*".

Amend section 1, page 2, lines 4 and 5, by deleting:

"*must be used*" and inserting:

"*and any proceeds from taxes which had been levied and received by the hospital district before dissolution, whether levied for operating purposes or*

for the repayment of debt, must be used by the board of county commissioners".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. NRS 354.59811 is hereby amended to read as follows:

354.59811 Except as otherwise provided in NRS 350.087, 354.59813, 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 450.425, 540A.265 and 543.600 ~~,~~ *and section 1 of this act,* for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies, or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as a general or medium-term obligation of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

1. The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

2. This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

Sec. 3. NRS 354.695 is hereby amended to read as follows:

354.695 1. As soon as practicable after taking over the management of a local government, the department shall, with the approval of the committee:

(a) Establish and implement a management policy and a financing plan for the local government;

(b) Provide for the appointment of a financial manager for the local government who is qualified to manage the fiscal affairs of the local government;

(c) Provide for the appointment of any other persons necessary to enable the local government to provide the basic services for which it was created in the most economical and efficient manner possible;

(d) Establish an accounting system and separate bank accounts, if necessary, to receive and expend all money and assets of the local government;

(e) Impose such hiring restrictions as deemed necessary after considering the recommendations of the financial manager;

(f) Negotiate and approve all contracts entered into by or on behalf of the local government before execution and enter into such contracts on behalf of the local government as the department deems necessary;

(g) Negotiate and approve all collective bargaining contracts to be entered into by the local government, except issues submitted to a factfinder whose findings and recommendations are final and binding pursuant to the provisions of the Local Government Employee-Management Relations Act;

(h) Approve all expenditures of money from any fund or account and all transfers of money from one fund to another;

(i) Employ such technicians as are necessary for the improvement of the financial condition of the local government;

(j) Meet with the creditors of the local government and formulate a debt liquidation program;

(k) Approve the issuance of bonds or other forms of indebtedness by the local government;

(l) Discharge any of the outstanding debts and obligations of the local government; and

(m) Take any other actions necessary to ensure that the local government provides the basic services for which it was created in the most economical and efficient manner possible.

2. The department may provide for reimbursement from the local government for the expenses it incurs in managing the local government. If such reimbursement is not possible, the department may request an allocation by the interim finance committee from the contingency fund pursuant to NRS 353.266, 353.268 and 353.269.

3. The governing body of a local government which is being managed by the department pursuant to this section may make recommendations to the department or the financial manager concerning the management of the local government.

4. Each state agency, board, department, commission, committee or other entity of the state shall provide such technical assistance concerning the management of the local government as is requested by the department.

5. The department may delegate any of the powers and duties imposed by this section to the financial manager appointed pursuant to paragraph (b) of subsection 1.

6. ~~[Once]~~ *Except as otherwise provided in section 1 of this act, once* the department has taken over the management of a local government pursuant to the provisions of subsection 1, that management may only be terminated pursuant to NRS 354.725.

Sec. 4. NRS 361.453 is hereby amended to read as follows:

361.453 Except as otherwise provided in NRS 354.705 ~~[,]~~ *and section 1 of this act,* the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the state board of examiners if the state board of examiners is directed by law to fix a lesser or greater amount for that fiscal year.".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 275.

Remarks by Assemblyman Goldwater.

Motion carried.

The following Senate amendment was read:

Amendment No. 407

Amend section 1, page 1, between lines 2 and 3, by inserting:

"*In any county whose population is less than 400,000:*".

Amend the title of the bill to read as follows:

"AN ACT relating to hospital districts; providing for the dissolution of hospital districts in certain smaller counties; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 275.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 2.

The following Senate amendment was read:

Amendment No. 221.

Amend section 1, page 1, by deleting lines 8 through 12 and inserting:

"(b) Purchasing tickets *at reduced rates* for *the transportation of pupils, including, without limitation, homeless pupils, on* public buses for use by pupils enrolled in *middle school, junior high school and* high school to travel to and from school.

2. ~~[Such transportation]~~ *Transportation* may be arranged and contracted for by a board of".

Amend sec. 2, page 2, line 40, by deleting ", *whether*" and inserting:

", *including, without limitation, homeless students, whether*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 2.

Remarks by Assemblymen Giunchigliani and Freeman.
Motion carried.
Bill ordered enrolled.

CONSENT CALENDAR

Assembly Bill No. 648.
Bill read by number.
Roll call on Assembly Bill No. 648:
YEAS—42.
NAYS—None.
Assembly Bill No. 648 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Assembly Bill No. 94.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 94:
YEAS—42.
NAYS—None.
Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 107.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 107:
YEAS—42.
NAYS—None.
Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 186.
Bill read third time.
Remarks by Assemblywoman Cegavske.
Roll call on Assembly Bill No. 186:
YEAS—42.
NAYS—None.
Assembly Bill No. 186 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 195.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 195:

YEAS—42.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 345:

YEAS—42.

NAYS—None.

Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Lee.

Potential conflict of interest declared by Assemblyman Nolan.

Roll call on Assembly Bill No. 459:

YEAS—42.

NAYS—None.

Assembly Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 530:

YEAS—42.

NAYS—None.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 588.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 588:

YEAS—42.

NAYS—None.

Assembly Bill No. 588 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 626.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 626:
YEAS—42.
NAYS—None.
Assembly Bill No. 626 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 630.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 630:
YEAS—42.
NAYS—None.
Assembly Bill No. 630 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 678.
Bill read third time.
Remarks by Assemblymen Thomas and Price.
Roll call on Assembly Bill No. 678:
YEAS—42.
NAYS—None.
Assembly Bill No. 678 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 13.
Resolution read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Joint Resolution No. 13:
YEAS—42.
NAYS—None.
Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 10; Senate Bill No. 278.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to John Wellington and Margo Wellington.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Vahe Khochayan and Katherine Jerome.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Wagner.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Kirk Mortenson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Meagan Elliot.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 8, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:51 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 8, 1999

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Tom Rahme.

Our gracious Heavenly Father, we thank You for all the many blessings that You have bestowed upon us, even the snow that provides the much needed moisture to sustain us through the summer, all good and perfect gifts come from You. Lord, we pray that as You are the light unto the world, You also would be a guiding light to this Assembly as they begin their duties today. We pray in Our Lord's Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 674, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Education, to which were referred Assembly Concurrent Resolutions Nos. 16, 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Education, to which was referred Assembly Bill No. 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Constitutional Amendments.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 142, 605, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 1999

To the Honorable the Assembly:

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 58, Amendment No. 199, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 45.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 382, 421, 498, 499, 514, 531.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 148, 297, 351, 375, 395, 396, 465.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 12.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 148.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 18:

YEAS—36.

NAYS—Angle, Beers, Gustavson, Mortenson, Von Tobel—5.

EXCUSED—Nolan.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 138:

YEAS—41.

NAYS—None.

EXCUSED—Nolan.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 154:

YEAS—41.

NAYS—None.

EXCUSED—Nolan.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

Remarks by Assemblywomen Freeman and Angle.

Assemblywoman Angle moved that Assembly Bill No. 284 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

Roll call on Assembly Bill No. 284:

YEAS—26.

NAYS—Angle, Beers, Berman, Brower, Carpenter, Cegavske, Claborn, Gibbons, Gustavson, Hettrick, Humke, Marvel, Mortenson, Nolan, Parnell, Von Tobel—16.

Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 295.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 295:

YEAS—42.

NAYS—None.

Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 329.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Assembly Bill No. 329:
YEAS—40.
NAYS—Anderson, Evans—2.
Assembly Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 338.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Assembly Bill No. 338:
YEAS—41.
NAYS—Brower.
Assembly Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 358.
Bill read third time.
Remarks by Assemblymen Marvel and Carpenter.
Roll call on Assembly Bill No. 358:
YEAS—41.
NAYS—None.
NOT VOTING—Angle.
Assembly Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 400.
Bill read third time.
Remarks by Assemblyman Lee.
Roll call on Assembly Bill No. 400:
YEAS—42.
NAYS—None.
Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 407.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 407:
YEAS—42.
NAYS—None.

Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 409.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Assembly Bill No. 409:

YEAS—42.

NAYS—None.

Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 423.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 423:

YEAS—42.

NAYS—None.

Assembly Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 425:

YEAS—42.

NAYS—None.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 437:

YEAS—41.

NAYS—Gibbons.

Assembly Bill No. 437 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblymen Segerblom and Carpenter.

Roll call on Assembly Bill No. 438:

YEAS—41.

NAYS—Gibbons.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 30.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 30.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted unanimously.

Assemblyman Perkins moved that the reading of the history on Senate Bills upon introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 297.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 351.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 375.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 382.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 395.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 396.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that the vote whereby Senate Bill No. 396 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman de Braga moved that Senate Bill No. 396 be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 421.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 465.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 498.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 499.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 514.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 531.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 39.

Bill read second time.

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

Amendment No. 188.

Amend section 1, page 1, line 3, by deleting "*A*" and inserting:

"*Except as otherwise provided in this subsection, a*".

Amend section 1, page 1, line 4, after "*sign*" by inserting:

"*not larger than 24 inches by 36 inches*".

Amend section 1, page 1, line 5, after "*tenant.*" by inserting:

"*The restriction placed on a landlord or an agent or an employee of a landlord relative to a political sign is applicable only until 7 days after the general or special election for the office or ballot question to which the sign relates.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 118B.210 is hereby amended to read as follows:

118B.210 1. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services he normally supplies, or bring or threaten to bring an action for possession of a mobile home lot as retaliation upon the tenant because:

(a) He has complained in good faith about a violation of a building, safety or health code or regulation pertaining to a mobile home park to the governmental agency responsible for enforcing the code or regulation.

(b) He has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118B.040 to 118B.220, inclusive, and *section 1 of this act or NRS* 118B.240.

(c) He has organized or become a member of a tenants' league or similar organization.

(d) He has requested the reduction in rent required by:

(1) NRS 118.165 as a result of a reduction in property taxes.

(2) NRS 118B.153 when a service, utility or amenity is decreased or eliminated by the landlord.

(e) A citation has been issued to the landlord as the result of a complaint of the tenant.

(f) In a judicial proceeding or arbitration between the landlord and the tenant, an issue has been determined adversely to the landlord.

2. A landlord, manager or assistant manager of a mobile home park shall not willfully harass a tenant.

3. As used in this section, "harass" means to threaten or intimidate, through words or conduct, with the intent to affect the terms or conditions of a tenancy or the tenant's exercise of his rights pursuant to this chapter.".

Amend the title of the bill by deleting the third line and inserting:

"lot of the tenant under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting:

"exhibiting political sign within boundary of lot of tenant under certain circumstances. (BDR 10-1094)".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 141.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 412.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 3 through 5 and inserting new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 433.471 is hereby amended to read as follows:

433.471 Each client admitted for evaluation, treatment or training to a facility has the following rights concerning admission to the facility, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the client by such additional means as prescribed by regulation:

1. The right not to be admitted to the facility under false pretenses or as a result of any improper, unethical or unlawful conduct by a staff member of the facility to collect money from the insurance company of the client or for any other financial purpose.

2. The right to receive a copy, on request, of the criteria upon which the facility makes its decision to admit or discharge a client from the facility. Such criteria must not, for emergency admissions or involuntary court-ordered admissions, be based on the availability of insurance coverage or any other financial considerations.

3. As used in this section, "improper conduct" means a violation of the rules, policies or procedures of the facility.

Sec. 2. NRS 433A.370 is hereby amended to read as follows:

433A.370 1. When a client committed by a court to a division facility on or before June 30, 1975, or a client who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to NRS 433A.150 to 433A.300, inclusive, escapes from any division facility, or when a judicially admitted client has not returned to a division facility from ~~[convalescent leave]~~ *conditional release* after the administrative officer of the facility has ordered him to do so, any peace officer shall, upon written request of the administrative officer or his designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.

2. Any person appointed or designated by the director of the department to take into custody and transport to a division facility persons who have

escaped or failed to return as described in subsection 1 may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.".

Amend section 1, page 1, by deleting lines 4 through 7 and inserting:

"from a public or private mental health facility ~~[on convalescent leave]~~ when, in the judgment of the medical director of the facility, the ~~[convalescent status]~~ *conditional release* is in the best interest of the person and will not be detrimental to the public welfare. *The medical director or his designee of the facility shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment pursuant to NRS 433A.310.*".

Amend section 1, page 2, by deleting lines 11 through 26 and inserting:

"*5. Except as otherwise provided in subsection 7, the administrative officer of a public or private mental health facility or his designee shall order a person who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that person's treatment team who is professionally qualified in the field of psychiatric mental health determine, pursuant to NRS 433A.115, that the conditional release is no longer appropriate because that person presents a clear and present danger of harm to himself or others. Except as otherwise provided in this subsection, the administrative officer or his designee shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted the person to the facility. If an emergency exists in which the person presents an imminent threat of danger of harm to himself or others, the order must be submitted to the court not later than 1 business day after the order is issued.*

6. The court shall review an order submitted pursuant to subsection 5 and the current condition of the person who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for involuntary court-ordered admissions, but in no event later than 5 judicial days after the person is returned to the facility. The administrative officer or his designee shall give written notice to the person who was ordered to return to the facility and to his attorney, if known, of the time, date and place of the hearing and of the facts necessitating that person's return to the facility.

7. The provisions of subsection 5 do not apply if the period of conditional release has expired.".

Amend sec. 2, page 2, line 33, after "~~[conditionally]~~" by inserting "*unconditionally*".

Amend the title of the bill to read as follows:

"AN ACT relating to mentally ill persons; clarifying certain provisions governing the rights of a client concerning admission to a mental health facility; revising the circumstances under which a mentally ill person who is involuntarily admitted to a mental health facility and is conditionally released may be required to return to the facility; revising the process by which such a

person may be unconditionally released before the expiration of the statutory period for detention; and providing other matters properly relating thereto.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 408.

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

"Section 1. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "division" means the division of wildlife of the state department of conservation and natural resources.*

Sec. 3. *1. A person born on or after January 1, 1981, shall not operate a motorboat that has a motor which exceeds 15 horsepower on any waters of this state unless the operator:*

(a) Has:

(1) Successfully completed a course in safe boating that is approved by the National Association of State Boating Law Administrators or passed a proficiency examination if the examination was proctored and tested the knowledge of information included in the curriculum of such a course; and

(2) Received a certificate as evidence of successful completion of the course or passage of the examination;

(b) Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 C.F.R. Part 10 or an equivalent license issued by the Canadian Coast Guard;

(c) Possesses a nonrenewable temporary operator's permit to operate the motorboat which is valid for 60 days and was issued with the certificate of number for the motorboat if the boat is new or was sold with a transfer of ownership;

(d) Possesses a rental or lease agreement provided pursuant to subsection 3 which lists the person as an authorized operator of the motorboat; or

(e) Is not a resident of this state, is at least 18 years of age and is temporarily using the waters of this state for a period not to exceed 60 consecutive days, if he meets any applicable requirements of his state of residency or province.

2. A person born on or after January 1, 1981, who is operating a motorboat that has a motor which exceeds 15 horsepower on any waters of

this state and who is stopped by a game warden, sheriff or other peace officer in the enforcement of this chapter or the regulations adopted pursuant thereto shall present to the game warden, sheriff or peace officer:

(a) The certificate received by the person pursuant to subparagraph (2) of paragraph (a) of subsection 1;

(b) A valid license described in paragraph (b) of subsection 1;

(c) A valid operator's permit for the motorboat described in paragraph (c) of subsection 1;

(d) A rental or lease agreement for the motorboat provided pursuant to subsection 3 which lists the person as an authorized operator of the motorboat; or

(e) Proof that he meets the requirements of paragraph (e) of subsection 1.

Failure to present the certificate, license, permit, agreement or proof constitutes prima facie evidence of a violation of subsection 1. A person who fails to present the certificate, license, permit, agreement or proof is guilty of a misdemeanor unless he presents the required documents in court. Such documents must prove that the person was operating the motorboat in compliance with this section on the date of the violation.

3. A person or his agent or employee engaged in the business of renting or leasing motorboats shall not rent or lease a motorboat that has a motor which exceeds 15 horsepower to any person born on or after January 1, 1981, for operation on the waters of this state unless the person:

(a) Is 18 years of age or older; and

(b) Signs an affidavit that he:

(1) Has successfully completed a course in safe boating that is approved by the National Association of State Boating Law Administrators or has passed a proficiency examination that was proctored and tests knowledge of the information included in the curriculum of such a course;

(2) Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 C.F.R. Part 10 or an equivalent license issued by the Canadian Coast Guard; or

(3) Is not a resident of this state, is temporarily using the waters of this state for a period not to exceed 60 consecutive days and meets any applicable requirements of his state of residency or province.

4. A person or his agent or employee engaged in the business of renting or leasing motorboats shall list on each rental or lease agreement for a motorboat the name and age of each person who is authorized to operate the motorboat. The person to whom the motorboat is rented or leased shall ensure that only those persons who are listed as authorized operators are allowed to operate the motorboat. A person who is under 16 years of age may:

(a) Be listed as an authorized operator.

(b) Operate the motorboat only if an authorized operator who is 18 years of age or older is on board the motorboat and supervises the person.

5. A person or his agent or employee engaged in the business of renting or leasing motorboats shall provide to each authorized operator of a motorboat a summary of the statutes and regulations governing the operation of a motorboat and instructions regarding the safe operation of the motorboat. Each person who is listed as an authorized operator of the motorboat shall review the summary of the statutes, regulations and instructions before the motorboat departs from the rental or leasing office.

Sec. 4. *1. The division shall certify persons to provide, in cooperation with the division, instruction in safe boating approved by the National Association of State Boating Law Administrators. All persons who successfully complete the course must be issued a certificate evidencing successful completion.*

2. The division may offer the courses in cooperation with organizations that provide education in safe boating, including, without limitation, the United States Coast Guard Auxiliary and the United States Power Squadrons.

3. The division shall maintain a list, available for public inspection, of the availability of courses in safe boating and any instructors who are certified pursuant to subsection 1.

Sec. 5. *1. A person born on or after January 1, 1981, who is a resident of this state and who possesses a certificate that evidences his successful:*

(a) Completion of a course in safe boating that is approved by the National Association of State Boating Law Administrators, including, without limitation, courses offered pursuant to section 4 of this act and courses offered by the United States Coast Guard Auxiliary or the United States Power Squadrons; or

(b) Passage of a proficiency examination that was proctored and tests the knowledge of the information included in the curriculum of such a course,

shall submit or cause to be submitted a copy of the certificate to the division. The division may request additional information necessary for the division to maintain the data base pursuant to subsection 2.

2. The division shall establish and maintain a data base of certificates that it receives pursuant to subsection 1. The data base must include, without limitation, the:

(a) Name, date of birth and gender of the holder of the certificate;

(b) Date, location and name of the course that the holder of the certificate completed or the examination that he passed; and

(c) Number on the certificate.

Sec. 6. *The commission may adopt regulations to carry out the provisions of sections 2 to 6, inclusive, of this act.*

Sec. 7. NRS 488.580 is hereby amended to read as follows:

488.580 1. A person shall not operate or authorize another person to operate a personal watercraft under his ownership or control:

(a) In a reckless or negligent manner so as to endanger the life or property of another person.

(b) Unless the operator is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the commission.

(c) Unless the operator is at least 12 years of age.

(d) Unless the operator complies with any applicable provisions of section 3 of this act.

2. There is prima facie evidence that a person is operating a personal watercraft in a reckless or negligent manner if that person commits two or more of the following acts simultaneously:

(a) Operates the personal watercraft within a zone closer than 5 lengths of the longest vessel, unless both are leaving a flat wake or traveling at a speed of not more than 5 nautical miles per hour.

(b) Operates the personal watercraft in the vicinity of a motorboat in a manner that obstructs the visibility of either operator.

(c) Heads into the wake of a motorboat which is within a zone closer than 5 lengths of the longest vessel and causes one-half or more of the length of the personal watercraft to leave the water.

(d) Within a zone closer than 5 lengths of the longest vessel, maneuvers quickly, turns sharply or swerves, unless the maneuver is necessary to avoid collision.

3. As used in this section, "personal watercraft" means a class A motorboat which:

(a) Is less than 13 feet in length;

(b) Is designed to be operated by a person sitting, standing or kneeling on, rather than in, the motorboat;

(c) Is capable of performing sharp turns or quick maneuvers; and

(d) Has a motor that exceeds 10 horsepower.

Sec. 8. NRS 488.950 is hereby amended to read as follows:

488.950 *1.* Except as otherwise provided in this chapter, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

2. A court may prohibit a person who violates any of the provisions of this chapter from operating a motorboat upon the waters of this state until the person successfully completes, after the date of the violation, a course in safe boating approved by the National Association of State Boating Law Administrators.

Sec. 9. The provisions of section 3 of this act do not apply to offenses that are committed before January 1, 2001.

Sec. 10. 1. This section and sections 1, 2, 4, 6 and 9 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective upon passage and approval for the purpose of establishing a data base and on January 1, 2001, for all other purposes.

3. Sections 3, 7 and 8 of this act becomes effective on January 1, 2001.".

Amend the title of the bill to read as follows:

"AN ACT relating to watercraft; prohibiting the operation of certain motorboats by certain persons who do not satisfy prescribed requirements; prohibiting the rental or lease of certain motorboats to such persons; requiring the division of wildlife of the state department of conservation and natural resources to certify instructors to provide courses in safe boating; requiring the division of wildlife to establish a data base of persons who possess certificates relating to safe boating; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Beers moved the adoption of the amendment.

Remarks by Assemblyman Beers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 347.

Amend section 1, page 2, line 7, by deleting "*act.*" and inserting: "*act, if applicable.*".

Amend sec. 4, page 3, line 1, by deleting "*For*" and inserting: "*In a county whose population is 50,000 or more, for*".

Amend sec. 4, page 3, line 2, by deleting "*board,*" and inserting: "*board or county clerk,*".

Amend sec. 4, page 3, by deleting lines 11 and 12 and inserting:

"*2. If the board of a county whose population is 50,000 or more fails to appoint each committee as required by subsection 1, the county clerk shall appoint the committee.*".

Amend sec. 4, page 3, line 13, by deleting "*2.*" and inserting "*3.*".

Amend sec. 4, page 3, by deleting line 19 and inserting:

"*4. The board of a county whose population is 50,000 or more shall adopt regulations as necessary to carry out the*".

Amend sec. 4, page 3, line 25, by deleting "*submitted;*" and inserting: "*submitted to the board to ensure that the board will have sufficient time to submit the argument to the county clerk pursuant to NRS 293.481, as applicable;*".

Amend sec. 4, page 3, line 32, by deleting "*4.*" and inserting "*5.*".

Amend sec. 4, page 3, line 33, by deleting "*3*" and inserting "*4*".

Amend sec. 4, page 3, between lines 34 and 35, by inserting:

"*6. The board of a county whose population is less than 50,000 may:*

(a) Appoint committees pursuant to subsection 1; and

(b) Adopt regulations pursuant to subsection 4.".

Amend sec. 5, page 3, line 35, by deleting "*For*" and inserting: "*In a city whose population is 50,000 or more, for*".

Amend sec. 5, page 4, by deleting lines 4 through 6 and inserting:

"*2. If the council of a city whose population is 50,000 or more fails to appoint each committee as required by subsection 1, the city clerk shall appoint the committee.*".

Amend sec. 5, page 4, line 7, by deleting "*2.*" and inserting "*3.*".

Amend sec. 5, page 4, by deleting line 13 and inserting:

"*4. The council of a city whose population is 50,000 or more shall adopt regulations as necessary to carry out the*".

Amend sec. 5, page 4, line 19, by deleting "*submitted;*" and inserting: "*submitted to the council to ensure that the council will have sufficient time to submit the argument to the city clerk pursuant to NRS 293.481, as applicable;*".

Amend sec. 5, page 4, line 26, by deleting "*4.*" and inserting "*5.*".

Amend sec. 5, page 4, line 27, by deleting "*3*" and inserting "*4*".

Amend sec. 5, page 4, between lines 28 and 29, by inserting:

"*6. The council of a city whose population is less than 50,000 may:*

(a) Appoint committees pursuant to subsection 1; and

(b) Adopt regulations pursuant to subsection 4.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 365.

Amend section 1, page 1, line 6, by deleting "*$15*" and inserting "*$20*".

Amend bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill by deleting the second through fourth lines and inserting:

"may charge for a waiver of damages; and providing other matters properly relating".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 363.

Amend section 1, page 1, line 2, by deleting "$1,920,000" and inserting "$253,290".

Amend section 1, page 1, line 3, by deleting:

"on both sides".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The Department of Transportation may use the money appropriated pursuant to section 1 of this act only if matching money is received in full from local governments or other public or private sources.".

Amend the title of the bill to read as follows:

"AN ACT making a contingent appropriation to the Department of Transportation for the construction of a sound barrier along the ramps of Interstate Highway No. 515 near the Boulder Highway; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes contingent appropriation to Department of Transportation for construction of sound barrier along ramps of Interstate Highway No. 515 near Boulder Highway. (BDR S-1413)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 519 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 418 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 455 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman de Braga moved that upon return from the printer Assembly Bill No. 199 be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 574.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 355.

Amend section 1, page 1, line 7, by deleting "certified laboratory." and inserting:

"~~[certified laboratory.]~~ *laboratory that is certified in accordance with the standards adopted by the state board of health pursuant to this subsection.*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 418.

Bill read third time.

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

Amendment No. 419.

Amend sec. 5, page 3, by deleting lines 8 through 10.

Amend sec. 6, page 3, line 30, by deleting:

"*keep pets or*".

Amend sec. 13, page 6, line 42, by deleting:

"*if the owner of the park is the lessor of the*".

Amend sec. 13, page 7, line 1, by deleting "*mobile home,*".

Amend sec. 16, page 9, by deleting sec. 16 and inserting:

"Sec. 16. (Deleted by amendment.)".

Amend sec. 18, page 10, line 4, by deleting "*seller,*" and inserting:

"*seller and the mobile home was constructed before 1975,*".

Amend sec. 18, page 10, line 7, after "*sale.*" by inserting:

"*If such a seller discloses that the mobile home does not comply with the safety standards set forth in NRS 461A.120, the seller shall disclose specifically the manner in which the mobile home does not comply with the standards.*".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 441, 450, 456, 539, 599, 606, 611, 637, 640, 644; Assembly Joint Resolution No. 21 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 411 be re-referred to the Committee on Constitutional Amendments.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 521 be re-referred to the Committee on Ways and Means.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by Senate Standing Committee on Commerce and Labor.

For: Senate Bill No. 37.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 78th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

With the following Conditions:

May only be passed out of final committee of house of origin on or before April 23, 1999.

May only be passed out of house of origin on or before April 30, 1999.

May only be passed out of final committee of second house on or before May 17, 1999.

May only be passed out of second house on or before May 24, 1999.

Has been granted effective: April 7, 1999.

WILLIAM J. RAGGIO
Senate Majority Leader

JOSEPH E. DINI, JR.
Speaker of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 2, 275; Assembly Joint Resolution No. 23; Assembly Concurrent Resolution No. 44; Senate Concurrent Resolution No. 28.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Fogle.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Bybee.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Odell, Kristy Erickson, Johnny Perryman, Nichole Brake, Sharon Braun-Pope, Bethany Laur, Katy Martin and Dina Hunsberger.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Howard Mizel.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to John Shipp.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Vargas and Jim Hamtak.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Liggett, Nick Natter and Kurt Natter.

Assemblyman Perkins moved that the Assembly adjourn until Friday, April 9, 1999, at 4:00 p.m.

Motion carried.

Assembly adjourned at 12:44 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 9, 1999

Assembly called to order at 4:34 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Tom Rahme.

Dear Heavenly Father, in Proverbs we read "blessed is the man who finds wisdom and the man who gains understanding. He is more precious than silver and yields a better return than gold." Lord, I just pray that Your presence would be with this Assembly today and that Your understanding and wisdom will be multiplied to them. And we pray this in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 110, 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Concurrent Resolution No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 608, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 598, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 601, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that Assembly Bill No. 380 be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 445.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 197, 213, 322, 389, 412, 442, 452, 490, 532.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 16.
Assemblyman Williams moved the adoption of the resolution.
Remarks by Assemblyman Williams.
Resolution adopted.

Assembly Concurrent Resolution No. 37.
Assemblyman Manendo moved the adoption of the resolution.
Remarks by Assemblyman Manendo.
Resolution adopted.

Assemblyman Perkins moved that the reading of the history on Senate Bills upon introduction be dispensed with for this legislative day.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 197.
Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 213.
Assemblyman Perkins moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 322.
Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 389.
Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 412.
Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 442.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 445.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 452.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 490.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 532.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 3.

Bill read second time and ordered to third reading.

Assembly Bill No. 142.

Bill read second time.

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

Amendment No. 346.

Amend the bill as a whole by deleting sections 1 through 8 and renumbering sec. 9 as section 1.

Amend sec. 9, page 6, line 21, by deleting:

"*town that is governed by a town board,*" and inserting "*town,*".

Amend sec. 9, page 6, by deleting line 24 and inserting:

"*board, citizens' advisory council or town advisory board, whichever is applicable.*".

Amend the bill as a whole by deleting sec. 10.

Amend the title of the bill to read as follows:

"AN ACT relating to land use planning; revising provisions governing applications for variances or special use permits with regard to property located within an unincorporated town; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to certain applications for variances or special use permits. (BDR 22-371)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted, as amended.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 315.

Amend section 1, page 2, by deleting line 16 and inserting:

"*collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.*".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted, as amended.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 605.

Bill read second time.

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

Amendment No. 343.

Amend sec. 3, page 5, line 5, by deleting the comma.

Amend sec. 3, page 5, by deleting line 6 and inserting:

"*of a building for*".

Amend sec. 3, page 5, line 8, by deleting the semicolon and inserting:

"*if such assistance is authorized pursuant to an interlocal agreement between the state fire marshal and the state public works board.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted, as amended.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 605 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 674 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Remarks by Assemblywoman Buckley.
Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 64 be taken from the General File and re-referred to the Committee on Ways and Means.
Remarks by Assemblywoman Buckley.
Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 221 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Anderson.
Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 271 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblywoman Chowning.
Motion carried.

Assemblyman Bache moved that Assembly Bill No. 560 be re-referred to the Committee on Ways and Means.
Remarks by Assemblyman Bache.
Motion carried.

Mr. Speaker announced that if there were no objection, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:56 p.m.

ASSEMBLY IN SESSION

At 5:35 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 380.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:
Amendment No. 478.
Amend section 1, pages 1 and 2, by deleting lines 3 through 14 on page 1 and lines 1 through 12 on page 2, and inserting:
"*1. The priority of a water right acquired by a person for use in a federal reclamation project is determined according to the date on which the United States appropriated water for initiation of the project. Notwithstanding the fact that the water right so appropriated and acquired may ultimately vest in the name of the person at a later date, all such water rights so acquired are governed by the applicable law of this state in effect on the date on which the United States appropriated water for initiation of the project, unless the*

water rights vested under the law in this state before the time the United States first appropriated or otherwise acquired the water for initiation of the project. If the water right vested under the law in this state before appropriation or acquisition by the United States, the date of initiation of the water right is determined according to the date on which the water was first diverted under that appropriation or acquisition by the United States.

2. No water rights, in addition to those allocated under applicable court decrees, are granted, stated or implied by the determination of the date of priority pursuant to subsection 1.".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 3, page 3, by deleting lines 3 through 11 and inserting:

"*4. For the purposes of this section, a water right acquired for use in a federal reclamation project shall be deemed to be appurtenant to the property of any person who owns water rights within the project and may be used on any portion of that property within the project if the cumulative amount of water so used does not exceed the total amount of water owned by the holder of the water right.*".

Amend sec. 4, page 3, by deleting lines 20 through 33 and inserting:

"2. ~~[Except as otherwise provided in subsection 4, if the owner or owners of any such ditch, canal, reservoir, or any other means of diverting any of the public water fail to use the water therefrom or thereby for beneficial purposes for which the right of use exists during any 5 successive years, the right to so use shall be deemed as having been abandoned, and any such owner or owners thereupon forfeit all water rights, easements and privileges appurtenant thereto theretofore acquired, and all the water so formerly appropriated by such owner or owners and their predecessors in interest may be again appropriated for beneficial use the same as if such ditch, canal, reservoir or other means of diversion had never been constructed, and any qualified person may appropriate any such water for beneficial use.~~

~~3. No~~] *Rights to the use of surface water shall not be deemed to be lost or otherwise forfeited for the failure to use the water therefrom for a beneficial purpose. In a determination of whether a right to use surface water has been abandoned, a presumption that the right to use the surface water has not been abandoned is created upon the submission of:*

(a) Records, photographs, receipts, contracts, affidavits or any other proof of the occurrence of any of the following events or actions within a 10-year period immediately preceding any claim that the right to use the water has been abandoned:

(1) The delivery of water;

(2) The payment of any costs of maintenance and other operational costs incurred in delivering the water;

(3) The payment of any costs for capital improvements, including works of diversion and irrigation; or

(4) The actual performance of maintenance related to the delivery of the water.

(b) A copy of a local ordinance or other equivalent governmental document in which the governing body of a local government of this state or a public utility which is a purveyor of water within this state requires the dedication of or otherwise recognizes the water rights as a resource for the current or future municipal water supply.".

Amend sec. 4, page 4, by deleting lines 5 and 6.

Amend the bill as a whole by deleting sections 5 through 8 and adding a new section designated sec. 4, following sec. 4, to read as follows:

"Sec. 4. This act becomes effective upon passage and approval.".

Amend the title of the bill, sixth and seventh lines, by deleting:

"requiring a district court to decide protests of applications to appropriate water;".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 39:

YEAS—42.

NAYS—None.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 141:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 200:

YEAS—42.

NAYS—None.

Assembly Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 238.

Bill read third time.

Remarks by Assemblywoman Evans.

Potential conflict of interest declared by Assemblywoman Evans.

Roll call on Assembly Bill No. 238:

YEAS—38.

NAYS—Angle, Berman, Gustavson, Von Tobel—4.

Assembly Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 247:

YEAS—39.

NAYS—Angle, Cegavske, Gustavson—3.

Assembly Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Hettrick, Beers, Arberry, Buckley, de Braga, Goldwater, Manendo and Gustavson.

Assemblymen Gustavson, Buckley, and Arberry moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 418.

Roll call on Assembly Bill No. 418:

YEAS—28.

NAYS—Beers, Berman, Brower, Cegavske, de Braga, Dini, Gustavson, Hettrick, Lee, Marvel, Nolan, Tiffany—12.

NOT VOTING—Angle, Carpenter—2.

Assembly Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Humke requested that his remarks be entered in the Journal.

On the vote taken on AB 418 I absentmindedly voted "Yes" when I intended to vote "No" in accordance with my earlier vote today, my vote in committee and in previous votes on these issues in prior sessions.

Assembly Bill No. 441.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 441:

YEAS—42.

NAYS—None.

Assembly Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 450.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 450:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 450 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 456:

YEAS—42.

NAYS—None.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 539.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 539:

YEAS—42.

NAYS—None.

Assembly Bill No. 539 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 574.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 574:

YEAS—42.

NAYS—None.

Assembly Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 599.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 599:

YEAS—42.

NAYS—None.

Assembly Bill No. 599 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 606.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 606:

YEAS—42.

NAYS—None.

Assembly Bill No. 606 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 611.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 611:

YEAS—42.

NAYS—None.

Assembly Bill No. 611 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 637.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 637:

YEAS—41.

NAYS—Parks.

Assembly Bill No. 637 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 640.

Bill read third time.

Remarks by Assemblymen Lee, Collins.

Roll call on Assembly Bill No. 640:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 640 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 644.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 644:

YEAS—42.

NAYS—None.

Assembly Bill No. 644 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 21.

Resolution read third time.

Remarks by Assemblymen Carpenter and Price.

Roll call on Assembly Joint Resolution No. 21:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 221:

YEAS—40.

NAYS—Angle, Gustavson—2.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 45; Senate Concurrent Resolution No. 29.

Mr. Speaker announced that if there were no objection, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:30 p.m.

ASSEMBLY IN SESSION

At 7:33 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 58.
The following Senate amendment was read:
Senate Amendment No. 199
Amend sec. 3, page 1, line 12, by deleting "*the licensed* " and inserting "*any*".
Assemblywoman Buckley moved the adoption of the amendment.
Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 58.
Remarks by Assemblywoman Buckley.
Motion carried.
Bill ordered enrolled.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Lusk.

Assemblyman Perkins moved that the Assembly adjourn until Monday April 12, 1999, at 10:00 a.m.
Motion carried.

Assembly adjourned at 7:36 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 12, 1999

Assembly called to order at 10:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Berman, Carpenter, Freeman, Humke and Mortenson, who were excused.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech Thee so to guide and bless our Assembly members gathered here today, that they may enact such laws as shall please Thee. Bring Glory to Thy name and to the welfare of the people of Nevada. Through Jesus Christ Our Lord. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Bills Nos. 520, 631, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 347, 461, 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 71, 267, 304, 392, 467, 473, 483, 485, 511, 522, 540, 543, 544, 583, 592, 646, 650, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 25

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Resolution adopted.

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 64, 72, 103, 178, 199, 207, 211, 302, 367, 368, 393, 489, 519, 521, 532, 560, 622 and 674.

SECOND READING AND AMENDMENT

Assembly Bill No. 110.

Bill read second time.

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

Amendment No. 147.

Amend section 1, page 1, line 3, by deleting "*Wages*" and inserting: "*Except as otherwise provided in this section, wages*".

Amend section 1, page 1, by deleting line 4 and inserting: "*the manufacture of an explosive, or the use, processing, handling, transportation or storage of an explosive that is related to its manufacture,*".

Amend section 1, page 1, line 5, by deleting "*an explosive*".

Amend section 1, page 1, line 6, after the period by inserting: "*The provisions of this subsection do not apply to persons employed in the mining industry.*".

Amend section 1, page 1, line 12, by deleting "*As*" and inserting: "*Except as otherwise provided in subsection 4, as*".

Amend section 1, page 2, between lines 3 and 4, by inserting:

"*4. For the purposes of this section, an explosive does not include:*

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.".

Amend the title of the bill to read as follows:

"AN ACT relating to labor; requiring the wages or compensation of certain employees who work with certain explosives to be based solely on the number of hours the employees work; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain employees who work with certain explosives to be paid solely on basis of hours worked. (BDR 53-771)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 112.

Bill read second time.

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

Amendment No. 180.

Amend sec. 2, page 1, by deleting line 5 and inserting:

"*manufactured, or where an explosive is used, processed, handled, transported or stored in relation to its manufacture, including, without limitation,*".

Amend sec. 2, page 1, line 10, by deleting "*and*".

Amend sec. 2, page 1, by deleting lines 11 through 13 and inserting:

"*(d) Annual certification of trainers, production managers, supervisors and other persons designated by an employer to provide an annual training and testing program for employees; and*

(e) Establishment and implementation of programs for the annual training and testing of employees who are engaged in the manufacture of an explosive, or the use, processing, handling, transportation or storage of an explosive that is related to its manufacture, that will be conducted by a trainer, production manager, supervisor or any other person certified pursuant to paragraph (d).".

Amend sec. 2, page 2, line 8, by deleting "*As*" and inserting:

"*Each employer engaged in the manufacture of explosives shall provide to each of his employees, who in the course of their employment are directly involved in the manufacture of explosives, or the handling of an explosive or any hazardous component thereof, an annual training and testing program that has been approved by the division in accordance with subsection 1. The annual training must be conducted by a trainer, production manager, supervisor or other person certified by the division to provide such training. An employer shall not allow an employee to engage in employment that requires the employee to be directly involved in the manufacture of explosives, or the handling of an explosive or any hazardous component thereof, until the employee has completed the applicable training and testing*

program required pursuant to this subsection. Any violation of this subsection by an employer constitutes a serious violation which is subject to the provisions of NRS 618.645.

5. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.

6. Except as otherwise provided in subsection 7, as".

Amend sec. 2, page 2, between lines 16 and 17, by inserting:

"*7. For the purposes of this section, an explosive does not include:*

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.".

Amend sec. 3, page 2, by deleting lines 18 and 19 and inserting:

"*as a trainer, production manager, supervisor or other person designated by an employer to provide annual training and testing programs to employees pursuant to section 2 of this act shall submit with his*".

Amend sec. 3, page 2, by deleting lines 28 and 29 and inserting:

"*3. Certification as a trainer, production manager, supervisor or other person designated by an employer to provide annual training and testing programs to employees pursuant to section 2 of this act may not be issued or renewed pursuant*".

Amend sec. 4, page 3, line 4, by deleting "*an*".

Amend sec. 4, page 3, by deleting line 5 and inserting:

"*a trainer, production manager, supervisor or other person designated by an employer to provide annual training and testing programs to employees*".

Amend sec. 4, page 3, line 6, by deleting "*explosives*".

Amend sec. 5, page 3, line 11, by deleting "*an employee*".

Amend sec. 5, page 3, by deleting line 12 and inserting:

"*a trainer, production manager, supervisor or other person designated by an employer to provide annual training and testing programs to employees*".

Amend sec. 5, page 3, line 20, by deleting "*an employee*".

Amend sec. 5, page 3, by deleting line 21 and inserting:

"*a trainer, production manager, supervisor or other person designated by an employer to provide annual training and testing programs to employees*".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. NRS 232.660 is hereby amended to read as follows:

232.660 1. The administrator may:

(a) Appoint one or more legal counsel to provide services for the division. If appointed, they are in the unclassified service of the state.

(b) Provide for contract services to be rendered by such other legal counsel as are needed for assistance in administering the laws relating to labor and industrial relations.

2. Each of the legal counsel must be an attorney admitted to practice law in Nevada.

3. In the prosecution of all claims and actions referred to him, a legal counsel has the same power as that vested in the district attorneys of the several counties to ~~[enforce]~~ *:*

(a) Enforce the laws relating to labor and industrial relations ~~[, except that a legal counsel does not have the authority to prosecute]~~ *; and*

(b) Prosecute for criminal violations of such laws.".

Amend sec. 11, page 6, by deleting lines 14 through 17 and inserting:

"(b) The storage and use of ~~[combustibles,]~~ *:*

(1) Combustibles, flammables and fireworks ~~[.~~

~~(c) The storage and use of explosives]~~ *; and*

(2) Explosives in any commercial construction, but not in mining or the control of avalanches ~~[.~~

~~(d)]~~ ,

under those circumstances that are not otherwise regulated by the".

Amend sec. 12, page 8, by deleting sec. 12 and inserting:

"Sec. 12. (Deleted by amendment.)".

Amend sec. 25, page 13, line 35, by deleting:

"6 and 7" and inserting:

"6, 7 and 7.5".

Amend the title of the bill to read as follows:

"AN ACT relating to occupational safety; requiring the division of industrial relations of the department of business and industry to establish standards and procedures for places of employment where explosives are manufactured; providing exceptions; requiring annual certification of such places of employment and of persons training employees at those places of employment; requiring the disclosure of confidential information of the division to law enforcement agencies under certain circumstances; authorizing the legal counsel of the division to prosecute certain criminal violations of laws relating to labor and industrial relations; providing administrative penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires establishment of standards and procedures for certain places of employment where explosives are manufactured. (BDR 53-780)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Assemblywoman Buckley moved that Assembly Bill No. 112 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 366.

Amend section 1, pages 1 and 2, by deleting lines 2 through 16 on page 1 and lines 1 through 4 on page 2 and inserting:

"484.473 ~~[A]~~

1. Except as otherwise provided in subsection 2, a person shall not *, with regard to a vehicle being operated on a paved highway,* ride ~~[on any vehicle]~~ upon *or within* any portion ~~[thereof]~~ *of the vehicle that is primarily designed or intended for carrying goods or other cargo or that is otherwise* not designed or intended for the use of passengers ~~[. This provision does not apply to an employee engaged in the necessary discharge of a duty, or to a person or persons riding within truck bodies and space intended for merchandise.]~~ *, including, without limitation, upon the bed of a flatbed truck, within the bed of a pickup truck or within a camper shell or slide-in camper.*

2. A person may ride upon the bed of a flatbed truck, within the bed of a pickup truck or within a camper shell or slide-in camper if the person is:

(a) Eighteen years of age or older; or

(b) Under 18 years of age and the vehicle is:

(1) Not being operated on a freeway or other road which has two or more lanes for traffic traveling in one direction;

(2) Being used in the course of farming or ranching; or

(3) Being driven in a parade authorized by a local authority.

3. Except as otherwise provided in this subsection, a citation must be issued to the driver of the vehicle in or upon which a person is riding in violation of subsection 1:

(a) Upon the bed of a flatbed truck or within the bed of a pickup truck.

(b) Within a camper shell or slide-in camper.

A citation may be issued pursuant to paragraph (b) only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.

4. If a driver is cited pursuant to paragraph (a) of subsection 3, the driver shall be punished by a fine of at least $35 but not more than $100.

5. If a driver is cited pursuant to paragraph (b) of subsection 3, the driver shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of work for the community.".

Amend section 1, page 2, line 5, by deleting "*4.*" and inserting "*6.*".

Amend section 1, page 2, line 11, by deleting "*5.*" and inserting "*7.*".

Amend the title of the bill, first line, by deleting "in" and inserting:

"upon the bed of a flatbed truck, within".

Amend the summary of the bill, first line, by deleting:

"in certain portions of pickup truck." and inserting:

"upon or within certain portions of certain vehicles.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 326.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best interests of the child warrant the granting of the petition, an order or decree of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. *When determining whether the best interests of the child warrant the granting of a petition that is filed by a foster parent, the court shall give strong consideration to the emotional bond between the child and the foster parent.* A copy of the order or decree must be sent to the nearest office of the division by the petitioners within 7 days after the order or decree is issued. In the decree the court may change the name of the child, if desired. No order or decree of adoption may be made until after the child has lived for 6 months in the home of the petitioners.

2. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody.

3. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.".

Amend the bill as a whole by renumbering sections 5 through 7 as sections 8 through 10 and adding new sections designated sections 6 and 7, following sec. 4, to read as follows:

"Sec. 6. NRS 128.105 is hereby amended to read as follows:

128.105 The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination. An order of the court for *the* termination of parental rights must be made in light of the considerations set forth in this section and NRS 128.106 to 128.109, inclusive, and based on evidence and include a finding that:

1. The best interests of the child would be served by the termination of parental rights; and

2. The conduct of the parent or parents *was the basis for a finding made pursuant to subsection 3 of section 18 of this act or* demonstrated at least one of the following:

(a) Abandonment of the child;

(b) Neglect of the child;

(c) Unfitness of the parent;

(d) Failure of parental adjustment;

(e) Risk of serious physical, mental or emotional injury to the child if he were returned to, or remains in, the home of his parent or parents;

(f) Only token efforts by the parent or parents:

(1) To support or communicate with the child;

(2) To prevent neglect of the child;

(3) To avoid being an unfit parent; or

(4) To eliminate the risk of serious physical, mental or emotional injury to the child; or

(g) With respect to termination of the parental rights of one parent, the abandonment by that parent.

Sec. 7. NRS 128.109 is hereby amended to read as follows:

128.109 1. If a child has been placed outside *of* his home pursuant to chapter 432B of NRS, the following provisions must be applied ~~[for the purposes of determining]~~ *to determine* the conduct of the parent:

(a) If the child has resided outside *of* his home pursuant to that placement for ~~[18]~~ *14* months of any ~~[24]~~ *20* consecutive months, it must be presumed that the parent or parents have demonstrated only token efforts to care for the child as set forth in paragraph (f) of subsection 2 of NRS 128.105.

(b) If the parent or parents fail to comply substantially with the terms and conditions of a plan to reunite the family within 6 months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment as set forth in paragraph (d) of subsection 2 of NRS 128.105.

2. If a child has been placed outside *of* his home pursuant to chapter 432B of NRS and has resided outside *of* his home pursuant to that placement for ~~[18]~~ *14* months of any ~~[24]~~ *20* consecutive months, the best interests of the child must be presumed to be served by *the* termination of parental rights.

3. The presumptions specified in subsections 1 and 2 must not be overcome or otherwise affected by evidence of failure of the state to provide services to the family.".

Amend sec. 7, page 3, line 17, by deleting "*6*" and inserting "*9*".

Amend the bill as a whole by renumbering sections 8 and 9 as sections 12 and 13 and adding a new section designated sec. 11, following sec. 7, to read as follows:

"Sec. 11. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a statewide central registry for the collection of information concerning the abuse or neglect of a child. This central registry must be maintained by and in the central office of the division.

2. The central registry must contain:

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

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

(c) Any other information which the division determines to be in furtherance of NRS 432.100 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive [.] *, and sections 17 and 18 of this act.*

3. The division may designate a county hospital in each county whose population is 100,000 or more as a regional registry for the collection of information concerning the abuse or neglect of a child.".

Amend sec. 8, page 3, line 20 by deleting:

"9, 10 and 11" and inserting:

"13 to 18, inclusive,".

Amend sec. 9, page 3, by deleting lines 21 through 35 and inserting:

"Sec. 13. *1. The rural advisory board to expedite proceedings for the placement of children, consisting of two members from each local advisory board created by a district court pursuant to section 14 of this act, is hereby created within the division of child and family services.*".

Amend sec. 9, page 3, line 36, before "*board*" by inserting "*rural advisory*".

Amend sec. 9, page 3, line 37, before "*board*" by inserting "*rural advisory*".

Amend sec. 9, page 3, by deleting lines 38 through 41 and inserting:

"*during the term of a member, the district court that created the local advisory board from which the member was appointed shall appoint a person to replace that member for the reminder of the unexpired term.*".

Amend sec. 9, page 3, line 42, before "*board*" by inserting "*rural advisory*".

Amend sec. 9, page 4, line 3, before "*board*" by inserting "*rural advisory*".

Amend sec. 9, page 4, line 4, by deleting "*support.*" and inserting:

"support and shall provide any information requested by the rural advisory board to the rural advisory board within 10 working days after receiving the request for information.".

Amend sec. 9, page 4, line 5, before "*board*" by inserting "*rural advisory*".

Amend sec. 9, page 4, by deleting lines 10 through 12 and inserting:

"(c) Review the findings of each local advisory board created pursuant to section 14 of this act.

(d) Prepare and make available to the public an annual report including, without limitation, a summary of the activities of the rural advisory board.".

Amend the bill as a whole by renumbering sections 10 and 11 as sections 15 and 16 and inserting a new section designated sec. 14 following sec. 9, to read as follows:

"Sec. 14. *1. The district court in each judicial district that includes a county whose population is less than 100,000 may create a local advisory board to expedite proceedings for the placement of children at the request of one or more residents of that judicial district. A resident may make such a request by petitioning the court and setting forth the reasons that the creation of a local advisory board is advisable.*

2. The district court shall appoint to any local advisory board it creates pursuant to this section:

(a) One member who is representative of foster parents;

(b) One member who is representative of attorneys in public or private practice;

(c) One member who is employed by the division of child and family services;

(d) One member who is either employed by the public school system and works with children on a regular basis, or works in the field of mental health and works with children on a regular basis; and

(e) One member who is a resident of the judicial district in which the local advisory board is created.

3. The district court shall provide for initial terms of each member of the local advisory board so that the terms are staggered. After the initial terms, the members of the local advisory board shall serve terms of 4 years. Any member of the local advisory board may be reappointed. If a vacancy occurs during the term of a member, the district court shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term. The district court may remove a member from the local advisory board if the member neglects his duty or commits malfeasance in office.

4. The district court shall appoint two members of the local advisory board to serve on the rural advisory board created pursuant to section 13 of this act.

5. Members of a local advisory board serve without compensation, and necessary travel and per diem expenses may not be reimbursed.

6. The division of child and family services shall provide each local advisory board with administrative support and shall provide any

information requested by a local advisory board to the local advisory board within 10 working days after receiving the request for information.

7. Each local advisory board shall:

(a) At its first meeting and annually thereafter, elect a chairman from among its members.

(b) Review each case referred to it pursuant to section 15 of this act, and provide the referring court and the office of the attorney general with any recommendations to expedite the completion of the case.

(c) Twice each year, provide a report of its activities and any recommendations to expedite the completion of cases to the district court, the division of child and family services and the legislature, or the legislative commission when the legislature is not in regular session.

8. A local advisory board may review other cases as deemed appropriate by the district court.".

Amend sec. 10, page 4, line 14, by deleting "*18*" and inserting "*12*".

Amend sec. 10, page 4, by deleting lines 15 and 16 and inserting:

"*home, it shall refer the case to the local advisory board created pursuant to section 14 of this act, if such a local advisory board was created for that judicial district, to obtain*".

Amend sec. 10, page 4, line 17, after "*from the*" by inserting "*local advisory*".

Amend sec. 11, page 4, by deleting line 18 and inserting:

"Sec. 16. *1. To qualify for appointment as a guardian at litem pursuant*".

Amend sec. 11, page 4, line 19, by deleting "*432B.500,*" and inserting:

"*432B.500 in a judicial district that includes a county whose population is less than 100,000,*".

Amend sec. 11, page 4, line 24, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 11, page 4, line 25, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 11, page 4, line 27, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 11, page 4, line 29, by deleting "*4.*" and inserting "*(d)*".

Amend sec. 11, page 4, line 30, by deleting "*5.*" and inserting "*(e)*".

Amend sec. 11, page 4, line 31, by deleting "*6.*" and inserting "*(f)*".

Amend sec. 11, page 4, line 32, by deleting "*7.*" and inserting "*(g)*".

Amend sec. 11, page 4, line 33, by deleting "*8.*" and inserting "*(h)*".

Amend sec. 11, page 4, line 35, by deleting "*9.*" and inserting "*(i)*".

Amend sec. 11, page 4, by deleting line 36 and inserting:

"*(j) Standards for guardians ad litem;*

(k) Confidentiality issues; and".

Amend sec. 11, page 4, line 37, by deleting "*11.*" and inserting "*(l)*".

Amend sec. 11, between lines 37 and 38, by inserting:

"*2. To qualify for appointment as a guardian ad litem pursuant to NRS 432B.500 in a judicial district that does not include a county whose population is less than 100,000, a special advocate must be qualified pursuant to the standards for training of the National Court Appointed*

Special Advocate Association or its successor. If such an association ceases to exist, the court shall determine the standards for training.".

Amend the bill as a whole by renumbering sections 12 and 13 as sections 20 and 21 and adding new sections designated sections 17 through 19, following sec. 11, to read as follows:

"Sec. 17. *The division of child and family services shall:*

1. Establish a panel comprised of volunteer members to evaluate the extent to which agencies which provide protective services are effectively discharging their responsibilities for the protection of children.

2. Adopt regulations to carry out the provisions of subsection 1 which must include, without limitation, the imposition of appropriate restrictions on the disclosure of information obtained by the panel and civil sanctions for the violation of those restrictions.

Sec. 18. *1. Except as otherwise provided in this section, an agency which provides protective services shall make reasonable efforts to preserve and reunify the family of a child to prevent or eliminate the need for his removal from his home and to make it possible for his safe return to his home.*

2. In determining the reasonable efforts required by subsection 1, the health and safety of the child must be the paramount concern. The agency which provides protective services may make reasonable efforts to place the child for adoption or with a legal guardian concurrently with making the reasonable efforts required pursuant to subsection 1. If the court or the agency which provides protective services determines that continuation of the reasonable efforts required by subsection 1 is inconsistent with the plan for the permanent placement of the child, the agency shall make reasonable efforts to place the child in a timely manner in accordance with that plan and to complete whatever actions are necessary to finalize the permanent placement of the child.

3. An agency which provides protective services is not required to make the reasonable efforts required by subsection 1 if the court finds that:

(a) A parent or other primary caretaker of the child has:

(1) Committed, aided or abetted in the commission of, or attempted, conspired or solicited to commit murder or voluntary manslaughter;

(2) Caused the abuse or neglect of the child, or of another child of the parent or primary caretaker, which resulted in substantial bodily harm to the abused or neglected child;

(3) Caused the abuse or neglect of the child, a sibling of the child or another child in the household, and the abuse or neglect was so extreme or repetitious as to indicate that any plan to return the child to his home would result in an unacceptable risk to the health or welfare of the child; or

(4) Abandoned the child for 60 or more days, and the identity of the parent of the child is unknown and cannot be ascertained through reasonable efforts;

(b) A parent of the child has, for the previous 6 months, had the ability to contact or communicate with the child and made no more than token efforts to do so;

(c) The parental rights of a parent to a sibling of the child have been terminated by a court order upon any basis other than the execution of a voluntary relinquishment of those rights by a natural parent, and the court order is not currently being appealed;

(d) The child or a sibling of the child was previously removed from his home, adjudicated to have been abused or neglected, returned to his home and subsequently removed from his home as a result of additional abuse or neglect; or

(e) The child is less than 1 year of age, the father of the child is not married to the mother of the child and the father of the child:

(1) Has failed within 30 days after learning of the birth of the child, to visit the child, to commence proceedings to establish his paternity of the child or to provide financial support for the child; or

(2) Is entitled to seek custody of the child but fails to do so within 30 days after learning that the child was placed in foster care.

Sec. 19. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. Reports made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to *the* abuse or neglect of a child; ~~[and~~

~~(b) To persons or agencies enumerated in]~~ *or*

(b) As authorized pursuant to NRS 432B.290,

is guilty of a misdemeanor.".

Amend sec. 12, page 4, line 39, by deleting:

"subsection 2 or 5," and inserting:

"~~[subsection 2 or 5,]~~ *subsections 2, 5 and 6,*".

Amend sec. 12, page 5, by deleting lines 21 through 23 and inserting:

"(i) ~~[An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;]~~ *A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;*".

Amend sec. 12, page 5, by deleting lines 35 and 36 and inserting:

"(n) The ~~[person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;]~~ *persons who are the subject of a report;*".

Amend sec. 12, page 6, line 13, by deleting "*or*".

Amend sec. 12, page 6, line 14, after "*The*" by inserting "*rural advisory*".

Amend sec. 12, page 6, by deleting line 15 and inserting:

"*created pursuant to section 13 of this act or a local advisory board to expedite proceedings for the placement of children created pursuant to section 14 of this act*

; or

(t) The panel established pursuant to section 17 of this act to evaluate agencies which provide protective services.".

Amend sec. 12, page 6, line 19, by deleting "of the" and inserting "of ~~[the]~~ *a*".

Amend sec. 12, page 7, line 8, after "6." by inserting:

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

7.".

Amend sec. 12, page 7, line 18, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend sec. 13, page 7, line 21, by deleting "subsection 2," and inserting: "~~[subsection 2,]~~ *subsections 2 and 3,*".

Amend sec. 13, page 8, by deleting lines 4 through 6 and inserting:

"(i) ~~[An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;]~~ *A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;*".

Amend sec. 13, page 8, line 9, after "(k)" by inserting:

"*A team organized pursuant to NRS 432B.405 to review the death of a child;*

(l)".

Amend sec. 13, page 8, by deleting lines 12 and 13 and inserting:

"~~[(l) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;]~~".

Amend sec. 13, page 8, line 14, after "(m)" by inserting:

"*The persons who are the subject of a report;*

(n)".

Amend sec. 13, page 8, line 18, by deleting "(n)" and inserting "~~[(n)]~~ *(o)*".

Amend sec. 13, page 8, line 26, by deleting "~~[or]~~" and inserting "~~[or".~~

~~Amend sec. 13, page 8, line 27, by deleting "(o)" and inserting "(o)]~~ *(p)*".

Amend sec. 13, page 8, line 29, by deleting "*or*".

Amend sec. 13, page 8, by deleting lines 30 and 31 and inserting:

"*(q) The rural advisory board to expedite proceedings for the placement of children created pursuant to section 13 of this act or a local advisory board to expedite proceedings for the placement of children created pursuant to section 14 of this act; or*

(r) The panel established pursuant to section 17 of this act to evaluate agencies which provide protective services.".

Amend sec. 13, page 9, line 5, after "3." by inserting:

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

4.".

Amend sec. 13, page 9, line 15, by deleting "4." and inserting "~~[4.]~~ *5.*".

Amend the bill as a whole by renumbering sections 14 through 16 as sections 23 through 25 and adding a new section designated sec. 22, following sec. 13, to read as follows:

"Sec. 22. NRS 432B.395 is hereby amended to read as follows:

432B.395 An agency which provides protective services shall submit annually to the division of child and family services for its approval a plan to ensure that *the* reasonable efforts *required by subsection 1 of section 18 of this act* are made by that agency . ~~[to prevent or eliminate removal of a child from his home and, when removal is necessary, to facilitate the return of the child to his home.]~~".

Amend sec. 14, page 9, line 21, by deleting:

"*10 and 11*" and inserting:

"*15 and 16*".

Amend sec. 15, page 10, line 8, by deleting "~~[may]~~ *:*" and inserting:

"~~[may allow]~~ *shall :*".

Amend sec. 15, page 10, line 9, by deleting "*Shall, except*" and inserting "*Except*".

Amend sec. 15, page 10, line 13, by deleting "*May* allow" and inserting "*Allow*".

Amend sec. 15, page 10, line 21, after "*child;*" by inserting "*or*".

Amend sec. 15, page 10, by deleting lines 23 through 26 and inserting "*child; and*".

Amend sec. 16, page 10, by deleting line 38 and inserting:

"*(a) Must meet the requirements of section*".

Amend sec. 16, page 10, line 39, by deleting "*11*" and inserting "*16*".

Amend the bill as a whole by renumbering sec. 17 as sec. 27 and adding a new section designated sec. 26, following sec. 16, to read as follows:

"Sec. 26. NRS 432B.540 is hereby amended to read as follows:

432B.540 1. If the court finds that the allegations of the petition are true, it shall order that a report be made in writing by an agency which provides protective services, concerning the conditions in the child's place of residence, the child's record in school, the mental, physical and social background of his family, its financial situation and other matters relevant to the case.

2. If the agency believes that it is necessary to remove the child from the physical custody of his parents, it must submit with the report a plan designed to achieve a placement of the child in a *safe* setting as near to the

residence of his parent as is consistent with the best interests and special needs of the child. The plan must include:

(a) A description of the type , *safety* and appropriateness of the home or institution in which the child could be placed, a plan for ~~[assuring]~~ *ensuring* that he would receive *safe and* proper care and a description of his needs;

(b) A description of the services to be provided to the child and to a parent to facilitate the return of the child to the custody of his parent or to ~~[assure]~~ *ensure* his permanent placement;

(c) The appropriateness of the services to be provided under the plan; and

(d) A description of how the order of the court will be carried out.

3. If the child is not residing in his home, the agency shall include as a part of the plan for the permanent placement of the child, established pursuant to NRS 432B.590, a recommendation to terminate parental rights unless it determines that initiating a petition for the termination of parental rights is not in the best interests of the child. If the agency conclusively determines that initiating a petition for the termination of parental rights is not in the best interests of the child, it shall include a full explanation of the basis for the determination as part of the plan.".

Amend sec. 17, page 11, by deleting lines 30 through 32 and inserting:

"protection, it shall determine whether ~~[reasonable efforts were made by]~~ the agency which provides protective services ~~[to prevent or eliminate the need for his removal from his home and to facilitate his return to his home.]~~ *has made the reasonable efforts required by subsection 1 of section 18 of this act.* The".

Amend sec. 17, page 11, by deleting line 35 and inserting:

"(a) Permit the child to remain in the *temporary or permanent* custody of his parents or *a* guardian".

Amend sec. 17, page 11, line 37, after "court," by inserting:

"*and with or without retaining jurisdiction of the case,*".

Amend sec. 17, page 11, line 38, after "relative" by inserting:

"*or other person*".

Amend sec. 17, page 11, line 40, after "supervision," by inserting:

"*and with or without retaining jurisdiction of the case,*".

Amend sec. 17, page 12, between lines 5 and 6, by inserting:

"*In carrying out this subsection, the court may, in its sole discretion, consider an application pursuant to chapter 159 of NRS for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.*".

Amend sec. 17, page 12, line 7, by deleting "parent, the" and inserting:

"parent ~~[, the]~~ *:*

(a) The".

Amend sec. 17, page 12, between lines 10 and 11, by inserting:

"*(b) The court shall set forth good cause why the child was placed other than with a parent.*".

Amend the bill as a whole by renumbering sec. 18 as sec. 29 and adding a new section designated sec. 28, following sec. 17, to read as follows:

"Sec. 28. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes an evaluation of the progress of the child and his family and any recommendations for further supervision, treatment or rehabilitation. A copy of the report must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child.

3. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or ~~[the]~~ custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

4. Notice of the hearing must be given by registered or certified mail to ~~[all parties of]~~ *:*

(a) All the parties to any of the prior proceedings ~~[,]~~ *; and*

(b) Any persons planning to adopt the child, relatives of the child or providers of foster care who are currently providing care to the child,

except a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

5. The court or panel may require the presence of the child at the *hearing and shall provide to each person to whom notice was given pursuant to subsection 4 an opportunity to be heard at the* hearing.

6. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to *and safely maintained in* his home or placed for adoption or under a legal guardianship.

7. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, or any relative or provider of foster care to become a party to the hearing.".

Amend sec. 18, page 12, by deleting lines 33 through 38 and inserting:

"~~no~~] *a child:*

(a) Not later than ~~[18]~~ *12* months after the ~~[most recent]~~ *initial* removal of the child from his home and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of section 18 of this act.

Notice of this hearing must be given by registered or certified mail to all ~~[parties of the dispositional proceeding, except a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.]~~ *of the persons to whom notice must be given pursuant to subsection 4 of NRS 432B.580.*".

Amend sec. 18, page 12, line 39, before "hearing." by inserting:

"*hearing and shall provide to each person to whom notice was given pursuant to subsection 1 an opportunity to be heard at the*".

Amend sec. 18, page 13, line 12, by deleting "*determination.*" and inserting:

"*determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.*".

Amend sec. 18, page 13, line 14, by deleting:

"18 months of any 24" and inserting:

"~~[18]~~ *14* months of any ~~[24]~~ *20*".

Amend sec. 18, page 13, between lines 18 and 19, by inserting:

"*6. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, or any relative or provider of foster care to become a party to the hearing.*".

Amend the bill as a whole by deleting sec. 19 and renumbering sec. 20 as sec. 30.

Amend sec. 20, page 13, by deleting lines 23 through 24 and inserting:

"Sec. 30. 1. This section and sections 1 to 12, inclusive, 14 to 20, inclusive, and 22 to 29, inclusive, of this act become effective on July 1, 1999.

2. Section 13 of this act becomes effective upon the division of child and family services of the department of human resources being notified of the creation of three or more local advisory boards to expedite proceedings for the placement of children pursuant to section 14 of this act.".

Amend sec. 20, page 13, line 25, by deleting:

"2. Section 12" and inserting:

"3. Section 20".

Amend sec. 20, page 13, line 26, by deleting:

"3. Section 13" and inserting:

"4. Section 21".

Amend the title of the bill, sixth line, after "custody;" by inserting:

"making various changes in accordance with the Adoption and Safe Families Act of 1997 and the Child Abuse Prevention and Treatment Act of 1996; clarifying certain provisions regarding the authority of a court to determine the custody of a child;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 158 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 458.

Amend section 1, page 1, line 6, by deleting "*75*" and inserting "*50*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblywoman Giunchigliani moved that Assembly Bill No. 170 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 409.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 459 of NRS is hereby amended by adding thereto a new section to read as follows:

"Household waste" means waste material, including, without limitation, garbage, trash and sanitary wastes in septic tanks that is generated by a household, including, without limitation, a single-family or multiple-unit residence, hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground and day-use recreational area. The term does not include nickel, cadmium, mercuric oxide, manganese, zinc-carbon or lead batteries, toxic art supplies, used motor oil, kerosene, solvent-based paint, paint thinner, paint solvents, fluorescent or high-intensity light bulbs, ammunition, fireworks, pesticides the use of which has been prohibited or restricted, or any other waste generated by a household that would otherwise be defined as hazardous waste pursuant to subsection 2 of NRS 459.430.".

Amend the bill as a whole by renumbering sec. 2 as sec. 6 and adding new sections designated sections 3 through 5, following section 1, to read as follows:

"Sec. 3. NRS 459.405 is hereby amended to read as follows:

459.405 As used in NRS 459.400 to 459.600, inclusive, unless the context otherwise requires, the words and terms defined in NRS 459.410 to 459.455, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 4. NRS 459.430 is hereby amended to read as follows:

459.430 "Hazardous waste" means any waste or combination of wastes, including , *without limitation,* solids, semisolids, liquids or contained gases, *except household waste,* which:

1. Because of its quantity or concentration or its physical, chemical or infectious characteristics may:

(a) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or

(b) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management.

2. Is identified as hazardous by the department as a result of studies undertaken for the purpose of identifying hazardous wastes.

The term includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

Sec. 5. NRS 459.475 is hereby amended to read as follows:

459.475 The department shall:

1. Except as *otherwise* provided in NRS 459.480 , enforce the commission's regulations on hazardous waste;

2. Develop and publish a plan of management of hazardous waste in this state, including among other things, descriptions of:

(a) Sources of hazardous waste, including information on the types and quantities of the waste; ~~[and]~~

(b) Current practices and costs in the management of hazardous waste, including treatment, storage and disposal; and

(c) The hazards associated with the use by a consumer of a commercial product in a manner contrary to the directions for use, cautions or warnings appearing on the label of the product, if the department determines that such a description is necessary; and

3. Cooperate with other states to bring about improved management of hazardous waste, encourage the enactment of uniform state laws relating to hazardous waste, and develop compacts between this and other states which are designed to provide for improved management of hazardous waste.".

Amend the title of the bill, third line, after "handled;" by inserting:

"excluding certain types of household waste from the definition of hazardous waste; authorizing the state department of conservation and natural resources

to include within its plan of management of hazardous waste in this state a description of the hazards associated with certain uses of commercial products;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning regulation of hazardous waste. (BDR 40-434)".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 279.

Bill read second time and ordered to third reading.

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 415.

Amend sec. 2, page 2, by deleting lines 20 through 29 and inserting:

"*6. A teacher who is assigned to serve as a mentor may be:*

(a) Compensated for his services as a mentor; and

(b) Released from his other duties as necessary to provide assistance as a mentor,

as provided by his contract of employment or any applicable collective bargaining agreement.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Bill No. 469.

Bill read second time and ordered to third reading.

Assembly Bill No. 598.

Bill read second time.

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

Amendment No. 420.

Amend section 1, page 1, by deleting lines 13 and 14 and inserting:

"2. *The state public works board shall:*

(a) By regulation, establish the qualifications for certification as an expert in accessible design; and

(b) Certify a qualified person as an expert in accessible design.".

Amend the bill as a whole by deleting sections 2 and 3, renumbering sec. 4 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 385.125 is hereby amended to read as follows:

385.125 1. The state board may adopt standard plans, designs and specifications for the construction of school buildings by the boards of trustees of the various school districts. If such plans, designs and specifications are adopted, provision must be made for the production and distribution of such plans, designs and specifications by appropriate rules and regulations. The board of trustees of a school district may use any such plans, designs and specifications if it determines that the plans, designs and specifications are in the best interests of the district.

2. Before the adoption of any such standard plans, designs and specifications, the state board shall submit the plans, designs and specifications to the state public works board . ~~[, whose written approval thereof must be obtained before any further consideration by the state board.]~~ The state public works board shall ~~[ensure that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 to 12213, inclusive).]~~ *provide a copy of the plans, designs and specifications to an expert in accessible design who is certified by the state public works board pursuant to NRS 338.180. The expert shall review the plans, designs and specifications to determine whether they comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq. If the plans, designs and specifications comply with the federal requirements, the expert shall notify the state public works board of that compliance and provide his written approval of the plans, designs and specifications. The expert may physically inspect any project which is constructed according to the plans, designs and specifications during and after construction to ensure actual compliance with the Americans with Disabilities Act of 1990 and the Minimum Guidelines and Requirements for Accessible Design.*

3. The state public works board may charge and collect and the state board may pay a reasonable fee for the costs incurred by the state public works ~~[board in approving]~~ *in securing the approval of an expert in accessible design of* the standard plans, designs and specifications submitted.".

Amend the title of the bill, first and second lines, by deleting:

"providing in skeleton form for the revision of provisions governing public works projects;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Buckley and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 601.

Bill read second time and ordered to third reading.

Assembly Bill No. 608.

Bill read second time.

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

Amendment No. 406.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 4, line 5, by deleting:

"*or an investigator employed by a district attorney,*".

Amend sec. 3, page 4, by deleting line 12 and inserting:

"*13. A police officer*".

Amend sec. 3, page 4, line 13, by deleting the comma.

Amend sec. 3, page 4, by deleting lines 24 and 25 and inserting:

"*training committee;*

18. A ranger or other employee of the division of state parks of the state department of conservation and natural resources who is certified by the peace officers' standards and training committee; and

19. An officer employed by a board of county commissioners".

Amend the title of the bill to read as follows:

"AN ACT relating to peace officers; expanding the applicability of certain provisions relating to occupational diseases to include certain additional peace officers; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Expands provisions regarding occupational diseases to include certain additional peace officers. (BDR 53-1277)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 608 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 71, 111, 267, 304, 347, 392, 461, 467, 473, 483, 485, 494, 504, 511, 520, 522, 540, 543, 544, 583, 592, 631, 646 and 650 be placed on the Second Reading File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 11:10 a.m.

Assembly in recess at 10:47 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 112, 158, 170 and 598.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 591, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 639, 641, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 219, 241, 638, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 597, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

JAN EVANS, *Vice-Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 239, 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Vice-Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 46—Directing the Legislative Commission to conduct an interim study concerning the statutory limitation

on damages that may be awarded to a person in a tort action against the State of Nevada, its political subdivisions or certain other persons.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 91.

Amend sec. 2, page 2, line 26, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 2, a*".

Amend sec. 2, page 2, line 37, after "*2.*" by inserting:

"*A person who knowingly:*

(a) Obtains any personal identifying information of another person; and

(b) Uses the personal identifying information to avoid or delay being prosecuted for an unlawful act,

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

3.".

Amend sec. 2, page 3, line 4, by deleting "*3.*" and inserting "*4.*".

Amend the bill as a whole by renumbering sec. 6 as sec. 9 and adding new sections designated sections 6 through 8, following sec. 5, to read as follows:

"Sec. 6. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who has suffered injury as the proximate result of a violation of the provisions of section 2 of this act may commence an action for the recovery of his actual damages, costs and reasonable attorney's fees and for any punitive damages that the facts may warrant.

2. An action described in subsection 1 must be commenced not later than 2 years after the person who suffered the injury discovers the facts constituting the violation of the provisions of section 2 of this act.

Sec. 7. Chapter 598B of NRS is hereby amended by adding thereto a new section to read as follows:

If a creditor mails a solicitation for the extension of credit to a person and the person applies for such credit, the creditor shall mail the extension of credit to the person to the same address as the solicitation, unless the creditor verifies any change of address of the person using a reliable method.

Sec. 8. Chapter 598C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a consumer files a report with a law enforcement agency alleging that a person has unlawfully obtained and used the personal identifying information of the consumer in violation of section 2 of this act, the consumer may request a reporting agency to close all access to its files

concerning him. To make such a request, the consumer shall submit to the reporting agency:

(a) Sufficient information to confirm his own identity;

(b) A copy of the report that the consumer filed with the law enforcement agency; and

(c) A written request for the reporting agency to close access to its files concerning the consumer unless the reporting agency obtains his prior written authorization.

2. Not later than 15 days after receiving the information set forth in subsection 1, the reporting agency shall provide the consumer with a written acknowledgment to be signed, notarized and returned by the consumer to the reporting agency which indicates that the consumer acknowledges that:

(a) The reporting agency will provide access to its files concerning the consumer only in the manner set forth in subsection 4; and

(b) The ability of the consumer to obtain a checking account, credit, employment, insurance, housing or a license required by a governmental agency may be restricted if access to his files remains closed.

3. Except as otherwise provided in subsection 4, not later than 48 hours after receiving from a consumer a signed and notarized copy of the written acknowledgment pursuant to subsection 2, the reporting agency shall close all access to its files concerning the consumer.

4. A reporting agency shall provide access to the files of the reporting agency that have been closed pursuant to subsection 3 only if:

(a) The reporting agency receives a written statement from the consumer whose files are closed rescinding his request to close access to his files;

(b) The reporting agency receives a written statement from the consumer whose files are closed authorizing the reporting agency to provide access to a specific person; or

(c) A court of competent jurisdiction has issued an order requiring the reporting agency to provide access to a specific person.

5. If access to the files of a reporting agency concerning a consumer has been closed pursuant to subsection 3, the reporting agency shall so inform any person who requests access to the files.".

Amend sec. 6, page 4, line 24, by deleting "are" and inserting "were".

Amend the title of the bill to read as follows:

"AN ACT relating to personal identity; prohibiting a person from obtaining any personal identifying information of another person and using the information to harm that other person or for any unlawful purpose; making various changes to provisions concerning identity fraud and false status; authorizing a person to bring a civil action against another person who unlawfully obtained and used his personal identifying information; requiring a creditor who mails a solicitation for an extension of credit to a person to use the same address to mail the extension of credit to the person under certain circumstances; making various changes concerning access to certain

consumer reports; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning use of personal identity. (BDR 15-146)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 111.

Bill read second time.

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

Amendment No. 148.

Amend section 1, page 1, by deleting lines 9 through 13 and inserting:

"2. The division shall adopt regulations specifying the contents of such a document *or videotape* and establishing requirements for ~~[issuing]~~ *making* the document *or videotape available* in different languages.".

Amend sec. 2, page 2, line 2, by deleting:

"subsection ~~[7,]~~ *8,*" and inserting:

"~~[subsection 7,]~~ *subsections 8 and 9,*".

Amend sec. 2, page 2, line 8, by deleting:

"*manufactured or handled.*" and inserting "*manufactured.*".

Amend sec. 2, page 2, line 10, by deleting "*or handling*".

Amend sec. 2, page 2, line 34, by deleting "*or handling*".

Amend sec. 2, page 2, line 36, by deleting "*As*" and inserting:

"*For the purposes of this section, an employer in the mining industry shall not be deemed to be a manufacturer of explosives.*

10. Except as otherwise provided in subsection 11, as".

Amend sec. 2, page 3, between lines 4 and 5, by inserting:

"*11. For the purposes of this section, an explosive does not include:*

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United

States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.".

Amend sec. 3, page 3, line 9, by deleting "subsection 8," and inserting: "subsections 8 and 9,".

Amend sec. 3, page 3, by deleting line 16 and inserting "manufactured.".

Amend sec. 3, page 3, line 18, by deleting "or handling".

Amend sec. 3, page 4, line 5, by deleting "or handling".

Amend sec. 3, page 4, line 7, by deleting "As" and inserting:

"For the purposes of this section, an employer in the mining industry shall not be deemed to be a manufacturer of explosives.

10. Except as otherwise provided in subsection 11, as".

Amend sec. 3, page 4, between lines 16 and 17, by inserting:

"11. For the purposes of this section, an explosive does not include:

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.".

Amend the title of the bill to read as follows:

"AN ACT relating to safety in the workplace; requiring the establishment of a written safety program in certain workplaces where explosives are manufactured; providing exceptions; requiring safety programs and related training programs to be in a language and format that is understandable to each employee; revising the provisions governing the manner in which rights and responsibilities of employers and employees relating to safety are furnished to employees; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 475.

Amend the bill as a whole by deleting sections 1 through 9, renumbering sections 10 and 11 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*".

Amend the bill as a whole by deleting sections 12 through 25 and adding new sections designated sections 5 and 6, following sec. 11, to read as follows:

"Sec. 5. *1. Except as otherwise provided in this section, a person who knows or has reasonable cause to believe that another person has committed a violent or sexual offense against a child who is 12 years of age or younger shall report the offense to a law enforcement agency as soon as reasonably practicable, but not later than 24 hours, after the person knows or has reasonable cause to believe that the offense was committed. A person who violates the provisions of this subsection is guilty of a misdemeanor.*

2. A report made pursuant to subsection 1 must include, without limitation:

(a) If known, the name of the child and the name of the person who committed the violent or sexual offense against the child;

(b) The location where the violent or sexual offense was committed; and

(c) The facts and circumstances which support the person's belief that the violent or sexual offense was committed.

3. A person may be prosecuted and convicted pursuant to this section only if the person who committed the violent or sexual offense against the child is or has been convicted in this state for:

(a) The violent or sexual offense against the child; or

(b) Any other offense arising out of the same facts as the violent or sexual offense against the child.

4. The provisions of this section do not apply to a person who:

(a) Is less than 16 years of age;

(b) Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

(c) Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person or any other person who is related to him by blood or marriage or who resides in the same household as him, whether or not the other person is related to him by blood or marriage, in imminent danger of suffering substantial bodily harm; or

(d) Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS.

Sec. 6. The provisions of section 5 of this act do not apply to offenses that were committed before October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to public safety; requiring a person to report certain violent or sexual offenses against a child to a law enforcement agency under certain circumstances; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 304 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Perkins.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 347.

Bill read second time.

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

Amendment No. 557.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. The amendatory provisions of subsection 3 of section 13 of chapter 572, Statutes of Nevada 1997, as amended by this act, do not apply to a state agency in the Las Vegas Valley Ground Water Basin until July 1, 2001.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 281.

Amend section 1, page 1, line 9, after "*38.258*" by inserting:

"*, including, without limitation, a settlement conference, mediation or a binding short trial,*".

Amend section 1, page 2, line 3, after "*conference*" by inserting "*, mediation*".

Amend section 1, page 2, by deleting line 4 and inserting:

"*trial,* if the parties agree ~~[, orally or in writing,]~~ to the submission.".

Amend section 1, page 2, line 5, after "*2.*" by inserting:

"*Any agreement entered into pursuant to this section must be in writing. If the parties to an action knowingly and willingly enter into such a written agreement, the agreement shall not be deemed unenforceable as an unreasonable contract of adhesion.*

3.".

Amend section 1, page 2, by deleting lines 8 and 9 and inserting:

"*without limitation, restrictions on the amount of discovery requested by each party, the use of a*".

Amend sec. 2, page 2, line 17, after "*limitation,*" by inserting "*mediation and*".

Amend sec. 2, page 2, line 18, by deleting "the court" and inserting:

"~~[the]~~ *a district* court".

Amend sec. 2, page 2, by deleting line 25 and inserting:

"~~[court determines that such participation]~~ *parties agree that the use of any such alternative*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.

Bill read second time.

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

Amendment No. 421.

Amend section 1, page 2, by deleting lines 36 through 41 and inserting:

"*second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.*".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 278.468 is hereby amended to read as follows:

278.468 1. If a parcel map is approved or deemed approved pursuant to NRS 278.464, the preparer of the map shall:

(a) Cause the approved map to be recorded in the office of the county recorder within 1 year after the date the map ~~[met all conditions required for approval.]~~ *was approved or deemed approved, unless the governing body establishes by ordinance a longer period, not to exceed 2 years, for*

recording the map. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

(b) Pay a $17 fee to the county recorder for filing and indexing.

2. Upon receipt of a parcel map, the county recorder shall file the map in a suitable place. He shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.".

Amend sec. 2, page 3, line 19, by deleting:

"~~[of no more than $250]~~" and inserting:

"of no more than ~~[$250]~~ *$750*".

Amend the title of the bill by deleting the fourth line and inserting:

"tracts of land; authorizing a governing body to extend the period for recording an approved parcel map; increasing the amount that a governing body may".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 331.

Amend section 1, pages 1 and 2, by deleting lines 3 through 10 on page 1 and lines 1 through 18 on page 2, and inserting:

"*1. Except as otherwise provided in subsection 2, the commission shall keep confidential:*

(a) Any information that it receives concerning an applicant for the issuance of a license pursuant to this chapter which is declared confidential by law and that is provided to the commission by another governmental entity; and

(b) Any information contained in a medical record of such an applicant, if the commission did not consider the information to determine whether to grant a license to the applicant.

2. The commission may reveal the information set forth in subsection 1:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) To any person upon the request of the person who is the subject of the information; and

(c) In the course of the necessary administration of this chapter.".

Amend section 1, page 2, line 19, by deleting "*4.*" and inserting "*3.*".

Amend section 1, page 2, by deleting line 20 and inserting:

"*the disclosure of information described in subsection 1 must*".

Amend section 1, page 2, lines 21 and 22, by deleting:

"*information or data.*" and inserting "*information.*".

Amend section 1, page 2, line 24, by deleting:
"*information or data.*" and inserting "*information.*".

Amend sec. 2, page 3, by deleting lines 14 through 17.

Amend sec. 2, page 3, line 18, by deleting "*6.*" and inserting "*5.*".

Amend sec. 2, page 3, line 19, by deleting "*7.*" and inserting:

"*6.* In addition to the license fees required by subsection ~~[2,]~~ *5,* the commission may require an applicant for a license to:

(a) Pay the costs of the proceedings associated with the issuance of the license, including , *without limitation,* investigative costs and attorney's fees; and

(b) Deposit with the commission such an amount of money as the commission deems necessary to pay for those costs. If any amount required to be deposited pursuant to this paragraph exceeds the actual cost of the proceedings, including , *without limitation,* investigative costs and attorney's fees, the commission shall refund the excess amount to the applicant upon the completion of the proceedings.

~~[4.]~~ *7.*".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to unarmed combat; requiring the Nevada athletic commission to keep certain information confidential; authorizing the commission to grant limited, restricted or".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 329.

Amend sec. 2, page 3, lines 16 and 17, by deleting:
"*when practicable and*".

Amend the bill as a whole by adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. NRS 33.090 is hereby amended to read as follows:

33.090 1. *A valid order for protection against domestic violence issued by a court of another state, territory or Indian tribe within the United States must be accorded full faith and credit by the courts of this state and enforced as if it were issued by a court in this state, regardless of whether the order has been registered in this state.*

2. A person may apply to a court of this state to register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States by presenting a certified copy of the order to the clerk of the court in a judicial district in which the person believes that enforcement may be necessary.

~~[2.]~~ *3.* Except as otherwise provided in subsection ~~[4,]~~ *5,* upon application by the protected party pursuant to subsection ~~[1,]~~ *2,* a court of competent jurisdiction in this state shall register such an order if:

(a) The court determines that the issuing court had proper jurisdiction over the parties and the subject matter under the laws of the state, territory or tribe; and

(b) The court determines that the adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an ex parte order, the adverse party was given reasonable notice and an opportunity to be heard as soon as possible after the order was issued.

~~[3.]~~ *4.* An order that is registered has the same effect and must be enforced in like manner as an order for protection against domestic violence issued by a court of this state.

~~[4.]~~ *5.* If the order for protection against domestic violence issued by the court of another state, territory or Indian tribe was a mutual order for protection against domestic violence and:

(a) No counter or cross-petition was filed seeking such protection order;

(b) A counter or cross-petition was filed and the court did not make a specific finding of domestic violence by both parties; or

(c) The person who is applying to register the order has violated a law of the State of Nevada relating to a different protection order issued against him,

the court may refuse to register and enforce the order and may determine whether to issue its own temporary or extended order.

~~[5.]~~ *6.* A temporary or extended order of another state, territory or Indian tribe presented pursuant to this section which appears authentic on its face must be presumed valid.

~~[6.]~~ *7.* A court, law enforcement officer or any other person who enforces an order for protection against domestic violence based upon a reasonable belief that the order is valid is immune from civil liability for any action taken based on that belief.

~~[7.]~~ *8.* The clerk of the court shall maintain a record of each order registered pursuant to this section.

~~[8.]~~ *9.* The clerk shall not charge a fee for an application to register or for registering an order pursuant to this section.

~~[9.]~~ *10.* The clerk shall inform the protected party upon the successful transfer of information concerning the registration to the central repository for Nevada records of criminal history as required pursuant to NRS 33.095.

Sec. 4. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The state board of parole commissioners directs the detention facility to admit the person to bail; or

(c) The division of parole and probation of the department of motor vehicles and public safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a battery ~~[upon his spouse, former spouse, a person to whom he is related by blood, a person with whom he is or was actually residing or with whom he has a child in common, his minor child or a minor child of that person,]~~ *that constitutes domestic violence pursuant to NRS 33.018* must not be admitted to bail sooner than 12 hours after his arrest. If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery ~~[upon a person listed in this subsection]~~ *that constitute domestic violence pursuant to NRS 33.018* and there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery ~~[upon a person listed in this subsection,]~~ *that constitute domestic violence pursuant to NRS 33.018,* but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) One previous conviction of battery ~~[upon a person listed in this subsection,]~~ *that constitutes domestic violence pursuant to NRS 33.018,* but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery ~~[upon a person listed in this subsection]~~ *that constitutes domestic violence pursuant to NRS 33.018* and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) Two or more previous convictions of battery ~~[upon one or more persons listed in this subsection.]~~ *that constitute domestic violence pursuant to NRS 33.018.*

The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court. *For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this state or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.*

6. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

7. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this state or a certain county within this state;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

8. If a person fails to comply with a condition imposed pursuant to subsection 7, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

9. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law

enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

10. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

11. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

Sec. 5. The amendatory provisions of section 4 of this act do not apply to a person who is admitted to bail before October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to domestic violence; providing that a juvenile who is taken into custody for committing a battery that constitutes domestic violence must not be released for at least 12 hours; revising provisions concerning when an officer who takes a juvenile into custody must notify a parent, guardian or custodian and probation officer of the juvenile; revising the provisions governing orders for protection against domestic violence; providing that a person who commits a battery upon a person to whom he is related by marriage or with whom he has had or is having a dating relationship may not be admitted to bail sooner than 12 hours after his arrest; establishing the amount at which bail must be set if such a person is subsequently admitted to bail in certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning domestic violence. (BDR 5-1011)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 384.

Amend section 1, pages 1 and 2, by deleting lines 3 through 11 on page 1 and lines 1 through 22 on page 2, and inserting:

"*1. A law enforcement officer, correctional officer, emergency medical attendant, fireman or any other person who is employed by an agency of criminal justice who may have been exposed to a contagious disease while performing his official duties, or the employer of such a person, may petition a court for an order requiring the testing of a person for exposure to the human immunodeficiency virus and the hepatitis B surface antigen if the person may have exposed the officer, medical attendant, fireman or other person employed by an agency of criminal justice to a contagious disease.*

2. When possible, before filing a petition pursuant to subsection 1, the person or employer petitioning shall submit information concerning the possible exposure to a contagious disease to the designated health care officer for the employer or, if there is no designated health care officer, the person designated by the employer to document and verify possible exposure to contagious diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer to document and verify possible exposure to contagious diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person who possibly exposed him to a contagious disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred, the court shall order the person who possibly exposed the petitioner to a contagious disease to submit two specimens of blood to a local hospital or medical laboratory for testing for exposure to the human immunodeficiency virus and the hepatitis B surface antigen. The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in section 3 of this act.

4. The employer of a person who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer shall pay the cost of performing the test pursuant to subsection 3.

5. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.".

Amend sec. 2, page 3, lines 3 and 4, by deleting:

"*subsection 3 of section 1*" and inserting "*section 3*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care shall disclose the results of all tests performed pursuant to section 1 of this act to:

(a) The person who was tested;

(b) The law enforcement officer, correctional officer, emergency medical attendant, fireman or other person who is employed by an agency of criminal justice who filed the petition or on whose behalf the petition was filed pursuant to section 1 of this act;

(c) The designated health care officer for the employer of the person described in paragraph (b) or, if there is no designated health care officer, the person designated by the employer to document and verify possible exposure to contagious diseases; and

(d) If the person who was tested is incarcerated or detained, the person in charge of the facility in which the person is incarcerated or detained and the chief medical officer of the facility in which the person is incarcerated or detained, if any.

2. A provider of health care and an agent or employee of a provider of health care are immune from civil liability for a disclosure made in accordance with the provisions of this section.".

Amend the title of the bill to read as follows:

"AN ACT relating to public health; authorizing a law enforcement officer, correctional officer, emergency medical attendant, fireman and any other person who is employed by an agency of criminal justice or the employer of any such person to petition a court to require a person who may have exposed the employee to a contagious disease to be tested for the human immunodeficiency virus and the hepatitis B surface antigen; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes law enforcement officer, correctional officer, emergency medical attendant, fireman and any other person who is employed by agency of criminal justice or employer of such person to petition court to require person who may have exposed employee to contagious disease to be tested for human immunodeficiency virus and hepatitis B surface antigen. (BDR 40-1399)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 483 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 431.

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"*1. After apprehending a defendant in this state, a bail agent or bail enforcement agent shall immediately or without undue delay notify in person or by telephone the local law enforcement agency of the jurisdiction in which the defendant was apprehended of:*

(a) The identity of the defendant;

(b) The identity of the bail agent or bail enforcement agent; and

(c) Where the bail agent or bail enforcement agent is taking the defendant to surrender him into custody.

2. Before forcibly entering an inhabited dwelling in this state, a bail agent or bail enforcement agent shall notify the local law enforcement agency of the jurisdiction in which the dwelling is located.

3. A bail agent or bail enforcement agent who violates the provisions of this section is guilty of a misdemeanor.

4. As used in this section, "inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The amendatory provisions of this act do not apply to offenses that were committed before the effective date of this act.".

Amend the title of the bill to read as follows:

"AN ACT relating to bail; requiring a bail agent and bail enforcement agent to notify a local law enforcement agency after apprehending a defendant; requiring a bail agent and bail enforcement agent to notify a local law enforcement agency before forcibly entering an inhabited dwelling; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires bail agents and bail enforcement agents to notify local law enforcement agency after apprehending defendant and before forcibly entering inhabited dwelling. (BDR 57-1427)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 494.

Bill read second time.

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

Amendment No. 345.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting:

"*agency that provides facilities or institutions for housing patients, clients, juvenile offenders or inmates 24 hours a day.*".

Amend the title of the bill, third line, before "employees" by inserting "certain state".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 504.

Bill read second time and ordered to third reading.

Assembly Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 433.

Amend sec. 5, page 2, line 8, after "*NRS*" by inserting "*62.211 or*".

Amend sec. 5, page 2, line 13, after "*NRS*" by inserting "*62.211 or*".

Amend sec. 9, page 4, line 25, after "*NRS*" by inserting "*62.211 or*".

Amend sec. 9, page 4, line 31, after "*NRS*" by inserting "*62.211 or*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 511 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 349.

Amend sec. 3, page 1, line 11, by deleting:

"*at any time*" and inserting:

"*not later than the 25th day before the date of the election,*".

Amend sec. 4, pages 2 and 3, by deleting lines 14 through 43 on page 2 and lines 1 through 39 on page 3, and inserting:

"293.1715 1. The names of the candidates of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates of a minor political party must be placed on the ballot for the general election if the party has filed a certificate of existence and a list of its candidates pursuant to the provisions of NRS 293.1725 with the secretary of state and:

(a) At the last preceding general election, the minor political party polled for any of its candidates a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party has been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in the state; or

(c) Not later than the second Friday in August preceding the general election, files a petition with the secretary of state which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. *The name of a candidate for a minor political party other than a candidate for the office of President or Vice President of the United Sates must be placed on the ballot for the general election if the party has filed:*

(a) A certificate of existence;

(b) A list of candidates containing the name of the candidate pursuant to the provisions of NRS 293.1725 with the secretary of state; and

(c) Not earlier than the first Monday in May preceding the general election and not later than 5 p.m. on the third Monday in May, a petition on behalf of the candidate with the secretary of state containing not less than:

(1) Two hundred signatures of registered voters if the candidate is to be nominated for a statewide office; or

(2) Twenty-five signatures of registered voters if the candidate is to be nominated for any office except a statewide office.

A minor political party that places names of one or more candidates on the ballot pursuant to this subsection may also place the names of one or more candidates on the ballot pursuant to subsection 2.

4. The name of only one candidate of each minor political party for each office may appear on the ballot for a general election.

~~[4.]~~ *5.* A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 *or paragraph (c) of subsection 3* with the secretary of state before the petition may be circulated for signatures.".

Amend sec. 5, page 4, line 2, by deleting "*party,*" and inserting:
"*party and, if applicable, the*".

Amend sec. 6, page 4, line 33, by deleting "~~[its]~~" and inserting "its".

Amend sec. 6, page 4, by deleting lines 34 through 40 and inserting:
"a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; ~~[or]~~

(b) Files a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715 ~~[.]~~ *; or*

(c) Whose candidates are entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715,

must file with the secretary of state a list of its candidates".

Amend sec. 6, page 5, by deleting lines 2 through 5 and inserting:
"to take acknowledgments. *The secretary of state shall strike from the list each candidate who is not entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715 if the minor political party is not entitled to place candidates on the ballot pursuant to subsection 2 of NRS 293.1715.* The list must not be amended after it is filed.".

Amend sec. 6, page 5, line 7, by deleting:
"*filed and accepted*".

Amend sec. 6, page 5, by deleting lines 16 through 18 and inserting:
"of President and Vice President of the United States on the ballot and has ~~[otherwise]~~ qualified to place the names of its candidates on the ballot for the general election pursuant to ~~[the provisions of this chapter]~~ *subsection 2 of NRS 293.1715* must file".

Amend sec. 6, page 5, by deleting lines 20 through 24 and inserting:
"later than the first Tuesday in September.".

Amend sec. 7, pages 5 and 6, by deleting lines 26 through 43 on page 5 and lines 1 through 3 on page 6, and inserting:

"293.174 1. If the qualification of a minor political party is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the ~~[3rd]~~ *third* Friday in August. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the ~~[3rd]~~ *third* Friday in August.

~~[2. Any such]~~ *A* challenge *pursuant to this subsection* must be filed with the first judicial district court if the petition was filed with the secretary of state.

2. If the qualification of a candidate of a minor political party other than a candidate for the office of President or Vice President of the United States is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in May. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in May. A challenge pursuant to this subsection must be filed with:

(a) The first judicial district court; or

(b) If a candidate who filed a declaration of candidacy with a county clerk is challenged, the district court for the county where the declaration of candidacy was filed.".

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sections 11 through 13 as sections 9 through 11.

Amend sec. 11, page 7, by deleting lines 3 through 10, and inserting:

"(b) *Either of the following:*

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in the state or in the county or district electing that officer at the last preceding general election in which a person was elected to that office.

(2) A petition of candidacy signed by 200 registered voters if the candidate is a candidate for statewide office, or signed by 25 registered voters if the candidate is a candidate for any office other than a statewide office.".

Amend sec. 11, page 7, by deleting lines 30 and 31 and inserting:

"4. Petitions of candidacy must be filed not earlier than the first Monday in May preceding the general election".

Amend sec. 12, page 8, by deleting lines 30 and 31 and inserting:

"*(b) Mailed to each assemblyman, state senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the*".

Amend sec. 13, page 9, by deleting lines 15 and 16 and inserting:

"*(b) Mailed to each assemblyman, state senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the*".

Amend the bill as a whole by deleting sections 14 through 16 and renumbering sec. 17 as sec. 12.

Amend sec. 17, page 11, by deleting line 4 and inserting:

"293.547 1. After the 30th day but not later than the ~~[15th]~~ *25th* day".

Amend the bill as a whole by deleting sections 18 through 20 and renumbering sec. 21 as sec. 13.

Amend the bill as a whole by deleting sec. 22.

Amend the title of the bill by deleting the fourth through seventh lines and inserting:

"voter; enacting certain provisions governing the reporting of election results; revising".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 522.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 383.

Amend section 1, page 1, by deleting lines 15 through 19 and inserting:

"*(a) That is located on 20 or more contiguous acres of property that are adjacent to and north of Rancho Drive;*

(b) That is located south of Lake Mead Boulevard and north of Holley Lane; and".

Amend section 1, page 2, line 2, after "*is*" by inserting "*operated or*".

Amend section 1, page 2, between lines 7 and 8 by inserting:

"*3. A proposed resort hotel:*

(a) That is located on 15 or more contiguous acres of property that are adjacent to and west of Boulder Highway;

(b) That is located south of Sahara Avenue and north of Desert Inn Road; and

(c) That is located within 500 feet from a parcel of land on which a licensed resort hotel is operated or located on the effective date of this act, may petition the county, city or town having jurisdiction over the location of the proposed establishment to designate the location of the proposed establishment a gaming enterprise district pursuant to NRS 463.3084.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. If any provision of this act is held invalid, each provision of this act is invalid, and to this end the provisions of this act are nonseverable.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 540.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 381.

Amend the bill as a whole by adding a new section designated sec. 17, following sec. 16, to read as follows:

"Sec. 17. This act becomes effective on January, 1, 2001.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 540 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 543.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 430.

Amend sec. 2, page 2, line 2, by deleting:

"October 1, 1999." and inserting:

"the effective date of this act.".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

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

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 544.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 435.

Amend sec. 2, page 2, lines 19 and 20, by deleting:

"or a parent having joint custody" and inserting:

"~~[or a parent having joint custody]~~".

Amend sec. 2, page 2, line 22, by deleting "other" and inserting "~~[other]~~ *noncustodial*".

Amend sec. 2, page 2, line 23, by deleting "or" and inserting "~~[or".~~

~~— Amend sec. 2, page 2, by deleting line 24 and inserting:~~

~~"other parent having joint custody]~~ refuses to give that consent, the *custodial* parent".

Amend sec. 2, page 2, line 25, by deleting:

"planning the move" and inserting:

"~~[planning the move]~~".

Amend sec. 2, page 2, by deleting lines 26 through 28 and inserting:

"petition the court for permission to move the child.".

Amend sec. 2, page 2, by deleting line 31 and inserting:

"noncustodial parent. ~~[or other parent having joint custody.]~~".

Amend the title of the bill, third line, after "state;" by inserting:

"removing the reference to a parent having joint custody of a child in a provision concerning consent required to move a child from this state;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning parent moving child out of this state. (BDR 11-1598)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 583.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 382.

Amend sec. 2, page 2, line 3, after "establishments" by inserting:

"*which hold restricted and nonrestricted licenses*".

Amend sec. 2, page 2, by deleting lines 6 and 7 and inserting:

"the creditors of licenses are protected and that gaming".

Amend the title of the bill by deleting the second and third lines and inserting:

"revising the public policy of this state concerning gaming to clarify that it applies to gaming establishments which hold restricted or nonrestricted licenses; and providing other".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 592.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 434.

Amend section 1, page 1, line 12, by deleting:

"~~[5 years]~~ *1 year*" and inserting "5 years".

Amend section 1, page 1, by deleting line 16 and inserting:

"for his judicial services during the last year thereof, payable".

Amend section 1, page 2, line 3, by deleting:

"beyond ~~[5 years]~~ *1 year*" and inserting:

"~~[beyond 5 years]~~".

Amend sec. 2, page 2, line 43, by deleting:

"~~[5 years]~~ *1 year*" and inserting "5 years".

Amend sec. 2, page 3, lines 4 and 5, by deleting:

"~~[the last year thereof,]~~ *that year,*" and inserting:

"the last year thereof,"

Amend sec. 2, page 3, line 9, by deleting:

"beyond ~~[5 years]~~ *1 year*" and inserting:

"~~[beyond 5 years]~~".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 592 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 631.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 459.

Amend sec. 6, page 4, line 15, after "*The*" by inserting "*following*".

Amend sec. 7, page 4, line 39, after "*2.*", by inserting:

"*Must be chaired by the speaker designate of the assembly.*

3.".

Amend the bill as a whole by renumbering sections 10 through 16 as sections 12 through 18 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. NRS 218.130 is hereby amended to read as follows:

218.130 The number of officers and employees of the senate ~~[shall]~~ *must* be determined by each session of the senate as recommended by the senate

committee ~~[on]~~ *which has jurisdiction of issues relating to* legislative functions.

Sec. 11. NRS 218.160 is hereby amended to read as follows:

218.160 The number of officers and employees of the assembly ~~[shall]~~ *must* be determined by each session of the assembly as recommended by the assembly committee ~~[on]~~ *which has jurisdiction of issues relating to* legislative functions.".

Amend the bill as a whole by renumbering sec. 17 as sec. 20 and adding a new section designated sec. 19, following sec. 16, to read as follows:

"Sec. 19. NRS 218.245 is hereby amended to read as follows:

218.245 1. Except as otherwise provided in subsections 2 and 5, the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the executive branch of the state government or for a county, school district or city before a regular session of the legislature unless the request is approved by the governor or a designated member of his staff, or the governing body of the county, school district or city, and transmitted to the legislative counsel before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the legislative counsel by the board of regents of the University of Nevada, lieutenant governor, secretary of state, attorney general, state controller or state treasurer without the approval of the governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the legislative counsel and the legal division of the legislative counsel bureau shall give full priority to the preparation of proposed legislation requested by members of the legislature.

4. The legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the legislature except upon the request of a member of the legislature or the personal written request of the governor ~~[.]~~ *, within any limitations established by the legislature by joint rule.*

5. An agency or officer of the executive branch of the state government or a county, school district or city, shall not request a legislator to have legislation drafted on its behalf. The legislative commission, when the legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1.".

Amend the bill as a whole by renumbering sections 18 through 24 as sections 24 through 30 and adding new sections designated sections 21 through 23, following sec. 17, to read as follows:

"Sec. 21. NRS 218.272 is hereby amended to read as follows:

218.272 1. ~~[The]~~ *Except as otherwise provided in subsection 4, the* fiscal analysis division shall obtain a fiscal note on:

(a) Any bill which makes an appropriation or increases any existing appropriation;

(b) Any bill or joint resolution which creates or increases any fiscal liability or decreases any revenue which appears to be in excess of $2,000; and

(c) Any bill or joint resolution which increases or newly provides for a term of imprisonment in the state prison or makes release on parole or probation from the state prison less likely,

before ~~[the]~~ *a vote is taken on such a* bill or joint resolution ~~[is considered at a public hearing of]~~ *by* a committee of the assembly or the senate . ~~[, or before any vote is taken on it by the committee.]~~

2. The fiscal note must contain a reliable estimate of the anticipated change in appropriation authority, fiscal liability or state revenue under the bill or joint resolution, including, to the extent possible, a projection of such changes in future biennia.

~~[2.]~~ *3.* Except as otherwise provided in NRS 218.272 to 218.2758, inclusive, or in the joint rules of the senate and assembly, the estimates must be made by the agency receiving the appropriation or collecting the revenue.

~~[3.]~~ *4.* The fiscal note is not required on any bill or joint resolution relating exclusively to the proposed executive budget.

Sec. 22. NRS 218.2723 is hereby amended to read as follows:

218.2723 Before *a vote is taken by a committee of the assembly or the senate on* any bill or joint resolution which reduces the revenues or increases the expenditures of a local government or any bill which increases or newly provides for a term of imprisonment in a county or city jail or detention facility, or makes release on probation therefrom less likely, ~~[is considered at a public hearing of a committee of the assembly or the senate or before a vote is taken thereon by the committee,]~~ the fiscal analysis division shall prepare a fiscal note after consultation with the appropriate local governments or their representatives.

Sec. 23. NRS 218.2725 is hereby amended to read as follows:

218.2725 1. Before *a vote is taken by a committee of the assembly or the senate on* any bill or joint resolution which affects the premiums charged to employers as provided in chapters 616A, 616B, 616C, 616D or 617 of NRS or the state insurance fund established by chapters 616A to 616D, inclusive, of NRS , ~~[is considered at a public hearing of a committee of the assembly or the senate or before a vote is taken thereon by the committee,]~~ the fiscal analysis division shall obtain a fiscal note in the manner and form, to the extent applicable, provided for in NRS 218.272 to 218.2758, inclusive, showing the financial effect on the premiums charged employers by the state industrial insurance system or on the state insurance fund.

2. The state industrial insurance system shall provide such information upon request of the fiscal analysis division.

3. The department of administration is not required to review such a fiscal note, but upon request of any legislator, the fiscal analysis division shall review the note and submit its findings to the requester.".

Amend the bill as a whole by renumbering sections 25 though 43 as sections 33 through 51 and adding new sections designated sections 31 and 32, following sec. 24, to read as follows:

"Sec. 31. NRS 218.464 is hereby amended to read as follows:

218.464 1. The following persons are entitled to receive free of charge in any one calendar year any bill, resolution, daily history, daily journal or index, in the number of copies shown, upon verification of their wishes to receive the publication:

(a) Justices and the clerk of the supreme court, one copy;

(b) County clerks and district attorneys, one copy;

(c) A judge and clerk of a district court in a judicial district having one judge, one copy; and

(d) The judges and the administrator or clerk of a district court in a judicial district having more than one judge, two copies.

2. Upon approval of the committee ~~[on]~~ *of the senate or the assembly which has jurisdiction of issues relating to* legislative functions , ~~[of the senate or assembly,]~~ additional copies must be provided to these persons without charge, except for the cost of handling and postage as determined by the director of the legislative counsel bureau.

Sec. 32. NRS 218.466 is hereby amended to read as follows:

218.466 1. The following persons, offices or organizations, upon request, are entitled to receive free of charge in any one calendar year one copy of any bill, resolution, daily history, daily journal or index:

(a) Elected state officers.

(b) Offices of all state departments and agencies.

(c) County clerks, sheriffs, treasurers, assessors, recorders and auditors.

(d) Offices of other county officials.

(e) Municipal officers.

(f) Districts and other governmental agencies.

(g) Justices of the peace.

(h) The state library and archives.

(i) County and city libraries and libraries of the University and Community College System of Nevada.

(j) Accredited members of the press.

2. Upon approval of the committee ~~[on]~~ *of the senate or the assembly which has jurisdiction of issues relating to* legislative functions , ~~[of the senate or assembly,]~~ additional copies must be provided to these persons, offices or organizations without charge, except for the cost of any handling and postage as determined by the director of the legislative counsel bureau.

3. Township, school and municipal officials may have distributed, free of charge, the number of copies of any bill or other legislative publication that is

approved by the committee on legislative functions of the senate or assembly.".

Amend the title of the bill, seventh line, after "regulations;" by inserting: "revising certain provisions governing fiscal notes concerning legislative measures;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 646.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 429.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 463.0193 is hereby amended to read as follows:

463.0193 "Sports pool" means the business of accepting ~~[wagers]~~ *, transferring, brokering, facilitating or moving to or for another person a wager* on *a* sporting ~~[events]~~ *event* by any system or method of wagering.".

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 2, to read as follows:

"Sec. 4. NRS 179.118 is hereby amended to read as follows:

179.118 1. The proceeds from any sale or retention of property declared to be forfeited must be applied, first, to the satisfaction of any protected interest established by a claimant in the proceeding, then to the proper expenses of the proceeding for forfeiture and resulting sale, including the expense of effecting the seizure, the expense of maintaining custody, the expense of advertising and the costs of the suit.

2. Any balance remaining after the distribution required by subsection 1 must be deposited as follows:

(a) Except as otherwise provided in this subsection, if the plaintiff seized the property, in the special account established pursuant to NRS 179.1187 by the governing body that controls the plaintiff.

(b) Except as otherwise provided in this subsection, if the plaintiff is a metropolitan police department, in the special account established by the metropolitan police committee on fiscal affairs pursuant to NRS 179.1187.

(c) Except as otherwise provided in this subsection, if more than one agency was substantially involved in the seizure, in an equitable manner to be directed by the court hearing the proceeding for forfeiture.

(d) If the property was seized pursuant to NRS 200.760, in the state treasury for credit to the fund for the compensation of victims of crime to be used for the counseling and the medical treatment of victims of crimes

committed in violation of NRS 200.366, 200.710 to 200.730, inclusive, or 201.230.

(e) If the property was seized as the result of a violation of NRS 202.300, in the general fund of the county in which the complaint for forfeiture was filed, to be used to support programs of counseling of persons ordered by the court to attend counseling pursuant to paragraph (e) of subsection 1 of NRS 62.211.

(f) If the property was seized as the result of a violation of NRS 207.195 that was related to gaming, NRS 463.160 or 465.093, 75 percent in the state general fund to be accounted for separately for use by agents of the state gaming control board for enforcement and 25 percent in the state general fund to be accounted for separately to be used for programs to assist persons who are addicted to gambling pursuant to the direction of the Nevada gaming commission.

Sec. 5. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including any tool, substance, weapon, machine, money or security, which is used as an instrumentality in:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnaping, burglary, invasion of the home, grand larceny or pandering;

(b) The commission of any crime by a criminal gang, as defined in NRS 213.1263; ~~[or]~~

(c) A violation of NRS 200.465, 202.265, 202.287 ~~[or]~~ *, 463.160,* 465.070 to 465.085, inclusive, *or 465.093; or*

(d) A violation of NRS 207.195 that is related to gaming,

is subject to forfeiture.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited the

appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.".

Amend the title of the bill to read as follows:

"AN ACT relating to gaming; revising the definition of "sports pool"; changing the deadline for collection of the annual excise tax on slot machines; clarifying a provision governing the issuance and expiration of a manufacturer's, seller's or distributor's license; providing that personal property which is used as an instrumentality in certain crimes related to gaming is subject to forfeiture; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to gaming. (BDR 41-416)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 650.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 394.

Amend sec. 3, page 2, line 9, by deleting "*manually,*" and inserting: "*manually or electronically,*".

Amend sec. 3, page 2, by deleting lines 11 through 20 and inserting:

"*2. A person may comply with a written promise to appear in court by an appearance by counsel.*

3. A warrant may issue upon a violation of a written promise to appear.".

Amend sec. 10, page 6, by deleting lines 3 through 8 and inserting:

"violates a written promise to appear pursuant to a citation ~~[issued]~~ *that was prepared manually or electronically* for a violation of a traffic law or ordinance occurring within this state other".

Amend sec. 17, page 10, by deleting lines 1 through 6 and inserting:

"2. A *person may comply with a* written promise to".

Amend sec. 17, page 10, by deleting lines 8 through 10 and inserting:

"3. A warrant may issue upon a violation of a written promise to appear.".

Amend the title of the bill by deleting the third and fourth lines and inserting "various courts;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that Assembly Bill No. 380 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 142 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that the Assembly stand in recess until 4:00 p.m.

Motion carried.

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 4:16 p.m.

Mr. Speaker presiding.

All present except Assemblymen Arberry, Carpenter and Freeman, who were excused.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 282, 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 76, 457, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 661, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Vice-Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 605 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 271 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 108 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 110, 157, 173, 279, 366, 445, 469, 504, 601; Assembly Joint Resolution No. 12 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that Assembly Bills Nos. 219, 241, 554, 587, 591, 597, 638, 639 and 641 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 239 be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 485.

Amend sec. 2, page 2, line 10, by deleting the period and inserting:

"*, excluding any amount of money derived from the proceeds of bonds.*".

Amend sec. 4, pages 2 and 3, by deleting sec. 4 and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend the title of the bill, third line, by deleting:

"authorized expenditures and".

Amend the summary of the bill, first line, by deleting:

"authorized expenditures and".

Assemblywoman Cegavske moved the adoption of the amendment.

Remarks by Assemblywoman Cegavske.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 534.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sec. 4 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. The Legislative Auditor shall conduct an audit of the school districts in this state. The audit must include an assessment of a representative number of public schools throughout this state, with at least one public school in each school district included in the assessment. For each school, the audit must include, without limitation:

(a) The revenue budgeted for and the expenditure levels of instructional costs not related to personnel costs, including, without limitation, the amount expended for instructional supplies, library books, textbooks, instructional software and other areas directly related to the instruction of pupils;

(b) The number of pupils who are enrolled in each subject area and the number of textbooks available for each subject area, if applicable;

(c) The number of pupils who are enrolled in programs of special education and the number of textbooks available for use in each such program; and

(d) The amount of money requested of parents of pupils who are enrolled in elementary school to purchase instructional supplies or other items which are used to supplement the resources available to the school for the instruction of those pupils.

2. The Legislative Auditor shall prepare a final written report of the audit and present the report to the Audit Subcommittee of the Legislative Commission not later than February 5, 2001.

3. To the extent that the provisions of NRS 218.737 to 218.890, inclusive, are consistent with the requirements of this section, those provisions apply to the audit conducted pursuant to this section. For the purposes of this subsection, each school district in this state shall be deemed to be an agency of the state.

4. Upon the request of the Legislative Auditor or his authorized representative, the officers and employees of each school district in this state shall make available to the Legislative Auditor any of their books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, which the Legislative Auditor deems necessary to conduct the audit required by this section.".

Amend the title of the bill as follows:

"AN ACT relating to school districts; requiring the Legislative Auditor to conduct an audit of the school districts in this state; and providing other matters properly relating thereto.".

Amend the summary of the bill as follows:

"SUMMARY—Requires Legislative Auditor to conduct audit of school districts in this state. (BDR S-1025)".

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 554.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 515.

Amend sec. 2, page 2, by deleting lines 10 through 12 and inserting:

"recreation board, at any time or from time to time ~~[, in the name and on the]~~ *may:*

(a) In the name of and on behalf of the county ~~[may:~~

~~(a) Issue:]~~ *, issue:*".

Amend sec. 2, page 2, by deleting line 21 and inserting:

"(b) ~~[Issue revenue bonds payable solely]~~ *In the name of and on behalf of the county fair and recreation board, issue revenue bonds:*".

Amend sec. 2, page 2, by deleting lines 24 and 25 and inserting:

"*(2) Secured by a pledge of revenues from any tax on the rental of transient lodging levied for revenue by the county or a city;*".

Amend sec. 2, page 2, line 33, by deleting "majorities" and inserting:

"~~[majorities]~~ *a majority*".

Amend sec. 2, page 2, line 34, after "inclusive." by inserting:

"*This paragraph does not apply to contracts for the prepayment of rent or other similar obligations.*".

Amend the title of the bill, fifth line, after "bonds;" by inserting:

"making various other changes governing obligations of county fair and recreational boards;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 587.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 533.

Amend section 1, page 2, line 3, by deleting "*25*" and inserting "*50*".

Assemblywoman Evans moved the adoption of the amendment.

Remarks by Assemblywoman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 591.

Bill read second time.

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

Amendment No. 333.

Amend section 1, page 2, lines 1 and 2, by deleting:

"*during the preceding 3 years.*" and inserting:

"*during preceding years. The chief shall adjust the formula for calculating the fee each biennium.*".

Amend sec. 2, page 2, line 9, by deleting:

"from the state purchasing fund," and inserting:

", ~~[from the state purchasing fund,]~~".

Amend sec. 2, page 2, by deleting lines 12 and 13, and inserting:

"agency's account ~~[as determined pursuant to subsection 3 of NRS 333.450 for the transfer to or placement in the state purchasing fund.]~~ *for payment of the claim.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 597.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 490.

Amend section 1, page 1, line 2, after "sections" by inserting "1.5,".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. *1. The fund to stabilize the state distributive school account is hereby created as a special revenue fund, to be administered by the superintendent of public instruction.*

2. All money in the state distributive school account that would otherwise revert to the state general fund at the end of a fiscal biennium must be deposited by the state treasurer in the fund to stabilize the state distributive school account. Except as otherwise provided in subsection 4, the money in the fund may only be used to cover a shortfall in the state distributive school account.

3. The money in the fund to stabilize the state distributive school account must be invested as the money in other state funds is invested. The superintendent of public instruction may accept gifts and grants from any source for deposit in the fund.

4. All interest and income earned on the money in the fund to stabilize the state distributive school account must be deposited in the fund to assist school districts in financing capital improvements created pursuant to section 2 of this act.

5. Claims against the fund to stabilize the state distributive school account must be paid as other claims against the state are paid.".

Amend sec. 14, page 9, line 37, by deleting "fund" and inserting "account".

Amend the title of the bill, second line, after "facilities;" by inserting: "creating the fund to stabilize the state distributive school account;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblywoman Giunchigliani moved that Assembly Bill No. 597 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 638.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 483.

"and providing other matters".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 639.

Bill read second time.

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

Amendment No. 390.

Amend section 1, page 2, line 1, by deleting "*permanent*".

Amend section 1, page 2, line 2, by deleting the period and inserting: "*for the contract for at least 7 years after the date on which the contract was executed.*".

Amend section 1, page 2, line 3, by deleting "*awards or*".

Amend section 1, page 2, line 8, by deleting: "*was or will*" and inserting "*may*".

Amend section 1, page 2, by deleting lines 9 through 12 and inserting:

"*(2) The estimated amount for which the contract may be awarded;*

(3) The general purpose for which the contract may be".

Amend section 1, page 2, line 14, by deleting "*(5)*" and inserting "*(4)*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 641.

Bill read second time.

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

Amendment No. 561.

Amend sec. 3, page 1, line 8, by deleting "*A*" and inserting:

"*1. Except as otherwise provided in subsection 2, a*".

Amend sec. 3, page 1, line 10, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 3, page 1, line 11, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 3, page 2, between lines 3 and 4, by inserting:

"*2. A city or county may not:*

(a) Bring and maintain an action pursuant to subsection 1 that would request a court to grant relief that would violate a state statute; or

(b) Participate in any proceeding of a federal agency pursuant to subsection 1 to request the federal agency to take any action that would violate a state statute.".

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. 1. The legislature hereby finds and declares that:

(a) Esmeralda, Lincoln and Nye counties contain species and subspecies of wildlife that have been or are likely to be declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended;

(b) These counties are not authorized currently to carry out programs for the preservation of endangered or threatened species or subspecies of wildlife;

(c) The declaration of species and subspecies of wildlife in Esmeralda, Lincoln and Nye counties as endangered or threatened will have a serious adverse effect on the economy of those counties and on the lifestyles of their residents; and

(d) Because a general law cannot be made applicable because of the economic and geographical diversity of these rural counties, it is necessary by special act to provide a means by which Esmeralda, Lincoln and Nye counties may promote the protection of their natural resources while simultaneously protecting their human and financial resources.

2. The board of county commissioners of Esmeralda, Lincoln or Nye County, individually or jointly by interlocal agreement, may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of a species or subspecies of wildlife that has been declared endangered or threatened pursuant to the federal Endangered Species Act of

1973, as amended. In addition, the board of county commissioners, in cooperation with the responsible state and federal agencies, may encourage in any other manner the preservation of those species or subspecies or any species or subspecies of wildlife in the county which have been determined by the board of county commissioners to be likely to have a significant impact upon the economy and lifestyles of the residents of the county if listed as endangered or threatened, including, without limitation, the expenditure for this purpose of money collected pursuant to subsection 3 or the participation in an agreement made pursuant to NRS 503.589. The board of county commissioners may purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose, pursuant to such reasonable regulations as the board of county commissioners may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the board of county commissioners may reimburse the organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

3. The board of county commissioners may, by ordinance, impose a reasonable fee of not more than $550 per acre on the construction of a structure or the grading of land in the unincorporated areas of the county for the expense of carrying out the provisions of subsection 2. Except as otherwise provided in this subsection, the fee must be collected at the same time and in the same manner as the fee for the issuance of a building permit collected pursuant to NRS 278.580. If a county does not issue building permits in all areas of the county, the fee must be collected before the construction of a structure or the grading of land in an area of the county in which the county does not issue building permits.

4. If a fee is imposed pursuant to subsection 3, the board of county commissioners shall create an enterprise fund exclusively for fees collected pursuant to subsection 3. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund may only be used to pay the actual direct costs of the program or programs established pursuant to subsection 2.".

Amend the title of the bill, fourth line, after "instrumentalities" by inserting:

"authorizing the board of county commissioners of Esmeralda, Lincoln or Nye County to create an area or zone for the preservation of a species or subspecies of wildlife that is threatened with extinction and to impose and collect a fee for that purpose;".

Amend the summary of the bill, second line, by deleting the period and inserting:

"and authorizes certain counties to create areas for the preservation of species or subspecies of wildlife threatened with extinction.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by: Speaker Joseph E. Dini, Jr.

For: Assembly Bill 660.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 78th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

With the following Conditions:

May only be passed out of final committee of house of origin on or before April 23, 1999.

May only be passed out of house of origin on or before April 30, 1999.

May only be passed out of final committee of second house on or before May 17, 1999.

May only be passed out of second house on or before May 24, 1999.

Has been granted effective: April 9, 1999.

WILLIAM J. RAGGIO
Senate Majority Leader

JOSEPH E. DINI, JR.
Speaker of the Assembly

Assemblywoman Evans moved that Assembly Bill No. 608 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 3.

Bill read third time.

Remarks by Assemblymen Williams and Cegavske.

Roll call on Assembly Bill No. 3:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 484.

Amend sec. 2, page 2, by deleting lines 5 through 8 and inserting: "*investigating the background of volunteers who work with children, and any gifts, donations, bequests or other*".

Amend sec. 2, page 2, by deleting lines 16 and 17 and inserting:

"*5. The interest and income earned on money in the account from sources other than legislative appropriation, after*".

Amend sec. 2, page 2, line 19, by deleting:

"*in the account remaining*" and inserting:

"*from sources other than legislative appropriation that remains in the account*".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblymen Segerblom, Hettrick, Buckley, Giunchigliani and de Braga.

Mr. Speaker requested the privilege of the Chair.

Roll call on Assembly Bill No. 439:

YEAS—35.

NAYS—Angle, Buckley, Gustavson, Manendo—4.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 439 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 605.

Bill read third time.

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

Amendment No. 611.

Amend section 1, page 2, by deleting lines 28 through 30 and inserting:

"*for services performed pursuant to this subsection.*".

Amend the title of the bill by deleting the third line and inserting "clarifying that".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 605 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

Assembly Bill No. 271.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 271:

YEAS—39.
NAYS—None.
EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

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

Amendment No. 314.

Amend sec. 3, page 3, by deleting lines 7 through 9 and inserting:

"3. On June 30 of each fiscal year, any amount in excess of ~~[$30,000]~~ *$200,000* in the attorney general's special fund of the money collected pursuant to subsection 1 reverts to the state general fund.

4. The balance of the money in the attorney general's special fund that is collected pursuant to subsection 1 must not exceed $250,000. If money deposited in the state treasury for credit to the attorney general's special fund pursuant to subsection 1 would cause that balance to exceed $250,000 if credited to the fund, the amount of the deposit which would cause the balance to exceed $250,000 immediately reverts to the state general fund.".

Amend the title of the bill, fifth line, by deleting "fund;" and inserting: "fund and the maximum balance which may be detained in the fund; limiting the amount of money collected for unfair trade practices that can be credited to the attorney general's special fund;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblymen Buckley and Brower.

Potential conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 110:

YEAS—39.
NAYS—None.
EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 157.

Bill read third time.

Remarks by Assemblymen Koivisto, Gustavson, Bache and Anderson.

Roll call on Assembly Bill No. 157:

YEAS—24.

NAYS—Angle, Collins, de Braga, Dini, Gibbons, Gustavson, Humke, Lee, Manendo, Marvel, Neighbors, Nolan, Perkins, Price, Von Tobel—15.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 173:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 279:

YEAS—38.

NAYS—None.

NOT VOTING—Marvel.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblymen Chowning, Cegavske, Beers, Williams and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen Giunchigliani, Anderson, Bache and Parnell

Roll call on Assembly Bill No. 366:

YEAS—31.

NAYS—Angle, Beers, Cegavske, Gustavson, Hettrick, Marvel, Nolan, Von Tobel—8.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 445:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 469:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 601.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 601:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 601 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblymen Beers and Giunchigliani.

Roll call on Assembly Joint Resolution No. 12:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 504:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Carpenter, Freeman—3.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:25 p.m.

ASSEMBLY IN SESSION

At 5:31 p.m.

Mr. Speaker presiding.

Quorum Present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 591 be re-referred to the Committee on Ways and Means.

Motion carried.

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 483, 511, 540, 591, 592, 605 and 608.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 58.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 13, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:32 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 13, 1999

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Almighty and eternal God. So draw our hearts to Thee. So guide our minds. So fill our imaginations. So control our wills that we may be wholly Thine, utterly dedicated to Thee and to Thy children. And then use us, we pray Thee, as Thou will, and always to Thy glory and to the welfare of Thy people. Through our Lord Jesus Christ we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 216, 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 614, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 429, 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 69, 586, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 406, 617, 666, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 559, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 12, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 392.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 392.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 154.

Amend sec. 2, page 2, line 26, after "provided in" by inserting: "*this subsection and*".

Amend sec. 2, page 2, lines 30 and 31, by deleting: "*, or by any other method authorized by the department,*".

Amend sec. 2, page 2, line 33, after "certificate." by inserting:

"*The department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.*".

Amend the title of the bill by deleting the fourth through sixth lines and inserting:

"department to adopt regulations which prescribe methods, other than by pen and ink, by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin; and providing other matters".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 564.

Amend section 1, page 1, by deleting line 4 and inserting:

"*opaque covering of any portion of the areola and nipple;*".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; revising the provisions governing the unlawful exhibition or distribution of material that is harmful to minors; providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time.

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

Amendment No. 549.

Amend section 1, page 2, by deleting lines 13 through 15 and inserting:

"*(c) To be mailed to each owner, as listed on the county assessor's records, of real property located:*

(1) Within 1,000 feet of the portion of the boundary line being changed, if the property is located in a county whose population is 400,000 or more; or

(2) Within 500 feet of the portion of the boundary line being changed, if the property is located in a county whose population is less than 400,000;".

Amend section 1, page 2, line 17, after "*least*" by inserting "*the*".

Amend section 1, page 2, line 19, by deleting "*(b);*" and inserting "*(c);*".

Amend section 1, page 2, line 21, by deleting "*and*".

Amend section 1, page 2, line 23, by deleting the period and inserting:

"*or his designee; and*

(g) To be sent by electronic means, if receipt of such an electronic notice can be verified, to any governmental entity or a party to whom notice must be provided pursuant to paragraphs (a) to (f), inclusive, that requests such a notice.".

Amend sec. 2, page 3, line 30, after "mail" by inserting:

"*, or by electronic means if receipt of such an electronic notice can be verified,*".

Amend sec. 2, page 3, line 34, by deleting "300" and inserting "~~[300]~~ *500*".

Amend sec. 2, page 3, by deleting line 36 and inserting:

"(c) Each ~~[owner,]~~ *of the owners,* as listed on the county assessor's records, of at least *the* 30".

Amend sec. 2, page 3, line 41, by deleting "*and*".

Amend sec. 2, page 4, line 1, by deleting the period and inserting:

"*or his designee; and*

(f) Any governmental entity that requests such a notice.".

Amend sec. 2, page 4, line 8, after "mail" by inserting:

"*, or by electronic means if receipt of such an electronic notice can be verified,*".

Amend sec. 2, page 4, line 12, by deleting "500" and inserting "~~[500]~~ *1,000*".

Amend sec. 2, page 4, by deleting line 14 and inserting:

"(c) Each ~~[owner,]~~ *of the owners,* as listed on the county assessor's records, of at least *the* 30".

Amend sec. 2, page 4, line 19, by deleting "*and*".

Amend sec. 2, page 4, line 20, by deleting the period and inserting:

"*or his designee; and*

(f) Any governmental entity that requests such a notice.".

Amend the bill as a whole by adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. NRS 278.315 is hereby amended to read as follows:

278.315 1. The governing body may provide by ordinance for the granting of variances, special use permits, conditional use permits or other special exceptions by the board of adjustment, the planning commission or a hearing examiner appointed pursuant to NRS 278.262. The governing body may impose this duty entirely on the board, commission or examiner, respectively, or provide for the granting of enumerated categories of variances, special use permits, conditional use permits or special exceptions by the board, commission or examiner.

2. A hearing to consider an application for the granting of a ~~[variance,]~~ special use permit, conditional use permit or special exception must be held

before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201. A notice setting forth the time, place and purpose of the hearing must be sent by mail *, or by electronic means if receipt of such an electronic notice can be verified,* at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner *, as listed on the county assessor's records,* of real property located ~~[within 300]~~ *:*

(1) Within 500 feet of the property in question ~~[.]~~ *, if the property is located in a county whose population is 400,000 or more, unless the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on the premises as its primary business, in which case the notice must be provided to each owner, as listed on the county assessor's records, of real property located within 1,000 feet of the property in question; or*

(2) Within 300 feet of the property in question, if the property is located in a county whose population is less than 400,000, unless the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on the premises as its primary business, in which case the notice must be provided to each owner, as listed on the county assessor's records, of real property located within 500 feet of the property in question;

(c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; ~~[and]~~

(d) Any advisory board which has been established for the affected area by the governing body ~~[.]~~ *; and*

(e) Any governmental entity that requests such a notice.

The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

3. *A hearing to consider an application for the granting of a variance must be held before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201. A notice setting forth the time, place and purpose of the hearing must be sent by mail, or by electronic means if receipt of such an electronic notice can be verified, at least 10 days before the hearing to:*

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 300 feet of the property in question;

(c) Any advisory board which has been established for the affected area by the governing body; and

(d) Any governmental entity that requested such a notice.

The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

4. If the application is for the issuance of a special use permit in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection ~~[2,]~~ *2 or 3,* cause a notice to be sent by mail at least 10 days before the hearing to each ~~[owner,]~~ *of the owners,* as listed on the county assessor's records, of at least *the* 30 parcels nearest to the property in question. The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

~~[4.]~~ *5.* An ordinance adopted pursuant to this section must provide an opportunity for the applicant or a protestant to appeal from a decision of the board of adjustment, planning commission or hearing examiner to the governing body.

~~[5.]~~ *6.* In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, in addition to mailing the notice required pursuant to subsection ~~[3,]~~ *4,* not later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(a) The existing permitted use and zoning designation of the property in question;

(b) The proposed permitted use of the property in question;

(c) The date, time and place of the public hearing; and

(d) A telephone number which may be used by interested persons to obtain additional information.

~~[6.]~~ *7.* A sign required pursuant to subsection ~~[5]~~ *6* is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

~~[7.]~~ *8.* A governing body may charge an additional fee for each application for a special use permit to cover the actual costs resulting from the erection of not more than one sign required by subsection ~~[5,]~~ *6,* if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

~~[8.]~~ *9.* The governing body shall remove or cause to be removed any sign required by subsection ~~[5]~~ *6* within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

Sec. 4. This act becomes effective on July 1, 2000.".

Amend the title of the bill, third line, by deleting the second and third lines and inserting:
"notice required for certain amendments to a master plan or zoning regulation and applications for the granting of variances, special and conditional use permits and other special exceptions; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting the period and inserting:
"and applications for granting of variances, special and conditional use permits and other special exceptions.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 539.

Amend sec. 2, page 3, line 22, by deleting "*driving,*" and inserting:
"*driving within the course of 1 mile,*".

Amend sec. 2, page 3, by deleting lines 38 through 42.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 538.

Amend section 1, page 1, line 7, by deleting "*A*" and inserting:
"*The identification numbers of a*".

Amend section 1, page 1, line 10, before "*location*" by inserting "*commercial*".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 549.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 563.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 6 as sections 1 through 4.

Amend sec. 5, page 3, by deleting lines 9 through 30 and inserting:

"*1. A child under the age of 18 years shall not falsely represent that he is 18 years of age or older to purchase or obtain cigarettes, cigarette paper, tobacco of any description or products made from tobacco.*

2. A child who is found to have engaged in an act that is prohibited by subsection 1 must be treated in the manner set forth in NRS 62.212 and in addition to any other action ordered pursuant to NRS 62.212, may be ordered to pay a fine of not more than $100.".

Amend sec. 6, page 3, by deleting lines 39 through 43 and inserting:

"(2) *Engages in an act described in subsection 1 of section 3 of this act;*".

Amend the bill as a whole by deleting sec. 7 and renumbering sec. 8 as sec. 5.

Amend sec. 8, page 5, line 28, by deleting "*section 5*" and inserting "*section 3*".

Amend sec. 8, page 7, by deleting lines 36 and 37 and inserting:

"program of sports or physical fitness that is adequately supervised or a publicly or privately operated program for the arts that is adequately supervised. A program for the arts may include, but is not limited to, drawing, painting, photography or other visual arts, musical, dance or theatrical performance, writing or any other structured activity that involves creative or artistic expression. If the court orders the child to participate in a program of sports or physical fitness or a program for the arts, the court may order any or all of the".

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 and 11 as sections 6 and 7.

Amend sec. 10, page 9, line 28, by deleting:

"to 4, inclusive," and inserting "and 2".

Amend sec. 11, page 9, by deleting lines 31 through 39 and inserting:

"Sec. 7. The amendatory provisions of sections 3, 4 and 5 of this act do not apply to a false representation made by a child who is under 18 years of age to purchase or obtain cigarettes, cigarette paper, tobacco of any description or products made from tobacco that occurred before October 1, 1999.".

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 11, to read as follows:

"Sec. 8. 1. This section and sections 1 to 4, inclusive, and 6 and 7 of this act become effective on October 1, 1999.

2. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to tobacco; prohibiting a person from selling cigarettes in packages that contain fewer than 20 cigarettes; revising the limitations on the

public areas in which cigarette vending machines may be placed; providing that a minor who falsely represents his age to purchase tobacco products is in need of supervision; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 661.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 61, 69, 163, 182, 352, 406, 429, 528, 531, 559, 586, 614, 617 and 666 be placed on the Second Reading File.

Motion carried.

Assemblyman de Braga moved that Assembly Bill No. 179 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman de Braga.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 71:

YEAS—42.

NAYS—None.

Assembly Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 108:

YEAS—42.

NAYS—None.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 111.

Bill read third time.

Remarks by Assemblymen Perkins and Brower.

Potential conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 111:
YEAS—42.
NAYS—None.
Assembly Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 219.
Bill read third time.
Remarks by Assemblywoman Cegavske.
Roll call on Assembly Bill No. 219:
YEAS—42.
NAYS—None.
Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 239.
Bill read third time.
Assemblyman Nolan moved that Assembly Bill No. 239 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Nolan.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 522 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Anderson.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 241.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Assembly Bill No. 241:
YEAS—42.
NAYS—None.
Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 267.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Assembly Bill No. 267:
YEAS—42.
NAYS—None.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347.

Bill read third time.

Remarks by Assemblymen Bache, Von Tobel and Goldwater.

Assemblywoman Von Tobel requested that her remarks be entered in the Journal.

AB 347 does not change state water law, nor was it intended to. AB 347 represents two years of discussion and debate among well owners over how best to manage groundwater in the Las Vegas Valley. It is one more step in an ongoing process in which well owners are being asked to participate and contribute to addressing this important issue.

AB 347 addresses the two major concerns heard from well owners—declining water levels and the concern over the high cost of hooking up to a municipal system. Southern Nevada Water Authority will be allowed to perform permanent artificial recharge into the aquifer to benefit well users. The bill would also allow the Water Authority to establish a low-interest payment program to help well owners pay for the cost of connecting to a municipal water system, should they ever have to hook up. The low interest payment program is voluntary.

The issue of connection costs is a difficult one and was never intended to be resolved by this bill. I share the concerns of my constituents over these issues, particularly the issue of high connection costs and the rules governing when you do or do not have to hook up. This bill is not the place to handle those issues.

The NWOA proposed an amendment that was not acceptable to our Government Affairs Committee. Their amendment had a different purpose than the bill before us. The amendment wanted to add definitions of certain well types to statute, using this bill as a vehicle for their own purposes. The amendment also wanted to place constraints on how or when the state engineer could require someone to hook up. This also would have placed a $200 cap on the cost of connecting from a well to municipal water for any well owner, regardless of which jurisdiction they may live in. All of these amendments attempted to change state water law, but in the wrong place.

I understand and am very sympathetic to the concerns of the well owners. That is why I have been—and will continue—working with the Water Authority, the Las Vegas Water District and the NWOA to try and address the cost of hook ups. I am optimistic that we can find ways to bring the cost of hooking up closer to that of redrilling a well. If your well fails and if you are required by the state engineer to hook up, the cost of the hook up will be as close to the cost of a new well as possible. That is one goal I am working towards. It will take some time but I am committed to seeing it through and to provide some reasonable relief to any well owners who might find themselves in this position in the future. I strongly feel that AB 347 gives well owners in my district some options they would not have otherwise. None of these provisions are mandatory—they simply give well owners some options and flexibility. I ask for your support of AB 347.

Roll call on Assembly Bill No. 347:

YEAS—41.

NAYS—None.

NOT VOTING—Mortenson.

Assembly Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Assemblyman Anderson moved that Assembly Bill No. 392 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 461:

YEAS—42.

NAYS—None.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

Bill read third time.

Remarks by Assemblymen Goldwater, Nolan and Anderson.

Roll call on Assembly Bill No. 467:

YEAS—42.

NAYS—None.

Assembly Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblymen McClain, Perkins and Buckley.

Roll call on Assembly Bill No. 473:

YEAS—42.

NAYS—None.

Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 485:

YEAS—42.

NAYS—None.

Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 494:

YEAS—32.

NAYS—Angle, Beers, Carpenter, Cegavske, Gustavson, Hettrick, Marvel, Nolan, Tiffany, Von Tobel—10.

Assembly Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 520:

YEAS—42.

NAYS—None.

Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 543.

Bill read third time.

Assemblyman Anderson moved that Assembly Bill No. 543 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion lost.

Remarks by Assemblymen Gustavson, Anderson, Collins, Brower, Humke and Buckley.

Assemblyman Brower moved that Assembly Bill No. 543 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 544.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 544:

YEAS—42.

NAYS—None.

Assembly Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 554:

YEAS—42.

NAYS—None.

Assembly Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 583.
Bill read third time.
Remarks by Assemblymen Brower and Dini.
Conflict of interest declared by Assemblyman Dini.
Roll call on Assembly Bill No. 583:
YEAS—41.
NAYS—None.
NOT VOTING—Dini.
Assembly Bill No. 583 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 587.
Bill read third time.
Remarks by Assemblywoman Evans.
Roll call on Assembly Bill No. 587:
YEAS—42.
NAYS—None.
Assembly Bill No. 587 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 631.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Anderson.
Roll call on Assembly Bill No. 631:
YEAS—42.
NAYS—None.
Assembly Bill No. 631 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 638.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Assembly Bill No. 638:
YEAS—42.
NAYS—None.
Assembly Bill No. 638 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 639.
Bill read third time.
Remarks by Assemblyman Lee.
Roll call on Assembly Bill No. 639:
YEAS—42.
NAYS—None.

Assembly Bill No. 639 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 641.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 641:

YEAS—42.

NAYS—None.

Assembly Bill No. 641 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 646.

Bill read third time.

Remarks by Assemblyman Claborn.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Conflict of interest declared by Assemblyman Dini.

Roll call on Assembly Bill No. 646:

YEAS—41.

NAYS—None.

NOT VOTING—Dini.

Assembly Bill No. 646 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 650.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 650:

YEAS—42.

NAYS—None.

Assembly Bill No. 650 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblymen Mortenson, Tiffany and Brower.

Roll call on Assembly Bill No. 179:

YEAS—29.

NAYS—Angle, Beers, Berman, Brower, Cegavske, Collins, Gustavson, Hettrick, Humke, Marvel, Neighbors, Tiffany, Von Tobel—13.

Assembly Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 216, 220, 352 and 559.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was re-referred Assembly Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:13 p.m.

ASSEMBLY IN SESSION

At 1:51 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 61.

Bill read second time and ordered to third reading.

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 491.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 422.382 is hereby amended to read as follows:

422.382 1. *Except as otherwise provided in this subsection, the department shall determine the amount that each state or local government or other entity responsible for the public hospital in a county within which a public hospital is located is required to transfer to the department for deposit in the intergovernmental transfer account in the state general fund to be administered by the department to maximize the amount of money that may be received from the Federal Government for distribution to hospitals that treat a disproportionate share of Medicaid, indigent or other low-income patients. The amount which the department determines that a state or local government or other entity is required to transfer pursuant to this section must not exceed the amount of the payment made pursuant to NRS 422.387 to*

the public hospital for which the state or local government or other entity is responsible.

2. In a county within which:

(a) A public hospital is located, the state or local government or other entity responsible for the public hospital shall transfer ~~[an amount equal to 75 percent of the amount of the payment made to the public hospital pursuant to NRS 422.387 less $50,000]~~ *the amount determined by the department pursuant to subsection 1* to the department.

(b) A private hospital which receives a payment pursuant to NRS 422.387 is located, the county shall transfer an amount established by the legislature to the department.

~~[2.]~~ *3.* A county that transfers the amount required pursuant to paragraph (b) of subsection ~~[1]~~ *2* to the department is discharged of the duty and is released from liability for providing medical treatment for indigent inpatients who are treated in the hospital in the county that receives a payment pursuant to paragraph (b) of subsection ~~[2]~~ *1* of NRS 422.387.

~~[3.]~~ *4.* Any money collected pursuant to subsection ~~[1,]~~ *2,* including any interest or penalties imposed for a delinquent payment, must be deposited in the state treasury for credit to the intergovernmental transfer account in the state general fund to be administered by the department.

~~[4.]~~ *5.* The interest and income earned on money in the intergovernmental transfer account, after deducting any applicable charges, must be credited to the account.

6. The amount of money that the department may retain from the amount transferred to the department pursuant to subsection 2 must not exceed 10 percent of the amount of the disproportionate share payment received from the Federal Government.".

Amend section 1, page 1, by deleting lines 2 through 9 and inserting:

"422.387 1. ~~[Before making the payments required or authorized by this section, the department shall allocate money for the administrative costs necessary to carry out the provisions of NRS 422.380 to 422.390, inclusive. The amount allocated for administrative costs must not exceed the amount authorized for expenditure by the legislature for this purpose in a fiscal year. The interim finance committee may adjust the amount allowed for administrative costs.~~".

Amend section 1, page 1, line 10, by deleting "2." and inserting "~~2.~~]".

Amend section 1, page 2, by deleting lines 9 through 13.

Amend section 1, page 2, line 14, by deleting "*4.*" and inserting "~~[3.]~~ *2.*".

Amend sec. 2, page 2, by deleting line 18 and inserting:

"Sec. 3. This act becomes effective on July 1, 2001.".

Amend the title of the bill to read as follows:

"AN ACT relating to welfare; revising the provisions governing the payment of hospitals for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients; and providing other matters properly relating thereto.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Goldwater.

Amendment adopted.

Assemblywoman Freeman moved that Assembly Bill No. 69 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 163.

Bill read second time.

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

Amendment No. 372.

Amend section 1, page 1, by deleting lines 9 through 15 and inserting:

"*(d) An annual mammogram for women under 40 years of age when medically necessary.*".

Amend sec. 2, page 2, by deleting lines 27 through 33 and inserting:

"*(d) An annual mammogram for women under 40 years of age when medically necessary.*".

Amend sec. 3, page 3, by deleting lines 21 through 27 and inserting:

"*(d) An annual mammogram for women under 40 years of age when medically necessary.*".

Amend sec. 4, page 4, by deleting lines 14 through 20 and inserting:

"*(d) An annual mammogram for women under 40 years of age when medically necessary.*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 541.

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

"Section 1. 1. The Department of Transportation and Clark County shall, on or before July 1, 2000, enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, concerning highways in Clark County, excluding freeways, in which both the Department of Transportation and Clark County have an ownership interest.

2. The interlocal agreement must address:

(a) Ownership of the highways;

(b) Maintenance of and improvements to the highways; and

(c) Standards of construction for the highways.

3. Until the agreement has been entered into, the Department of Transportation shall consult with Clark County concerning standards of construction for such highways to ensure that state standards are consistent with local standards and with the rights of third parties with respect to encroachments.".

Amend the title of the bill to read as follows:

"AN ACT relating to highways; requiring the Department of Transportation and Clark County to enter into an interlocal agreement concerning highways in which both have an ownership interest; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires Department of Transportation and Clark County to enter into interlocal agreement concerning highways in which both have ownership interest. (BDR S-270)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 414.

Amend section 1, page 1, by deleting line 3 and inserting:

"the Southern Nevada Writing Project and the Northern Nevada Writing Project:".

Amend section 1, page 1, by deleting lines 6 through 11 and inserting:

"2. The money appropriated by subsection 1 must be allocated equally between the Southern Nevada Writing Project and the Northern Nevada Writing Project for deposit in separate accounts for each project.

3. Disbursements from these accounts to pay the expenses of the projects must be made by the Board of Regents of the University of Nevada upon the request of the administrator of the respective project.".

Amend the title of the bill by deleting the second and third lines and inserting:

"Nevada for the Southern Nevada Writing Project and the Northern Nevada Writing Project; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting:

"for Southern Nevada Writing Project and Northern Nevada Writing Project.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 330.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before a justice of the peace may revoke or modify the suspension of a sentence of an offender pursuant to subsection 2, the justice of the peace shall hold a hearing to determine whether the offender has violated or failed to fulfill a condition of his suspended sentence. The justice of the peace shall:

(a) Provide advance notice to the offender of the:

(1) Place and time of the hearing;

(2) Purpose of the hearing; and

(3) Alleged violation of the suspended sentence; and

(b) Allow the offender to:

(1) Appear and speak on his own behalf;

(2) Obtain counsel;

(3) Present any relevant letters or other documents and any person who may provide relevant information; and

(4) Confront and question any person who appears against him unless, in the opinion of the justice of the peace, the person would be subjected to a risk of harm by disclosure of his identity.

2. Except as otherwise provided in this subsection, if a justice of the peace determines pursuant to subsection 1 that an offender has violated or failed to fulfill a condition of his suspended sentence, the justice of the peace may revoke the suspension of the sentence and cause all or part of the sentence to be executed. If the offender is ordered to serve only part of the sentence, the justice of the peace may suspend the remainder of the sentence for not more than 1 year after the date on which the offender violated or failed to fulfill the condition of suspension.".

Amend section 1, page 1, line 2, by deleting "*5,*" and inserting: "*section 1 of this act,*".

Amend section 1, pages 2 and 3, by deleting lines 38 through 41 on page 2 and lines 1 through 4 on page 3.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before a municipal judge may revoke or modify the suspension of a sentence of an offender pursuant to subsection 2, the municipal judge shall hold a hearing to determine whether the offender has violated or failed to fulfill a condition of his suspended sentence. The municipal judge shall:

(a) Provide advance notice to the offender of the:

(1) Place and time of the hearing;

(2) Purpose of the hearing; and

(3) Alleged violation of the suspended sentence; and

(b) Allow the offender to:

(1) Appear and speak on his own behalf;

(2) Obtain counsel;

(3) Present any relevant letters or other documents and any person who may provide relevant information; and

(4) Confront and question any person who appears against him unless, in the opinion of the municipal judge, the person would be subjected to a risk of harm by disclosure of his identity.

2. Except as otherwise provided in this subsection, if a municipal judge determines pursuant to subsection 1 that an offender has violated or failed to fulfill a condition of his suspended sentence, the municipal judge may revoke the suspension of the sentence and cause all or part of the sentence to be executed. If the offender is ordered to serve only part of the sentence, the municipal judge may suspend the remainder of the sentence for not more than 1 year after the date on which the offender violated or failed to fulfill the condition of suspension.".

Amend sec. 2, page 3, line 6, by deleting "2," and inserting:

"~~[2,]~~ *2 or section 3 of this act,*".

Amend sec. 2, page 4, by deleting lines 9 through 16.

Amend the title of the bill, first line, after "sentences;" by inserting:

"requiring a justice of the peace and municipal judge to provide notice and a hearing to an offender before determining whether to revoke or modify the suspension of his sentence;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning suspension of sentence by justices of the peace and municipal judges. (BDR 1-1120)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 500.

Amend section 1, page 1, line 2, by deleting:

"2 and 3" and inserting:
"2, 3 and 4".

Amend the bill as a whole by renumbering sections 4 through 10 as sections 5 through 11 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. *1. If the division of health care financing and policy denies an application for the children's health insurance program, the division shall provide written notice of the decision to the applicant. An applicant who disagrees with the denial of the application may request a review of the case and a hearing before an impartial hearing officer by filing a written request within 30 days after the date of the notice of the decision at the address specified in the notice.*

2. The division of health care financing and policy shall adopt regulations regarding the review and hearing before an impartial hearing officer. The decision of the hearing officer must be in writing.

3. The applicant may at any time within 30 days after the date on which the written decision is mailed, petition the district court of the judicial district in which the applicant resides to review the decision. The district court shall review the decision on the record. The decision and record must be certified as correct and filed with the court by the administrator of the division for health care financing and policy.

4. The review by the court must be in accordance with NRS 422.299.".

Amend the bill as a whole by renumbering sections 11 through 34 as sections 16 through 39 and adding new sections designated sections 12 through 15, following sec. 10, to read as follows:

"Sec. 12. NRS 422.294 is hereby amended to read as follows:

422.294 1. Subject to the provisions of subsection 2, if an application for public assistance *or claim for services* is not acted upon by the ~~[welfare division]~~ *department* within a reasonable time after the filing of the application ~~[,]~~ *or claim for services,* or is denied in whole or in part, or if any grant of public assistance *or claim for services* is reduced, suspended or terminated, the applicant for or recipient of public assistance may appeal to the ~~[welfare division]~~ *department* and may be represented in the appeal by counsel or other representative of his choice.

2. Upon the initial decision to deny, reduce, suspend or terminate public assistance ~~[, the welfare division]~~ *or services, the department* shall notify that applicant or recipient of its decision, the regulations involved and his right to request a hearing within a certain period. If a request for a hearing is received within that period, the ~~[welfare division]~~ *department* shall notify that person of the time, place and nature of the hearing. The ~~[welfare division]~~ *department* shall provide an opportunity for a hearing of that appeal and shall review his case regarding all matters alleged in that appeal.

3. The ~~[welfare division]~~ *department* is not required to grant a hearing pursuant to this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this state that requires an automatic

adjustment to the amount of public assistance *or services* that may be received by an applicant or recipient.

Sec. 13. NRS 422.296 is hereby amended to read as follows:

422.296 1. At any hearing held pursuant to the provisions of subsection 2 of NRS 422.294, opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

2. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.

3. The record of a hearing must include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Questions and offers of proof and objections, and rulings thereon.

(d) Any decision, opinion or report by the hearing officer presiding at the hearing.

4. Oral proceedings, or any part thereof, must be transcribed on request of any party seeking judicial review of the decision.

5. Findings of fact must be based exclusively on substantial evidence.

6. Any employee or other representative of the ~~[welfare division]~~ *department* who investigated or made the initial decision to deny, modify or cancel a grant of public assistance shall not participate in the making of any decision made pursuant to the hearing.

Sec. 14. NRS 422.298 is hereby amended to read as follows:

422.298 1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to his attorney or other representative.

2. The ~~[welfare division]~~ *department* or an applicant for or recipient of public assistance *or services* may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of public assistance resides to review the decision. The district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the ~~[state welfare administrator.]~~ *department.*

Sec. 15. NRS 422.299 is hereby amended to read as follows:

422.299 1. Before the date set by the court for hearing, an application may be made to the court by motion, with notice to the opposing party and an opportunity for that party to respond, for leave to present additional evidence. If it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the ~~[welfare division,]~~ *department,* the court may order that the additional evidence be taken before the ~~[welfare division]~~ *department*

upon conditions determined by the court. The ~~[welfare division]~~ *department* may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

2. The review must be conducted by the court without a jury and must be confined to the record. In cases of alleged irregularities in procedure before the ~~[welfare division,]~~ *department,* not shown in the record, proof thereon may be taken in the court. The court, at the request of either party, shall hear oral argument and receive written briefs.

3. The court shall not substitute its judgment for that of the ~~[welfare division]~~ *department* as to the weight of the evidence on questions of fact. The court may affirm the decision of the ~~[welfare division]~~ *department* or remand the case for further proceedings. The court may reverse the decision and remand the case to the ~~[division]~~ *department* for further proceedings if substantial rights of the appellant have been prejudiced because the ~~[welfare division's]~~ *department's* findings, inferences, conclusions or decisions are:

(a) In violation of constitutional, regulatory or statutory provisions;

(b) In excess of the statutory authority of the ~~[welfare division;]~~ *department;*

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

4. An aggrieved party may obtain review of any final judgment of the district court by appeal to the supreme court. The appeal must be taken in the manner provided for civil cases.".

Amend sec. 11, page 6, line 7, by deleting "*10*" and inserting "*30*".

Amend sec. 21, page 11, line 40, by deleting "*20*" and inserting "*25*".

Amend sec. 21, page 11, line 42, by deleting "*20*" and inserting "*25*".

Amend sec. 25, page 13, line 26, by deleting "*24*" and inserting "*29*".

Amend sec. 33, page 17, line 37, by deleting:

"~~[5. Sections 1~~" and inserting:

"5. Sections ~~[1~~".

Amend sec. 33, page 17, by deleting line 39 and inserting:

~~of section 81 of this act, expires]~~ *78 and 79 of this act expire* by limitation on June 30, 1999.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 528.

Bill read second time.

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

Amendment No. 307.

Amend sec. 2, page 2, line 10, by deleting "7," and inserting "6,".

Amend sec. 3, page 2, by deleting lines 12 through 14 and inserting:

"Sec. 3. "Affected community" means:

1. Esmeralda, Lincoln and Nye Counties and any city or unincorporated town therein; and

2. The town of Indian Springs in Clark County.".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 15 as sections 5 through 14.

Amend sec. 8, page 2, line 39, by deleting:

"Each political subdivision" and inserting:

"The governing body of each affected community".

Amend sec. 8, page 3, line 16, by deleting "political subdivision" and inserting "affected community".

Amend sec. 10, page 3, lines 31 and 32, by deleting "political subdivision," and inserting "affected community,".

Amend sec. 10, page 3, line 36, after "may" by inserting:

", except as otherwise provided in subsection 2 of section 11 of this act,".

Amend sec. 11, page 4, line 6, by deleting "political subdivision" and inserting "affected community".

Amend sec. 12, page 4, line 13, by deleting "The" and inserting:

"1. Except as otherwise provided in subsection 2, the".

Amend sec. 12, page 4, line 15, by deleting "1." and inserting "(a)".

Amend sec. 12, page 4, line 18, by deleting "2." and inserting "(b)".

Amend sec. 12, page 4, line 20, by deleting "3." and inserting "(c)".

Amend sec. 12, page 4, line 23, by deleting "4." and inserting "(d)".

Amend sec. 12, page 4, line 25, by deleting "5." and inserting "(e)".

Amend sec. 12, page 4, between lines 30 and 31, by inserting:

"2. A regional development corporation must not be organized for the purpose of engaging in any activity which promotes, facilitates or otherwise relates to the transportation, disposal or storage of high-level radioactive waste.".

Amend sec. 13, page 4, line 31, by deleting "political subdivision" and inserting "affected community".

Amend sec. 13, page 4, line 35, by deleting "political subdivisions," and inserting "affected communities,".

Amend sec. 14, page 5, line 15, by deleting:

"A political subdivision" and inserting:

"An affected community".

Amend sec. 14, page 5, line 20, by deleting "8" and inserting "7".

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

"Sec. 15. A regional development corporation shall not engage in any activity which promotes, facilities or otherwise relates to the transportation, disposal or storage of high-level radioactive waste.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 531.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 352.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 and 5 as sections 1 and 2.

Amend sec. 4, page 3, by deleting lines 7 through 11 and inserting:
"*foster home or group foster home is not liable for any act of a child in his foster care*".

Amend sec. 5, page 3, line 19, by deleting "*4*" and inserting "*1*".

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sections 8 and 9 as sections 3 and 4.

Amend sec. 8, page 4, line 22, by deleting "*4*" and inserting "*1*".

Amend sec. 9, page 5, line 3, by deleting "*4*" and inserting "*1*".

Amend sec. 9, page 5, line 8, by deleting:
"parent, guardian or custodian" and inserting:
"parent ~~[, guardian or custodian]~~ *or guardian*".

Amend the bill as a whole by deleting sections 10 through 25 and renumbering section 26 as section 5.

Amend the bill as a whole by deleting sections 27 through 38 and renumbering section 39 as section 6.

Amend the summary of the bill, first line, by deleting "foster homes" and inserting:
"persons who provide foster care".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 559.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 477.

Amend sec. 8, page 4, by deleting lines 16 and 17 and inserting:
"*public has access and causes injury to another and who:*".

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 24 as sections 9 through 23.

Amend sec. 16, page 13, line 23, by deleting:
"17, 18 and 19" and inserting:
"16, 17 and 18".

Amend sec. 17, page 13, line 25, by deleting:
"*17, 18 and 19*" and inserting:
"*16, 17 and 18*".

Amend sec. 17, page 13, line 26, by deleting:
"*18 and 19*" and inserting:
"*17 and 18*".

Amend sec. 21, page 14, by deleting lines 7 and 8 and inserting:
"*and causes injury to another and who:*".

Amend the title of the bill by deleting the third and fourth lines and inserting:
"percent or more by weight of alcohol in his blood if the operation causes injury to another; revising the provisions governing".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 586.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 492.

Amend section 1, page 1, line 2, by deleting "13," and inserting "15,".

Amend the bill as a whole by renumbering sections 2 through 8 as sections 3 through 9 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *For the purposes of sections 2 to 15, inclusive, of this act, "medical facility" is limited to a:*

1. *Facility for intermediate care;*
2. *Facility for skilled nursing;*
3. *Independent center for emergency medical care; or*
4. *Hospital.*".

Amend sec. 2, page 1, by deleting line 12 and inserting:
"*substance that results in harm or injury to the patient;*".

Amend sec. 2, page 1, by deleting line 15 and inserting:
"*antibiotics,*
while the patient was under the direct care of the medical facility.".

Amend sec. 6, page 2, line 35, by deleting:
"*2 to 5,*" and inserting:
"*3 to 6,*".

Amend sec. 6, page 2, line 36, after "*act.*" by inserting:

"*The report must include factors for adjusting risk based upon the population and patients served by the medical facility.*".

Amend sec. 7, page 2, line 39, by deleting:

"*2 to 5,*" and inserting:

"*3 to 6,*".

Amend sec. 8, page 3, by deleting lines 5 through 11 and inserting:

"*its patients based on the severity of their conditions that establishes a method of determining required number of employees for each unit of service, patient and shift. The system must include:*

(a) A method to determine the requirements for nursing care for a patient.

(b) An established method by which the amount of nursing care needed for each category of patient is validated for each unit of service and each shift.

(c) An established method to discern trends and patterns of delivery of nursing care by each unit of service, shift and level of licensed and nonlicensed employee.

(d) A mechanism by which the accuracy of the method described in paragraph (a) can be tested. The mechanism must address:

(1) The amount of nursing care needed by category of patient and pattern of delivery of care, reviewed on an annual basis or more often if warranted by changes in the number of patients or the severity of their conditions;

(2) The skill of the staff; and

(3) The model for delivery of care to patients.

(e) A method to determine allocation of staff resources based on the requirements for nursing care for each shift and each unit of service.

(f) A method by which the medical facility validates the reliability of the system for classifying patients for each shift and each unit of service.

2. The administrator of nursing services within the medical facility or a designee of the administrator shall develop a written staffing plan based on the need for care of patients determined by the system for classifying patients. The staffing plan must be developed and used for each unit of patient care and must specify the requirements for care of patients and the required level of staffing for licensed and nonlicensed employees. The plan must include:

(a) Requirements for staffing as determined by the system for classifying patients for each unit of service, documented each day and each shift.

(b) The actual staffing provided, documented each day and each shift.

(c) The variance between the required and actual staffing, documented each day and each shift.

The plan must be retained for 7 years.

3. The system for classifying patients must be reviewed at least annually by a committee appointed by the administrator of nursing services to determine whether the system accurately measures needed care for patients. At least one-half of the members of the committee must be registered nurses who provide direct care to patients.

4. If a review pursuant to subsection 3 reveals that adjustments are necessary in the system for classifying patients to ensure accuracy in measuring needed care for patients, the adjustments must be made within 30 days. The medical facility must have a policy and procedure to determine how such adjustments will be made. The policy and procedure must be retained for 7 years.".

Amend the bill as a whole by deleting sec. 9.

Amend sec. 10, page 4, line 8, after "*provisions of*" by inserting: "*sections 2 to 15, inclusive, of*".

Amend sec. 13, page 5, line 13, by deleting "*6*" and inserting "*7*".

Amend the bill as a whole by renumbering sec. 14 as sec. 16 and adding new sections designated sections 14 and 15, following sec. 13, to read as follows:

"Sec. 14. *1. A person who fails to report or falsifies information, or coerces, threatens, intimidates or otherwise influences another person to fail to report or falsify information required to be reported pursuant to sections 3 to 6, inclusive, of this act, is subject to a civil penalty of not more than $10,000 for each violation.*

2. A person who willfully and repeatedly violates subsection 1, if the violation is related to:

(a) A pattern or practice of such violations; or

(b) The quality of care or services provided by or conditions at a medical facility that would likely lead to serious injury or death for patients or employees of the medical facility,

is guilty of a gross misdemeanor, may be barred from accepting payment pursuant to a state-financed health insurance program and may have his license to operate a medical facility suspended or revoked.

Sec. 15. *1. A person in a position of responsibility for staffing in a medical facility who fails to ensure that there is sufficient staff to fulfill the requirements of a staffing plan developed pursuant to section 9 of this act is subject to a civil penalty of not more than $10,000 for each violation.*

2. A person who willfully and repeatedly violates subsection 1, or who coerces, threatens, intimidates or otherwise influences another person to fail to fulfill the requirements of a staffing plan developed pursuant to section 9 of this act, if the violation is related to:

(a) A pattern or practice of such violations; or

(b) The quality of care or services provided by or conditions at a medical facility that would likely lead to serious injury or death for patients or employees of the medical facility,

is guilty of a gross misdemeanor, may be barred from accepting payment pursuant to a state-financed health insurance program and may have his license to operate a medical facility suspended or revoked.".

Amend the title of the bill to read as follows:

"AN ACT relating to health care; requiring the establishment of a system for classifying patients and a staffing plan for certain medical facilities; requiring

the state board of health to adopt certain regulations; requiring certain medical facilities to report certain information to the board; prohibiting certain acts by employees of certain medical facilities; providing penalties; and providing other matters properly relating thereto.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Assemblywoman Freeman moved the Assembly Bill 586 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 614.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 509.

Amend sec. 2, page 1, lines 6 and 7, by deleting:
"*primary election and general*".

Amend sec. 2, page 2, line 9, by deleting:
"*primary and general*".

Amend sec. 2, page 2, line 10, by deleting:
"*within 2 years after*" and inserting:
"*during the year immediately succeeding*".

Amend sec. 2, page 2, line 13, by deleting "*second*".

Amend sec. 3, page 2, by deleting lines 40 and 41 and inserting:

"*2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.*".

Amend sec. 7, page 5, line 26, by deleting "*fourth*" and inserting "*second*".

Amend sec. 7, page 5, line 34, by deleting:
"*first* Tuesday in September." and inserting:
"*fourth* Tuesday in ~~[September.]~~ *August.*".

Amend sec. 7, page 5, by deleting line 40 and inserting:
"nominated pursuant to the provisions of this subsection ~~[may]~~ *:*

(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) May be elected only".

Amend sec. 7, page 6, line 1, by deleting "*on or*".

Amend sec. 7, page 6, line 2, by deleting:
"*fourth Tuesday in August* and" and inserting:
"*second Tuesday in August* and *on or*".

Amend sec. 7, page 6, line 13, by deleting "that date." and inserting:
"~~[that date.]~~ *the date the designation is filed.*".

Amend sec. 9, page 7, by deleting lines 3 and 4 and inserting:

"person may be a candidate for any office unless, for at least *the* 30 days ~~[before]~~ *immediately preceding the date of* the close of filing of".

Amend sec. 10, page 8, by deleting line 1 and inserting:

"date *at least* 30 days ~~[or more before]~~ *immediately preceding* the".

Amend sec. 10, page 9, by deleting lines 3 and 4 and inserting:

"prescribed by law to which the office pertains began on a date *at least* 30 days ~~[or more before]~~ *immediately preceding* the date of the close".

Amend sec. 15, page 13, line 12, by deleting:

"*The absent ballot must be printed in at least 14-point bold type.*".

Amend the bill as a whole by deleting sec. 20, renumbering sections 21 through 32 as sections 24 through 35 and adding new sections designated sections 20 through 23, following sec. 19, to read as follows:

"Sec. 20. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, ~~[unused ballots,]~~ tally lists, pollbooks, challenge lists, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk, and preserved for at least 22 months. All *such* sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction. *Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.*

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

3. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1, except the voted ballots.

4. The voted ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 21. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the chairman of the board of county commissioners shall act as

chairman of the recount board. At least one member of the board of county commissioners must be present at the recount.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city shall act as chairman of the recount board. At least one member of the city council must be present at the recount.

Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

2. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

3. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after consultation with each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. ~~[A]~~ *In addition, a* recount by computer must be made of all the selected ballots. If the count *by hand or the recount by computer* of the selected ballots ~~[or the recount]~~ shows a discrepancy ~~[of]~~ *equal to or greater than* 1 percent or ~~[more for either candidate,]~~ *5 votes, whichever is greater, for any candidate for the office,* or in favor of or against a ballot question, from the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office. ~~[If there is not a discrepancy of 1 percent or more,]~~ *Otherwise,* the county or city clerk ~~[shall not order such a count, but]~~ shall order a recount by computer of all the ballots for the office.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.

Sec. 22. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed his residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 ~~[,]~~ or 293.535 who moved:

(a) From one precinct to another *or from one congressional district to another* within the same county must be allowed to vote in the precinct where he previously resided after he provides an oral or written affirmation before an election board officer attesting to his new address.

(b) Within the same precinct must be allowed to vote after he provides an oral or written affirmation before an election board officer attesting to his new address.

2. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that he has changed his residence, he must be permitted to vote after he provides an oral or written affirmation before an election board officer attesting that he continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his address as required by this section, he may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the election board register.

Sec. 23. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the ~~[15th]~~ *25th* day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He is registered to vote in the same precinct or district as the person whose right to vote is challenged; or

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall file the challenge in the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.

(b) In counties where records of registration are kept by computer, he shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

6. The county clerk shall, within 5 days after a challenge is filed, mail a notice to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. A copy of the challenge must accompany the notice.".

Amend sec. 21, page 17, line 14, by deleting:

"22 and 23" and inserting:

"25 and 26".

Amend sec. 22, page 17, lines 18 and 19, by deleting:

"*primary city election and general*".

Amend sec. 22, page 17, line 34, by deleting:

"*primary and general*" and inserting "*city*".

Amend sec. 22, page 17, line 35, by deleting:

"*within 2 years after*" and inserting:

"*during the year immediately succeeding*".

Amend sec. 22, page 17, line 38, by deleting "*second*".

Amend sec. 23, page 18, by deleting lines 22 and 23 and inserting:

"*2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.*".

Amend sec. 24, page 19, by deleting lines 4 and 5 and inserting:

"to which the office pertains began on a date *at least* 30 days ~~[or more before]~~ *immediately preceding* the date of the close of filing of".

Amend sec. 25, page 20, by deleting lines 5 and 6 and inserting:

"no person may be a candidate for a city office unless, for at least *the* 30 days ~~[before]~~ *immediately preceding the date of* the close of filing of".

Amend sec. 26, page 20, line 28, by deleting "*22*" and inserting "*25*".

Amend sec. 28, page 21, lines 15 and 16, by deleting:

"*The absent ballot must be printed in at least 14-point bold type.*".

Amend the bill as a whole by renumbering sections 33 through 37 as sections 38 through 42 and adding new sections designated sections 36 and 37, following sec. 32, to read as follows:

"Sec. 36. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, ~~[unused ballots,]~~ tally lists, pollbooks, challenge lists, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 and stubs of the ballots used, enclosed and sealed must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least 22 months. All *such* sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city, or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials. *Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.*

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

3. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1, except the voted ballots.

4. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

Sec. 37. Chapter 306 of NRS is hereby amended by adding thereto a new section to read as follows:

If a public officer who is subject to a recall petition resigns his office:

1. Before the call for a special election is issued:

(a) The official with whom the petition to recall is filed shall cease any further proceedings regarding the petition;

(b) A vacancy occurs in that office; and

(c) The vacancy thereby created must be filled in the manner provided by law.

2. After the call for a special election is issued, the special election must be conducted.".

Amend the bill as a whole by deleting sec. 38 and renumbering sec. 39 as sec. 43.

Amend the bill as a whole by deleting sec. 40.

Amend the title of the bill by deleting the third through eighth lines and inserting:

"polling places; requiring a candidate to be an actual, as opposed to constructive, resident of his claimed residence; changing the period that unused ballots must be held by the county clerk; revising the requirements for recounting ballots by hand; specifying the time within which a public officer who is subject to a recall may resign without a special election being conducted; making various changes to election deadlines and procedures; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 617.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 567.

Amend section 1, page 1, line 10, by deleting "*underemployed,*" and inserting:

"*underemployed without good cause or to avoid payment of child support or spousal support,*".

Amend section 1, page 1, by deleting line 15 and inserting:

"*obligation, unless the spending, indebtedness or other legal obligation was not within the control of the defendant.*".

Amend section 1, page 2, by deleting lines 7 and 8 and inserting:

"*(a) The specific affirmative defense that the defendant is asserting; and*".

Amend section 1, page 2, between lines 28 and 29, by inserting:

"*7. A prosecuting attorney shall provide notice of the requirements of this section to a defendant when a complaint is served upon the defendant for a violation of NRS 201.020.*".

Amend sec. 3, page 3, line 29, by deleting "*more.*" and inserting: "*more and have accrued over any period since the date that a court first ordered the defendant to provide for such support.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 666.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 565.

Amend section 1, page 1, line 7, by deleting "or" and inserting "~~[or]~~".

Amend section 1, page 1, line 9, by deleting the italicized comma and inserting:

"*; or*

(d) Provide any other incentive,".

Amend section 1, page 1, line 11, by deleting "*or increase.*" and inserting: "*, increase or incentive.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 20.

The following Senate amendment was read:

Amendment No. 161.

Amend the title of the bill, third line, after "office;" by inserting: "clarifying that a justice of the supreme court, district court judge, justice of the peace or municipal court judge is not ineligible to be a candidate for judicial office if a decision to remove or retire him from judicial office is pending appeal before the supreme court or has been overturned by the supreme court;".

Amend the summary of the bill to read as follows:

"SUMMARY—Clarifies certain provisions concerning eligibility for judicial office of persons who have previously been removed or retired from judicial office. (BDR 1-229)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 20.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 85.

The following Senate amendment was read:

Amendment No. 157.

Amend section 1, page 2, line 5, by deleting: "*shall be deemed*" and inserting "*is presumed*".

Amend the bill as a whole by deleting sec. 2.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 85.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 30.

REMARKS FROM THE FLOOR

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN OHRENSCHALL:

I would like to inform this body of the passing April 3, 1999, of Fred Olson. Fred was a lifelong member of the Merchant Marines—a veteran Merchant Marine sailor. He was a resident of Las Vegas for 19 years. He and his wife Lois were very instrumental in helping all senior citizen causes; all causes dealing with residents of manufactured housing and manufactured housing parks. He was a member of the Paradise Democratic Club. He was a selfless, selfless volunteer. Our society in Las Vegas will be greatly lessened by his loss. Can we observe a 30-second moment of silence, Mr. Speaker?

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Ariana Alaniz, Sam Atkinson, Heather Carson, Michael Coclich, Alexander Crounk, Devin Earl, David Eller, Leah Knight, Tyler Lawson, Brittany May, Tiffany McNees, Chelsea Milburn, Guillermo Munoz, Kevin Patterson, Marcos Rodriguez, Ehren Sisson, Jessica Wurster, Anthony Zamyslicky, Katelyn Ramsey, Joseph Bustamanate, Heidi Butler, Christen Chrysos, Brittany Corbridge, Amanda Crowder, Daniel DuCoing, Anthony Forest, Julisa Gonzalez, Chase Henderson, Jessica Jacinto, Keith Jones, Morgan Loomis, Eric Lopez, Kristen McKelvey, Ivette Munoz, Sayli Natu, Jazmin Nunez, Danny Pacheco, Nestor Peres, Jecsenia Ramirez, Shane Rumthun, Peter Reinschmidt, Mark Riesen, Ryan Sandoval, Cory Tyrrell, Anette Williams,

James Kyle, Matthew Sorensen, Juan Oseguera, Ruben Dominquez, Cheryl Richetta, Heather Turner, Ryan Johnson and Judy Foster.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Kautsulis, Donalene Ravitch and Alyce Gottfredson.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 14, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:21 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 14, 1999

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Heavenly Father, help us in these days of deliberation to maintain a spirit of dignity, a sense of humor, and an attitude of trust. Help the members of the Assembly to accomplish those things together that cannot be accomplished individually. Help each member to be gracious enough to accept those things on which they cannot agree. Grant us your support and holy blessing now and always. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 392 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 522 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 543 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 61 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 162, 258, 293, 397, 432, 434, 636, 680, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 436, 478, 517, 593, 647, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 71.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 73, 157, 168, 218, 244, 262, 288, 302, 310, 338, 346, 381, 404, 479, 482, 492, 507, 515, 517.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 71.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 73.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 157.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 168.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 218.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 244.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 262.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 288.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 302.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 310.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 338.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 346.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 381.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 404.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 479.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 482.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 492.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 507.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 515.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 517.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 162, 258, 265, 293, 397, 432, 434, 436, 478, 503, 517, 564, 593, 636, 647 and 680 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblymen Claborn, Perkins and Chowning.

Roll call on Assembly Bill No. 76:

YEAS—38.

NAYS—Collins, Giunchigliani, Goldwater, Perkins—4.

Assembly Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 163:

YEAS—42.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 182:

YEAS—42.

NAYS—None.

Assembly Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Assembly Bill No. 282:

YEAS—39.

NAYS—Bache, Giunchigliani, Goldwater—3.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

Bill read third time.

Remarks by Assemblymen Thomas, Tiffany, and Buckley.

Roll call on Assembly Bill No. 349:

YEAS—26.

NAYS—Angle, Beers, Berman, Brower, Carpenter, Cegavske, Gibbons, Gustavson, Hettrick, Marvel, McClain, Neighbors, Parnell, Price, Tiffany, Von Tobel—16.

Assembly Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 406:

YEAS—42.

NAYS—None.

Assembly Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 429:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Remarks by Assemblymen Parks, Nolan and Anderson.

Roll call on Assembly Bill No. 457:

YEAS—29.

NAYS—Angle, Beers, Brower, Carpenter, Collins, Gustavson, Hettrick, Humke, Lee, Marvel, Nolan, Parnell, Von Tobel—13.

Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblyman Parks.

Assemblyman Parks moved that Assembly Bill No. 458 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 465.

Bill read third time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 562.

Amend section 1, page 2, by deleting lines 31 and 32 and inserting: "*territory and be as compact as practicable.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 614 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 239 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 528.

Bill read third time.

Remarks by Assemblyman Neighbors.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblyman Dini.

Roll call on Assembly Bill No. 528:

YEAS—42.

NAYS—None.

Assembly Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 531:

YEAS—42.
NAYS—None.

Assembly Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Remarks by Assemblymen Carpenter, Buckley, Ohrenschall, Freeman, Anderson and Bache.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 549:

YEAS—24.

NAYS—Arberry, Bache, Beers, Buckley, Collins, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Marvel, Neighbors, Parks, Parnell, Price, Williams—17.

NOT VOTING—Ohrenschall.

Assembly Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 617.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No 617:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 617 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 661.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 661:

YEAS—42.

NAYS—None.

Assembly Bill No. 661 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 666.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 666:

YEAS—42.

NAYS—None.

Assembly Bill No. 666 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 640.

Amend section 1, page 2, by deleting lines 6 through 9 and inserting:

"*2. An agreement entered into pursuant to this section must be:*

(a) Entered into at the time of the dispute and not be a part of any previous agreement between the parties;

(b) In writing; and

(c) Entered into knowingly and voluntarily.

An agreement entered into pursuant to this section that does not comply with the requirements set forth in this subsection is void.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 522.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 522:

YEAS—42.

NAYS—None.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 543.

Bill read third time.

Remarks by Assemblymen Gustavson, Goldwater, Anderson, Hettrick and Brower.

Roll call on Assembly Bill No. 543:

YEAS—33.

NAYS—Bache, Chowning, Evans, Freeman, Giunchigliani, Goldwater, Price, Thomas, Williams—9.

Assembly Bill No. 543 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 636.

Amend sec. 2, page 2, by deleting lines 4 through 20 and inserting:

"*3. The director of the department may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received*

must be deposited in the account to investigate the background of volunteers who work with children.

4. The interest and income earned on money in the account from any gift, donation, or bequest, after deducting any applicable charges, must be credited to the account. Money from any gift, donation, or bequest that remains in the account at the end of the fiscal year does not revert to the state general fund, and the balance in the account must be carried forward to the next fiscal year.

5. The director of the department shall adopt regulations to carry out".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:37 p.m.

ASSEMBLY IN SESSION

At 12:56 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 69, 586.

Assemblyman Perkins moved that Assembly Bill No. 388 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 162.

Bill read second time.

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

Amendment No. 374.

Amend section 1, page 2, by deleting line 14 and inserting:

"*loss, including, without limitation, peripheral dual energy X-ray absorptiometry.*".

Amend sec. 3, page 3, by deleting line 9 and inserting:

"*loss, including, without limitation, peripheral dual energy X-ray absorptiometry.*".

Amend sec. 4, page 3, by deleting line 36 and inserting:

"*loss, including, without limitation, peripheral dual energy X-ray absorptiometry.*".

Amend sec. 5, page 4, by deleting line 20 and inserting:

"*loss, including, without limitation, peripheral dual energy X-ray absorptiometry.*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time.

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

Amendment No. 313.

Amend section 1, page 1, line 8, after "REPAIRS" by inserting:

"*OF MORE THAN $50*".

Amend section 1, page 1, by deleting line 11 and inserting:

"CHARGES FOR LABOR AND PARTS AND ACCESSORIES ~~[,]~~ *UNLESS HE SIGNS A WAIVER OF HIS RIGHT TO RECEIVE THAT ESTIMATE,* AND".

Amend section 1, page 2, line 10, by deleting "*CHOOSE*" and inserting:

"*OBTAIN REPAIRS FROM*".

Amend section 1, page 2, line 11, by deleting the period and inserting:

"*AND IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY.*".

Amend section 1, page 2, line 15, by deleting "*$25.*" and inserting "*$50.*".

Amend sec. 2, page 3, by deleting line 4 and inserting:

"597.510 1. ~~[A]~~ *Except as otherwise provided in NRS 597.530, a* person requesting or authorizing the repair of a motor".

Amend sec. 2, page 3, line 5, by deleting "*$25*" and inserting "*$50*".

Amend sec. 3, page 3, line 20, by deleting "*If*" and inserting:

"*Except as otherwise provided in NRS 597.530, if*".

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 597.530 is hereby amended to read as follows:

597.530 ~~[1.]~~ The person authorizing the repairs may waive *the estimate or statement required pursuant to the provisions of NRS 597.510 or* the notification required by NRS 597.520 by executing ~~[the waiver described in subsections 2, 3 and 4.~~

~~2.]~~ *a written waiver of that requirement or notification.* The waiver ~~[shall]~~ *must* be executed by the person authorizing the repairs at the time ~~[of authorization of such repairs. It shall include the following statement set forth in boldface letters not less than 1/4 inch high:~~

~~STATE LAW REQUIRES THAT WHEN A GARAGEMAN HAS GIVEN A PERSON AUTHORIZING REPAIRS A WRITTEN ESTIMATE SETTING FORTH THE TOTAL COST FOR LABOR AND PARTS AND ACCESSORIES TO ACCOMPLISH REPAIRS ON A MOTOR VEHICLE, NO CHARGE CAN BE MADE EXCEEDING THE ESTIMATED AMOUNT BY 20 PERCENT OR $40, WHICHEVER IS LESS, WITHOUT THE CONSENT OF SUCH PERSON. THE PERSON AUTHORIZING THE REPAIRS MAY, HOWEVER, WAIVE HIS RIGHT TO SUBSEQUENT APPROVAL OF INCREASED CHARGES, SHOULD THEY BE FOUND TO BE NECESSARY, BY EXECUTING THIS WAIVER.~~

~~3. This shall be followed by the certification set forth below, and the signature of the person authorizing the repairs:~~

~~The undersigned hereby certifies that he has read the preceding statement and knowingly and intentionally waives the right to approve any increased charges, should they be found necessary to complete the required repairs on this motor vehicle.~~

~~4. The form containing the waiver shall contain:~~

~~(a) The date.~~

~~(b) The vehicle make, body type and registration plate number.~~

~~(c) The work order number assigned by the garageman to the work to be performed on the vehicle.~~

~~(d) The name, address and telephone number (if any) of the person authorizing the repairs.]~~ *he authorizes those repairs.*".

Amend sec. 5, page 4, line 31, by deleting:

"6 and 7" and inserting:

"6, 7 and 8".

Amend sec. 6, page 4, by deleting lines 34 through 37 and inserting:

"*registration pursuant to the provisions of NRS 487.565 or maintain in continuous effect the bond required pursuant to the provisions of section 7 of this act may not:*

1. Enforce a lien for the cost of repairs made by him to a motor vehicle during the period in which he failed to obtain or renew the certificate of registration or maintain the bond in continuous effect; or

2. Sue on any contract for those repairs made during that period.".

Amend sec. 7, page 5, line 2, by deleting "*$10,000,*" and inserting "*$5,000,*".

Amend the bill as a whole by renumbering sections 8 through 15 as sections 9 through 16 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. *A person who violates any provision of NRS 487.530 to 487.570, inclusive, is guilty of a misdemeanor.*".

Amend sec. 8, page 6, lines 2 and 3, by deleting:

"*6 and 7*" and inserting:

"*6, 7 and 8*".

Amend sec. 11, page 7, by deleting lines 34 through 38 and inserting:
"applicant. The certificate must contain the ~~[applicant's name, residential address,]~~ *name of the applicant,* the name under which his business ~~[is to]~~ *will* be conducted, the ~~[business address,]~~ *address of his business and* the registration number for the garage . ~~[and the toll-free telephone number for consumer information and assistance established by the division pursuant to NRS 598.990.]~~".

Amend the bill as a whole by renumbering sec. 16 as sec. 18 and adding a new section designated sec. 17, following sec. 15, to read as follows:

"Sec. 17. The amendatory provisions of this act do not apply to offenses committed before October 1, 1999.".

Amend sec. 16, page 9, line 23, by deleting:
"14 and 15" and inserting:
"15 and 16".

Amend sec. 16, page 9, line 25, by deleting:
"9, inclusive, 11, 12 and 13" and inserting:
"10, inclusive, 12, 13, 14 and 17".

Amend sec. 16, page 9, line 27, by deleting "10" and inserting "11".

Amend the title of the bill, sixth line, after "limitation;" by inserting:
"providing a penalty;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 125.

Amend the bill as a whole by deleting sections 1 through 41 and the text of the repealed sections and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Facility for medically monitored detoxification" means a facility that provides 24-hour medical monitoring of treatment and detoxification in a manner which does not require that the service be provided in a licensed hospital.

Sec. 2. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.019, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 449.0151 is hereby amended to read as follows:

449.0151 "Medical facility" includes:

1. A surgical center for ambulatory patients;
2. An obstetric center;
3. An independent center for emergency medical care;
4. An agency to provide nursing in the home;
5. A facility for intermediate care;
6. A facility for skilled nursing;
7. A freestanding facility for hospice care;
8. A hospital;
9. A psychiatric hospital;
10. A facility for the treatment of irreversible renal disease;
11. A rural clinic; ~~[and]~~
12. A nursing pool ~~[.]~~ *; and*
13. *A facility for medically monitored detoxification.*

Sec. 4. This act becomes effective on January 1, 2000.".

Amend the title of the bill to read as follows:

"AN ACT relating to medical facilities; creating a new category of medical facility for medically monitored detoxification; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Creates new category of medical facility for medically monitored detoxification. (BDR 40-1088)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time.

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

Amendment No. 264.

Amend the bill as a whole by deleting sections 1 through 5, renumbering sec. 6 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 689A.755 is hereby amended to read as follows:

689A.755 1. Following approval by the commissioner, each insurer that issues a policy of health insurance in this state shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time he receives his evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the commissioner.

2. Any time that an insurer denies coverage of a health care service to an insured , *including, without limitation, denying a claim relating to a policy of health insurance pursuant to NRS 689A.410,* it shall notify the insured in writing *within 10 working days after it denies coverage of the health care service* of:

(a) The reason for denying coverage of the service;

(b) The criteria by which the insurer determines whether to authorize or deny coverage of the health care service; and

(c) His right to file a written complaint ~~[.]~~ *and the procedure for filing such a complaint.*

3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 2. NRS 689B.0295 is hereby amended to read as follows:

689B.0295 1. Following approval by the commissioner, each insurer that issues a policy of group health insurance in this state shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time he receives his certificate of coverage or evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the commissioner.

2. Any time that an insurer denies coverage of a health care service , *including, without limitation, denying a claim relating to a policy of group health insurance or blanket insurance pursuant to NRS 689B.255,* to an insured it shall notify the insured in writing *within 10 working days after it denies coverage of the health care service* of:

(a) The reason for denying coverage of the service;

(b) The criteria by which the insurer determines whether to authorize or deny coverage of the health care service; and

(c) His right to file a written complaint ~~[.]~~ *and the procedure for filing such a complaint.*

3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 3. NRS 695B.400 is hereby amended to read as follows:

695B.400 1. Following approval by the commissioner, each insurer that issues a contract for hospital or medical services in this state shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time he receives his certificate of coverage or evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the commissioner.

2. Any time that an ~~[insured]~~ *insurer* denies coverage of a health care service to a beneficiary or subscriber *, including, without limitation, denying a claim relating to a contract for dental, hospital or medical services pursuant to NRS 695B.2505,* it shall notify the beneficiary or subscriber in writing *within 10 working days after it denies coverage of the health care service* of:

(a) The reason for denying coverage of the service;

(b) The criteria by which the insurer determines whether to authorize or deny coverage of the health care service; and

(c) His right to file a written complaint ~~[.]~~ *and the procedure for filing such a complaint.*

3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 4. NRS 695G.230 is hereby amended to read as follows:

695G.230 1. Following approval by the commissioner, each managed care organization shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint and to obtain an expedited review pursuant to NRS 695G.210. Such notice must be provided to an insured:

(a) At the time he receives his certificate of coverage or evidence of coverage;

(b) Any time that the managed care organization denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the commissioner.

2. Any time that a managed care organization denies coverage of a health care service to an insured *, including, without limitation, a health maintenance organization that denies a claim related to a health care plan pursuant to NRS 695C.185,* it shall notify the insured in writing *within 10 working days after it denies coverage of the health care service* of:

(a) The reason for denying coverage of the service;

(b) The criteria by which the managed care organization or insurer determines whether to authorize or deny coverage of the health care service; and

(c) His right to file a written complaint ~~[.]~~ *and the procedure for filing such a complaint.*

3. A written notice which is approved by the commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.".

Amend sec. 6, page 4, by deleting lines 16 through 21 and inserting:

"for medically necessary emergency services ~~[.]~~ *provided at any hospital.*".

Amend the title of the bill to read as follows:

"AN ACT relating to insurance; making various changes concerning the notice required to be provided to an insured when an insurer denies coverage of a health care service; requiring a managed care organization to provide coverage for medically necessary emergency services provided to an insured at any hospital; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 397.

Bill read second time.

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

Amendment No. 602.

Amend the bill as a whole by deleting sections 1 through 8, renumbering sec. 9 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 118 of NRS is hereby amended by adding thereto a new section to read as follows:

A tenant has a defense in a summary proceeding or other action for possession of a dwelling if the landlord's attempt to terminate the tenancy or regain possession violates any provision of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq.

Sec. 2. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, ~~[except where]~~ *and section 1 of this act, unless* the context otherwise requires, the words *and terms* defined in NRS 118.040 to 118.090, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit or premises located within this state.

2. This chapter does not apply to:

(a) A rental agreement subject to the provisions of chapter 118B of NRS;

(b) Low-rent housing programs operated by public housing authorities and established pursuant to ~~[42 U.S.C. §§ 1401 et seq., as amended;]~~ *the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq.;*

(c) A person who owns and personally manages four or fewer dwelling units, except with respect to the provisions of NRS 118A.200, 118A.300, 118A.340, *118A.380,* 118A.450 and 118A.460;

(d) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(e) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his successor in interest;

(f) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(g) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;

(h) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;

(i) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment; or

(j) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes.".

Amend the bill as a whole by deleting sections 10 and 11 and renumbering sec. 12 as sec. 5.

Amend sec. 12, page 8, line 30, after "4." by inserting:

"*The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.*

5.".

Amend the bill as a whole by deleting sections 13 and 14 and renumbering sec. 15 as sec. 6.

Amend sec. 15, page 10, line 6, by deleting "or" and inserting "~~[or]~~".

Amend sec. 15, page 10, line 10, by deleting "tenant." and inserting:

"tenant ~~[.]~~ *; or*

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws.".

Amend sec. 15, page 10, by deleting lines 20 and 21 and inserting:

"(b) The tenancy is terminated with cause;".

Amend the bill as a whole by deleting sec. 16 and the text of repealed section.

Amend the title of the bill to read as follows:

"AN ACT relating to tenancies; prohibiting a landlord from terminating a tenancy in violation of provisions governing discrimination in housing;

revising certain rights and obligations of landlords and tenants; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 432.

Bill read second time.

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

Amendment No. 607.

Amend sec. 2, page 1, by deleting lines 5 and 6 and inserting:

"*prescribe an analgesic of hydrocodone with compounds, codeine with compounds or propoxyphene with compounds unless he:*".

Amend sec. 7, page 2, by deleting lines 36 and 37 and inserting:

"*4. An analgesic of hydrocodone with compounds, codeine with compounds or propoxyphene with compounds,*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read second time.

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

Amendment No. 605.

Amend section 1, page 2, by deleting lines 10 through 12 and inserting:

"2. Each program of interior design must be accredited by the Foundation for Interior Design Education Research or approved by ~~[the board.]~~ *:*

(a) The board; or

(b) An accrediting body recognized by the United States Department".

Amend sec. 2, page 3, by deleting lines 1 through 3 and inserting:

"2. Each program of interior design must be accredited by the Foundation for Interior Design Education Research or approved by ~~[the board.]~~ *:*

(a) The board; or

(b) An accrediting body recognized by the United States Department".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 569.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

"parent of an unmarried minor child ~~[is deceased or]~~ *:*

(a) Is deceased;

(b) Is divorced or separated from the parent who has custody of the child ~~[.]~~ *;*

(c) Has never been legally married to the other parent of the child, but cohabitated with the other parent and is deceased or is separated from the other parent; or

(d) Has relinquished his parental rights *or his parental rights* have been ~~[relinquished or]~~ terminated,

the district court in the county in which the child resides may grant to the *great-grandparents and* grandparents ~~[, parents]~~ *of the child* and *to* other children of either parent of the child a reasonable right to visit the child during his minority, if the court finds that the visits would be in the best interests of the child.

2. If the child has resided with a person with whom he has established a meaningful relationship, the court also may grant to that person a reasonable right to visit the child during his minority, regardless of whether the person is related to the child, if the court finds that the visits would be in the best interests of the child.

3. In determining whether to grant ~~[this]~~ *a* right to *visitation to* a petitioner ~~[.]~~ *pursuant to subsection 1 or 2,* the court shall consider:".

Amend section 1, page 2, by deleting lines 19 through 21 and inserting:

"the parent or parents ~~[.]~~ *of the child as well as with other relatives of the child.*".

Amend section 1, page 2, line 29, by deleting "*3.*" and inserting "*4.*".

Amend section 1, page 2, by deleting line 33 and inserting:

"*great-grandparents and* grandparents ~~[, parents]~~ *of the child* and *to* other children of either parent *of the child* a reasonable right".

Amend section 1, page 2, line 38, by deleting "1." and inserting "~~[1.]~~ *3.*".

Amend section 1, page 2, line 39, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 3, by deleting lines 1 through 11 and inserting:

"(c) Upon a petition filed by an eligible person ~~[after]~~ *:*

(1) After a divorce or separation or after the death of ~~[the parent to whom the person was related,]~~ *a parent,* or upon the relinquishment or termination of a parental right ~~[.~~

~~4. Termination of the]~~ *;*

(2) If the parents of the child were not legally married and were cohabitating, after the death of a parent or after the separation of the parents of the child; or

(3) If the petition is based on the provisions of subsection 2, after the eligible person ceases to reside with the child.

6. If a court terminates the parental rights of a parent who is divorced or separated , ~~[also terminates]~~ any rights previously granted pursuant to subsection 1 ~~[,]~~ *also must be terminated,* unless the court finds that visits by those persons would be in the best interests of the child.

~~[5.]~~ *7.* For the purposes of this section, "separation" means ~~[a]~~ *:*

(a) A legal separation or any other separation of a married couple if the couple has lived separate and apart for 30 days or more and has no present intention of resuming a marital relationship ~~[.]~~ *; or*

(b) If a couple was not legally married but cohabitating, a separation of the couple if the couple has lived separate and apart for 30 days or more and has no present intention of resuming cohabitation or entering into a marital relationship.".

Amend the bill as a whole by deleting sections 2 and 3 and adding a new section designated sec. 2 and the text of the repealed section, following section 1, to read follows:

"Sec. 2. NRS 125A.340 is hereby repealed.

TEXT OF REPEALED SECTION

125A.340 Rights of certain great-grandparents and grandparents. Except as otherwise provided in subsection 2 of NRS 125A.330, a grandparent or parent of either parent of an unmarried minor child, if:

1. One parent of the minor child is deceased, divorced or separated from the other parent; or

2. The parental rights of either parent have been terminated,

may visit the child during the child's minority and spend sufficient time with the child to establish a meaningful relationship, if the court determines that visitation is in the best interests of the child.".

Amend the title of the bill to read as follows:

"AN ACT relating to children; making various changes concerning granting rights to visitation with a child to persons other than the parents of the child; repealing a duplicative provision concerning the rights of grandparents to visitation with a child; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning granting rights to visitation with child to persons other than parents of child. (BDR 11-1219)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 572.

Amend sec. 2, page 2, line 2, by deleting "7," and inserting "8,".

Amend the bill as a whole by deleting sections 3 through 6, renumbering sections 7 and 8 as sections 8 and 9 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

"Sec. 3. *As used in sections 3 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Keg" means any container which is capable of holding 4 or more gallons of beer and which is designed for or capable of dispensing beer from a tap.*

Sec. 5. *"Licensed retailer" means a person who is licensed to sell beer or liquor to a consumer.*

Sec. 6. *1. A licensed retailer shall not sell beer in a keg to a purchaser or lease a keg to a lessee unless, before the purchaser or lessee takes possession of the keg:*

(a) The purchaser or lessee provides to the licensed retailer identification in the form of a driver's license or other identification containing a photograph of the purchaser or lessee;

(b) The licensed retailer collects from the purchaser or lessee a deposit of not less than $50 or more than $100 for each keg involved in the transaction and prepares a receipt for the transaction that complies with the provisions of this section;

(c) The purchaser or lessee signs, in the appropriate place in accordance with the provisions of subsection 3, the receipt prepared by the licensed retailer; and

(d) The licensed retailer gives a copy of the signed receipt to the purchaser or lessee and informs the purchaser or lessee that the purchaser or lessee has a duty to maintain a copy of the signed receipt at the location where the keg will be used to dispense beer.

2. Each receipt prepared by a licensed retailer pursuant to subsection 1 must include, without limitation:

(a) The name and address of the establishment of the licensed retailer where the transaction occurred;

(b) The date of the transaction;

(c) The identification number for each keg involved in the transaction;

(d) The amount of the deposit collected by the licensed retailer for each keg involved in the transaction;

(e) The name and address of the purchaser or lessee; and

(f) The identification number of the driver's license or other form of identification provided to the licensed retailer by the purchaser or lessee.

3. In addition to the requirements of subsection 2, each receipt prepared by a licensed retailer pursuant to subsection 1 must include a place for the signature of the purchaser or lessee. The place for the signature of the

purchaser or lessee must follow immediately after a declaration that is printed conspicuously on the receipt in substantially the following form:
I declare under penalty of perjury that I am 21 years of age or older and that I will not allow a person who is less than 21 years of age to consume, in violation of any applicable law, any beer involved in this transaction. I am signing this receipt with the knowledge that I am making a sworn declaration under penalty of perjury.

4. A purchaser or lessee who signs a receipt containing a declaration that substantially complies with the provisions of subsection 3 shall be deemed to have made a sworn declaration under penalty of perjury.

5. For each transaction completed pursuant to this section, the licensed retailer shall:

(a) Retain, for not less than 6 months at the establishment of the licensed retailer where the transaction occurred, a copy of the signed receipt given to the purchaser or lessee pursuant to subsection 1; and

(b) Make a copy of the signed receipt available for inspection by any law enforcement agency during that period.

6. A licensed retailer who collects a deposit from a purchaser or lessee pursuant to subsection 1 shall refund the deposit to the purchaser or lessee if, within 6 months after the date of the transaction, the purchaser or lessee:

(a) Returns to the licensed retailer the keg for which the deposit was collected; and

(b) Presents to the licensed retailer a copy of the signed receipt that was given to the purchaser or lessee pursuant to subsection 1.

A licensed retailer shall not refund a deposit to a purchaser or lessee who fails to comply with the provisions of this subsection.

Sec. 7. *1. A person shall not purchase beer in a keg from a licensed retailer or lease a keg from a licensed retailer unless the person is 21 years of age or older and, before the person takes possession of the keg, the person:*

(a) Provides to the licensed retailer identification in the form of a driver's license or other identification containing a photograph of the person;

(b) Pays to the licensed retailer the deposit required pursuant to section 6 of this act for each keg involved in the transaction; and

(c) Signs, in the appropriate place, a receipt which is prepared by the licensed retailer and which contains a declaration that substantially complies with the provisions of subsection 3 of section 6 of this act.

2. A person who has purchased beer in a keg or who has leased a keg:

(a) Shall not allow a person who is less than 21 years of age to consume, in violation of any applicable law, any beer that is dispensed from the keg; and

(b) Shall maintain at the location where the keg is used to dispense beer a copy of the signed receipt that was given to the person pursuant to section 6 of this act.".

Amend sec. 7, page 3, line 31, by deleting "*6,*" and inserting "*7,*".

Amend the title of the bill, third line, by deleting:
"and other containers".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Assemblyman Anderson moved that Assembly Bill No. 478 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 503.

Amend section 1, page 2, by deleting lines 8 and 9 and inserting:
"*who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 648 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A private investigator licensed pursuant to this chapter shall not obtain or seek access to information from the department of motor vehicles and public safety pursuant to subsection 3 of NRS 481.063 for any purpose other than a purpose that is directly related to his investigation of an insurance claim.

2. If the board finds that a violation of this section has occurred, the board shall, in addition to any other disciplinary action it deems appropriate, suspend the license of the private investigator.".

Amend the title of the bill, third line, after "investigator;" by inserting:
"requiring the private investigator's licensing board to suspend the license of a private investigator who requests such information for an unauthorized purpose;".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 474.

Amend section 1, page 1, line 2, by deleting:
"2, 3 and 4" and inserting:

"2 and 3".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 12 as sections 2 through 11.

Amend sec. 3, page 2, line 11, by deleting "*a public*" and inserting: "*an attorney who works for legal aid services, if available, or a*".

Amend sec. 3, page 2, by deleting line 13 and inserting "*possible.*".

Amend sec. 4, page 2, by deleting lines 14 through 17 and inserting:

"Sec. 3. *1. The guardian may retain assets for the anticipated expense of the ward's funeral and the disposal of his remains. Of the amount so retained, $1,500 is exempt from all claims, including those of this*".

Amend sec. 5, page 2, line 28, by deleting "advanced age," and inserting "~~[advanced age,]~~".

Amend sec. 9, page 5, line 4, after "159.047" by inserting: "*without undue delay, but*".

Amend sec. 12, page 6, by deleting lines 24 and 25 and inserting:

"(c) Seeing that the ward is properly trained and educated and that".

Amend the bill as a whole by deleting sec. 13 and renumbering sections 14 and 15 as sections 12 and 13.

Amend sec. 15, page 7, by deleting line 16 and inserting:

"159.085 1. Within".

Amend sec. 15, page 7, line 17, by deleting "*within*".

Amend sec. 15, page 7, by deleting lines 21 through 24 and inserting:

"2. Whenever any property of the ward not mentioned in the inventory comes to".

Amend sec. 15, page 7, line 30, by deleting "~~[3.]~~ *4.*" and inserting "3.".

Amend the bill as a whole by deleting sec. 16 and renumbering sections 17 through 20 as sections 14 through 17.

Amend sec. 18, page 9, line 2, by deleting "*he*" and inserting "*the ward*".

Amend sec. 18, page 9, line 3, after "*death*" by inserting: "*of the ward*".

Amend sec. 18, page 9, line 4, by deleting "*he*" and inserting "*the guardian*".

Amend sec. 18, page 9, line 6, by deleting "*ward's*".

Amend sec. 18, page 9, line 7, by deleting "*and*" and inserting: "*of the ward and*".

Amend sec. 20, pages 9 and 10, by deleting lines 40 through 42 on page 9 and lines 1 through 3 on page 10.

Amend the bill as a whole by deleting sec. 21.

Amend the title of the bill to read as follows:

"AN ACT relating to adult persons; revising provisions concerning their guardianship; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning guardianship of adults. (BDR 13-1359)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 564.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 502.

Amend section 1, page 1, line 12, by deleting "~~[25]~~ *33*" and inserting "25".

Amend the bill as a whole by adding new sections designated sections 9 and 10, following sec. 8, to read as follows:

"Sec. 9. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, each school district shall recycle or cause to be recycled the paper and paper products it uses. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. A school district is not required to comply with the requirements of subsection 1 if the board of trustees of the school district determines that the cost to recycle or cause to be recycled the paper and paper products used by the schools in the district is unreasonable and would place an undue burden on the operations of the district or a particular school.

3. The board of trustees shall adopt rules which prescribe the procedure for the disposition of the paper and paper products to be recycled. The board of trustees may prescribe a procedure for the recycling of other waste material produced on the premises of the schools in the school district and the administrative offices of the school district.

4. Any money received by the school district for recycling or causing to be recycled the paper and paper products it uses must be paid by the board of trustees for credit to the general fund of the school district.

5. As used in this section:

(a) "Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(b) "Paper product" means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

Sec. 10. NRS 396.437 is hereby amended to read as follows:

396.437 1. Except as otherwise provided in this section, the system shall recycle or cause to be recycled the paper and paper products it uses. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. The system is not required to comply with the requirements of subsection 1 if the board of regents determines that the cost to recycle or cause to be recycled the paper and paper products used by the system or one of its branches or facilities is unreasonable and would place an undue burden on the operations of the system, branch or facility.

3. The board of regents shall adopt regulations which prescribe the procedure for the disposition of the paper and paper products to be recycled. *The board of regents may prescribe a procedure for the recycling of other waste material produced on the premises of the system, a branch or a facility.*

4. Any money received by the system for recycling or causing to be recycled the paper and paper products it uses must be paid by the board of regents to the state treasurer for credit to the state general fund.

5. As used in this section:

(a) "Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(b) "Paper product" means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.".

Assemblyman Thomas moved the adoption of the amendment.

Remarks by Assemblyman Thomas.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 593.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 570.

Amend section 1, page 2, line 4, after "*employee*" by inserting:

"*for an operator of a slot machine route*".

Amend section 1, page 2, line 14, after "*5.*" by inserting:

"*A gaming employee described in subsection 4 shall notify the licensing authority of each city and county in which he performs duties for his employer, other than the licensing authority that issued his valid work permit, that he has obtained a valid work permit pursuant to subsection 4.*

6.".

Amend section 1, page 2, line 17, by deleting "*6.*" and inserting "*7.*".

Amend section 1, page 2, line 30, by deleting "*7.*" and inserting "*8.*".

Amend section 1, page 2, line 38, by deleting "*8.*" and inserting "*9.*".

Amend section 1, page 2, line 43, after "application." by inserting:

"*Except for a permit issued to a person pursuant to subsection 4, a permit issued by the board is valid only in a county or city that does not require a work permit.*".

Amend section 1, page 3, line 1, by deleting "*9.*" and inserting "*10.*".

Amend section 1, page 3, line 14, by deleting "*10.*" and inserting "*11.*".

Amend section 1, page 4, line 4, by deleting "*11.*" and inserting "*12.*".

Amend section 1, page 4, line 10, by deleting "*12.*" and inserting "*13.*".

Amend section 1, page 4, line 28, by deleting "*13.*" and inserting "*14.*".

Amend section 1, page 4, line 29, by deleting "*6,*" and inserting "*7,*".

Amend section 1, page 4, line 32, by deleting "*14.*" and inserting "*15.*".

Amend section 1, page 5, line 1, by deleting "*15.*" and inserting "*16.*".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to gaming; providing that certain gaming employees who work in more than one location are not required to obtain more than one work permit;".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides that certain gaming employees who work in more than one location are not required to obtain more than one work permit. (BDR 41-1618)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 636.

Bill read second time.

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

Amendment No. 609.

Amend sec. 8, page 2, line 9, after "*means a*" by inserting "*natural*".

Amend sec. 9, page 2, by deleting lines 13 through 20 and inserting:

"Sec. 9. *1. Except as otherwise provided in subsection 3, in addition to the annual fee for a license required pursuant to NRS 624.280, a residential contractor shall pay to the board an annual assessment in the following amount, if the monetary limit on his license is:*

Not more than $50,000	*$50*
Not less than $50,001 or more than $250,000	*250*
Not less than $250,001 or more than $500,000	*500*
Not less than $500,001 or more than $750,000	*750*
Not less than $750,001	*1,000*

2. The board shall administer and account separately for the money received from the annual assessments collected pursuant to subsection 1. The board may refer to the money in the account as the "recovery fund."

3. The board shall suspend the collection of assessments pursuant to subsection 1 when the balance in the account reaches 150 percent of the largest balance in the account during the previous fiscal year.".

Amend sec. 9, page 2, line 21, by deleting "*3.*" and inserting "*4.*".

Amend sec. 10, page 2, line 28, after "*of*" by inserting:

"*the discovery of*".

Amend sec. 13, page 3, by deleting lines 20 through 23 and inserting:

"*2. An injured person is not eligible for recovery from the account if:*

(a) The injured person is the spouse of the licensee, or a personal representative of the spouse of the licensee;

(b) The injured person was associated in a business relationship with the licensee other than the contract at issue; or

(c) At the time of contracting with the residential contractor, the license of the residential contractor was suspended or revoked pursuant to NRS 624.300.".

Amend sec. 13, page 3, lines 26 and 27, by deleting:

"*direct the treasurer of the board to*".

Amend sec. 13, page 3, between lines 34 and 35, by inserting:

"*5. If the injured person has recovered a portion of his loss from sources other than the account, the board shall deduct the amount recovered from the other sources from the amount payable upon the claim and direct the difference to be paid from the account.*

6. To the extent of payments made from the account, the board is subrogated to the rights of the injured person, including, without limitation, the right to collect from a surety bond or a cash bond. The board and the attorney general shall promptly enforce all subrogation claims.

7. The amount of recovery from the account based upon claims made against any single contractor must not exceed $200,000.

8. As used in this section, "actual damages" includes attorney's fees or costs in contested cases appealed to the supreme court of this state. The term does not include any other attorney's fees or costs.".

Amend sec. 14, page 3, by deleting line 36.

Amend sec. 14, page 3, line 37, by deleting "*(b)*" and inserting "*(a)*".

Amend sec. 14, page 4, line 1, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 14, page 4, line 4, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 14, page 4, line 10, by deleting:

"*direct its treasurer to*".

Amend sec. 15, page 4, by deleting line 17 and inserting:

"*the board shall collect an additional assessment from each residential*".

Amend sec. 15, page 4, line 18, by deleting "*fee*" and inserting "*assessment*".

Amend sec. 15, page 4, line 23, by deleting:

"*direct its treasurer to*".

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. *1. A residential contractor shall notify an owner with whom he contracts of the rights of the owner pursuant to sections 2 to 17, inclusive, of this act, including, without limitation, providing a written statement explaining those rights in any agreement or contract for qualified services. The written statement must be in substantially the following form:*

RESIDENTIAL CONSTRUCTION RECOVERY FUND

Payment may be available from the recovery fund if you are damaged financially by a project performed on your residence pursuant to a contract, including construction, remodeling, repair or other improvements, and the damage resulted from certain specified violations of Nevada law by a contractor licensed in this state. To obtain information relating to the recovery fund and filing a claim for recovery from the recovery fund, you may contact the State Contractors' Board at the following locations:

State Contractors' Board
9670 Gateway Drive, Suite 100
Reno, Nevada 89509-8953
Telephone number: (775) 688-1141

State Contractors' Board
4220 South Maryland Parkway, Suite 800D
Las Vegas, Nevada 89119-7533
Telephone number: (702) 486-1100

2. The board may impose upon a contractor an administrative fine:

(a) Of not more than $500 for the first violation of subsection 1; and

(b) Of not more than $1,000 for a second or subsequent violation of subsection 1.

3. The board shall deposit any money received pursuant to this section in the account established pursuant to section 9 of this act.".

Amend sec. 18, page 5, line 4, by deleting "*fees*" and inserting "*assessments*".

Amend sec. 20, page 6, line 42, by deleting "*a fee*" and inserting "*an assessment*".

Amend sec. 21, page 7, line 1, by deleting "section 9" and inserting: "sections 1 and 9".

Amend sec. 21, page 7, line 3, by deleting "Sections 1" and inserting "Sections 2".

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

"residential contractor to pay to the state contractors' board an annual assessment; revising the provisions authorizing the".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 647.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

Amend section 1, page 1, line 2, by deleting "*subsection 2,*" and inserting: "*subsections 2 and 3,*".

Amend section 1, page 1, line 12, after "*3.*" by inserting:

"*If the property that has been stolen or embezzled was obtained from a pawnbroker pursuant to section 3 of this act, the law enforcement agency shall, in addition to notifying the persons described in subsection 1 or 2, as appropriate, notify the pawnbroker from whom it was obtained.*

4.".

Amend section 1, page 2, line 4, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 2, line 11, by deleting "*5.*" and inserting "*6.*".

Amend section 1, page 2, line 15, by deleting "*5*" and inserting "*6*".

Amend section 1, page 2, line 17, by deleting "*5.*" and inserting "*6.*".

Amend section 1, page 2, line 27, by deleting "*6.*" and inserting "*7.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Chapter 646 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A peace officer who is involved in the investigation or prosecution of criminal activity may place a written hold on any property received in pledge by a pawnbroker that is related or allegedly related to the criminal activity.

2. While a hold is placed on property pursuant to this section, the pawnbroker who received the property in pledge shall not release or dispose of the property to any person other than the peace officer who placed the hold on the property. A peace officer who placed a hold on property may obtain custody of the property from the pawnbroker if the peace officer:

(a) Has obtained written authorization from the prosecuting attorney that includes, without limitation, a description of the property, and which provides that the pawnbroker must be notified pursuant to NRS 179.165, if applicable; and

(b) Gives a copy of the written authorization to the pawnbroker.

3. Property received by a peace officer pursuant to this section may be disposed of only in the manner set forth in NRS 52.385 or 179.125 to 179.165, inclusive.

4. A peace officer who places a hold on property pursuant to this section shall notify the pawnbroker in writing when the investigation or prosecution has concluded or when the hold is no longer necessary, whichever occurs sooner.

5. If a person who deposited property with a pawnbroker in pledge attempts to redeem the property from the pawnbroker and a hold has been placed on the property pursuant to this section, the pawnbroker shall provide the person with the name of the peace officer who placed the hold on the

property and the name of the employer of the peace officer who placed the hold on the property.

6. A pawnbroker and an employee of a pawnbroker who take any action required pursuant to this section are immune from civil liability for such action.".

Amend sec. 3, page 3, line 29, by deleting "*officer.*" and inserting: "*officer in the manner set forth in section 3 of this act.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 680.

Bill read second time.

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

Amendment No. 610.

Amend sec. 5, page 8, by deleting line 34 and inserting:

"*(a) Does not transact insurance in any other state; and*".

Amend sec. 57, page 38, line 34, after "~~[or]~~" by inserting "*, records*".

Amend sec. 57, page 38, line 35, after "~~[or]~~" by inserting "*, records*".

Amend sec. 57, page 38, by deleting lines 36 through 42 and inserting: "subsection 1, the claimant or any attorney representing the claimant may ~~[authorize in writing any provider of health care to provide to the party and his insurer or attorney photocopies of the medical reports or]~~ *provide to the party, his insurer or his attorney a written authorization to receive the reports, records and bills from the provider of health care. At the written request of the claimant or his attorney, copies of all reports, records and bills obtained pursuant to the authorization must be provided to the claimant or his attorney within 30 days after the date they are received. If the claimant or his attorney makes a written request for the reports, records and bills, the claimant or his attorney shall pay for the reasonable costs of copying the reports, records and* bills.".

Amend sec. 57, page 39, line 1, after "~~[or]~~" by inserting "*, records*".

Amend sec. 57, page 39, by deleting lines 6 through 10.

Amend the bill as a whole by deleting sec. 66 and renumbering sections 67 through 69 as sections 66 through 68.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 388.

Bill read second time.

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

Amendment No. 555.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 2, line 6, by deleting ", *town*".

Amend sec. 2, page 2, line 11, by deleting ", *town*".

Amend sec. 3, page 2, line 26, by deleting ", *town*".

Amend sec. 3, page 3, line 6, by deleting ", *town*".

Amend sec. 3, page 3, line 29, by deleting ", *town*".

Amend sec. 3, page 3, line 33, by deleting ", *town*".

Amend sec. 3, page 3, line 43, after "parkways," by inserting "*trails,*".

Amend sec. 3, page 4, line 19, after "proposed" by inserting "*multi-modal*".

Amend sec. 3, page 4, by deleting line 20 and inserting:

"~~[rapid]~~ *mass* transit, streetcar, motorcoach and trolley coach lines , *paths for bicycles and pedestrians,* and related".

Amend sec. 3, page 4, lines 28 and 29, by deleting ", *town*".

Amend sec. 4, page 4, line 36, by deleting ", *town*".

Amend sec. 4, page 4, lines 37 and 38, by deleting:

", ~~[and]~~ city *and town*" and inserting "and city".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 11 as sections 4 through 9.

Amend sec. 6, pages 5 and 6, by deleting lines 12 through 43 on page 5 and line 1 on page 6, and inserting:

"278.210 1. Before adopting the master plan or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. The adoption of the master plan, or of any amendment, extension or".

Amend sec. 6, page 6, line 10, by deleting "~~[3.]~~ *5.*" and inserting "3.".

Amend sec. 6, page 6, by deleting lines 15 through 17 and inserting:

"4. *Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (f) of subsection 1 of NRS 278.160 more than four times in a calendar year. The provisions of this subsection do not apply to a change in the land use designated for a particular area if the change does not affect more than 25 percent of the area.*".

Amend sec. 6, page 6, line 18, by deleting "*7.*" and inserting "*5.*".

Amend sec. 6, page 6, lines 19 and 20, by deleting ", *town*".

Amend sec. 6, page 6, line 22, by deleting "*8.*" and inserting "*6.*".

Amend sec. 7, page 6, line 35, by deleting ", *town*".

Amend sec. 7, page 7, by deleting lines 17 through 33 and inserting:

" required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 500 feet ~~[from]~~ *of* the portion of the boundary being changed;

(c) Each ~~[owner,]~~ *of the owners,* as listed on the county assessor's records, of at least *the* 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.".

Amend sec. 7, page 7, line 37, after "5." by inserting:

"*If the application involves a change in the boundary of a zoning district within an unincorporated town, the applicant shall present the information contained in the application at a meeting of the town board, citizens' advisory council or town advisory board, whichever is applicable, before a hearing is held on the application pursuant to subsection 2. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations for consideration at the hearing held pursuant to subsection 2. The governing body or other person or entity that is authorized to take action on the application at the hearing held pursuant to subsection 2 shall not take action on the application until it receives recommendations from the town board, citizens' advisory council or town advisory board regarding the application or evidence from the applicant that he presented the information contained in the application at a meeting of the town board, citizens' advisory council or town advisory board. The governing body or other authorized person or entity shall consider any recommendations made by the town board, citizens' advisory council or town advisory board regarding the application. If the governing body or other authorized person or entity does not accept any such recommendation, the governing body or other authorized person or entity shall make a written finding specifying the reasons for its refusal to accept the recommendation.*

6.".

Amend sec. 7, page 8, line 3, by deleting "6." and inserting "~~[6.]~~ *7.*".

Amend sec. 7, page 8, line 18, by deleting:

", ~~[or]~~ county *or town*" and inserting "or county".

Amend sec. 7, page 8, by deleting line 20 and inserting:

"~~[7.]~~ *8.* A sign required pursuant to subsection ~~[6]~~ *7* is for informational".

Amend sec. 7, page 8, line 23, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend sec. 7, page 8, line 26, by deleting "6," and inserting "~~[6,]~~ *7,*".

Amend sec. 7, page 8, line 29, by deleting "9." and inserting "~~[9.]~~ *10.*".

Amend sec. 7, page 8, line 30, by deleting "6" and inserting "~~[6]~~ *7*".

Amend sec. 8, page 9, by deleting lines 5 through 21 and inserting:

"purpose of the hearing must be sent by mail at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner of real property located within 300 feet of the property in question;

(c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; and

(d) Any advisory board which has been established for the affected area by the governing body.".

Amend sec. 8, page 9, line 34, after "4." by inserting:

"*If an application is for the issuance of a variance or special use permit with regard to property that is located within an unincorporated town, the applicant shall present the information contained in the application at a meeting of the town board, citizens' advisory council or town advisory board, whichever is applicable, before a hearing is held on the application pursuant to subsection 2. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations for consideration at the hearing held pursuant to subsection 2. The governing body or other person or entity that is authorized to take action on the application at the hearing held pursuant to subsection 2 shall not take action on the application until it receives recommendations from the town board, citizens' advisory council or town advisory board regarding the application or evidence from the applicant that he presented the information contained in the application at a meeting of the town board, citizens' advisory council or town advisory board. The governing body or other authorized person or entity shall consider any recommendations made by the town board, citizens' advisory council or town advisory board regarding the application. If the governing body or other authorized person or entity does not accept any such recommendation, the governing body or other authorized person or entity shall make a written finding specifying the reasons for its refusal to accept the recommendation.*

5.".

Amend sec. 8, page 9, line 38, by deleting "5." and inserting "~~[5.]~~ *6.*".

Amend sec. 8, page 10, by deleting line 12 and inserting:

"~~[6.]~~ *7.* A sign required pursuant to subsection ~~[5]~~ *6* is for informational".

Amend sec. 8, page 10, line 15, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend sec. 8, page 10, line 17, by deleting "5," and inserting "~~[5,]~~ *6,*".

Amend sec. 8, page 10, line 19, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend sec. 8, page 10, line 20, by deleting "5" and inserting "~~[5]~~ *6*".

Amend sec. 9, page 10, by deleting lines 27 and 28 and inserting:

"*thereafter, receive training relating to:*".

Amend sec. 10, page 10, line 33, by deleting "*9*" and inserting "*7*".

Amend sec. 11, page 10, line 41, after "commissioners" by inserting:

"*or the election by the people*".

Amend sec. 11, page 10, line 43, after "board." by inserting:

"*If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:*

(1) Reappointment of any member of the town advisory board who is currently serving on the town advisory board and who notifies the board of county commissioners of his desire to be reappointed;

(2) The results of any poll conducted by the town advisory board; and

(3) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.".

Amend sec. 11, page 11, by deleting lines 10 through 14 and inserting: "and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.".

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

"Sec. 10. 1. This section and sections 1, 2, 3, 5, 6, 8 and 9 of this act become effective on October 1, 1999.

2. Sections 4 and 7 of this act become effective on January 1, 2000.".

Amend the title of the bill to read as follows:

"AN ACT relating to land use planning; expanding the subjects that must be included within a master plan in certain counties; limiting the number of annual amendments to the land use plan of the master plan in certain circumstances; revising provisions governing applications for changes in the boundaries of zoning districts, variances and special use permits with regard to property located within an unincorporated town; requiring members of a town advisory board to receive certain training; authorizing the election of members of a town advisory board in additional counties; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Thomas gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 549 was this day passed.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Bill No. 615, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 20, 85.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Hopkins.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to April Anderson, Brian Anderson, Mary Ann Angeles, Jessica Armbrust, Chris Arrington, Jennifer Beairsto, Renee Berry, Kelly Bertelson, Cynthia Brandtner, Amanda Brintnall, Eily Brown, Ramon Cabauatan, Cherish Camp, Rachelle Carano, Kristen Cetovick, Kristen Dahlke, Paul Dashiell, Tiffany Davis, Desiree Digesti, Jessica Dobra, Ryan Doetch, Daniel Dorsey, Kristina Dulcey, Sarah Estes, Luke Federici, Lance Ferrato, Brendan Ferris, Whittney Files, Dustin Garcia, Catherine Goff, Will Graettinger, Jennifer Griffith, Julie Handy, Jonathan Hodges, Samantha Huston, Courtney Hydrick, Lindsay Jones, Destinee Kerr, Jennifer Kirkbride, Pakraic Landes, Natalia Leno, Jennifer Little, Kristen Litlle, Kristen Luchetti, Brad Maloy, Bret Martinez, Joseph McAnally, Erin McMullen, Sean McNulty, Lisel Melchor, Jennifer Minor, MacKenzie Mishler, Eric Morton, Daniel Moss, Katherine Moynihan, Heidi Nagel, Micaela Neus, Jeremy Nevin, Catherine Norman, Angie O'Donnell, Todd O'Gara, Patrick O'Mara, Kenneth Ohanian, Monique Oskam, Amanda Palm, Tina Pan, Sean Pecorino, Kristen Peregrin, Chris Pfrommer, Matt Phillips, Jana Pohl, Elizabeth Poindexter, Will Quaglieri, Paul Quandt, Joe Rebideaux, Tara Reck, Matt Ritter, Matt Ronhaar, Allison Sawyer, Chris Schmitt, Sean Settewongse, Rita Shanley, Bobbijean Smith, Lindsay Smith, Tim Springer, Daniel Stock, Rory Sullivan, Sean Sullivan, Ashley Taggert, Jason Tatomer, Medwynn Vergara, Nathan Vohland, Craig Wagner, Phillip Wang, Eryn Weems, Travis Wellems, Jeanette Welsh, Jessica Welsh, Ken Wideman, Nick Williams, Kristin Wozniak, Maria Zanoni and Joe Zuver.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Lianne Aglietti, Derek Austin, Jonathan Bass, Katie Browne, Andrew Buck, Triana Carrasco, Winstong Chavarria, Teresa DeLarge, Tad Dias, Robert Frederick, Michael Gallagher, David Goldenberg, Deyanira Gonzalez, Harrison Heller, Shauna Kitty, Andrew Kop, Charles Marcin, Constance McAlman, Logan Merriweather, Danielle Moore, Ana Morgan, Alisha Nabicht, Rosella Nunez, LeShawn Parra, Elizabeth Quintero, Cory Roberts, Jonas Schenzel, Travis Trethan, Anthony Turner, Pia Wendell, Jordan Wilcher, Janet Goldenberg, Kellie Wilcher and Linda Peterson .

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 15, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:36 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 15, 1999

Assembly called to order at 11:31 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Almighty God, our heavenly Father: Send down upon those who hold office in this State Assembly the spirit of wisdom, charity, and justice that with steadfast purpose they may faithfully serve in their offices to promote the welfare of all of the people of Nevada. In the Name of Your Son. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 60, 194, 204, 334, 451, 535, 536, 555, 603, 610, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 217, 376, 576, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 621, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 527, 562, 567, 581, 584, 669, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 653, 677, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 372, 461, 476, 502, 523, 529, 534, 536, 538; Senate Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 61, 68, 104, 266, 289, 323, 327, 330, 397, 410, 420, 457, 464, 470, 471, 472, 508, 519, 528.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 304 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 333 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 614 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 434 be placed at the bottom of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 258 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 455 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

In compliance with a notice given on a previous day, Assemblywoman Buckley moved that the vote whereby Assembly Bill No. 549 was passed be reconsidered.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 458 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Thomas moved that Assembly Bill No. 564 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Thomas.

Motion carried.

Senate Joint Resolution No. 14.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblyman Perkins moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 61.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 68.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 104.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 266.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 289.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 323.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 327.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 330.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 31.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 31.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblymen Humke, Anderson, Carpenter, Marvel, Gibbons, Collins, Price, Angle, Hettrick, Gustavson and Evans.

Resolution adopted unanimously.

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6 determined the exemption of Assembly Bills Nos. 455, 458 and 564.

Assemblyman Perkins moved that Assembly Bills Nos. 60, 194, 204, 217, 334, 348, 376, 451, 527, 535, 536, 552, 555, 562, 567, 576, 581, 584, 603, 610, 621, 653, 669 and 677 be placed on the Second Reading File.

GENERAL FILE AND THIRD READING

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblywomen Berman and Gibbons.

Roll call on Assembly Bill No. 162:

YEAS—40.
NAYS—Angle, Gustavson—2.
Assembly Bill No. 162 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 239.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Assembly Bill No. 239:
YEAS—40.
NAYS—Angle, Collins—2.
Assembly Bill No. 239 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 265.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 265:
YEAS—42.
NAYS—None.
Assembly Bill No. 265 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 293.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Assembly Bill No. 293:
YEAS—42.
NAYS—None.
Assembly Bill No. 293 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 388.
Bill read third time.
Remarks by Assemblymen Bache and Collins.
Roll call on Assembly Bill No. 388:
YEAS—42.
NAYS—None.
Assembly Bill No. 388 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 392.
Bill read third time.
Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 392:

YEAS—42.

NAYS—None.

Assembly Bill No. 392 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblymen Goldwater, Angle and Collins.

Conflict of interest declared by Assemblywoman Angle.

Potential conflict of interest declared by Assemblyman Collins.

Roll call on Assembly Bill No. 397:

YEAS—38.

NAYS—Berman, Tiffany, Von Tobel—3.

NOT VOTING—Angle.

Assembly Bill No. 397 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 432.

Bill read third time.

Remarks by Assemblymen Parks, Tiffany, Chowning, Nolan, Marvel and Anderson.

Assemblymen Anderson, Giunchigliani and Williams moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 432.

Roll call on Assembly Bill No. 432:

YEAS—35.

NAYS—Angle, Bache, Chowning, Giunchigliani, Perkins, Tiffany—6.

NOT VOTING—Evans.

Assembly Bill No. 432 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblymen Berman and Carpenter.

Roll call on Assembly Bill No. 436:

YEAS—42.

NAYS—None.

Assembly Bill No. 436 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Buckley, Bache and Tiffany.

Assemblywoman Giunchigliani moved that Assembly Bill No. 465 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assembly Bill No. 503.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 503:

YEAS—38.

NAYS—Anderson, Claborn, Koivisto, Parnell—4.

Assembly Bill No. 503 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Assembly Bill No. 517:

YEAS—42.

NAYS—None.

Assembly Bill No. 517 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 593.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 593:

YEAS—41.

NAYS—None.

NOT VOTING—Dini.

Assembly Bill No. 593 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 636.

Bill read third time.

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

Amendment No. 661.

Amend sec. 9, page 2, by deleting lines 20 through 24 and inserting:

"*Not more than $1,000,000* *$100*

More than $1,000,000 but limited *250*

Unlimited ..... *500*".

Amend sec. 15.5, page 5, line 36, by deleting "*$500*" and inserting "*$100*".

Amend sec. 15.5, page 5, line 37, by deleting "*$1,000*" and inserting "*$250*".

Amend sec. 15.5, page 5, line 37, by deleting "*$1,000*" and inserting "*$250*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 647.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 647:

YEAS—42.

NAYS—None.

Assembly Bill No. 647 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 680.

Bill read third time.

Remarks by Assemblymen Buckley and Beers.

Roll call on Assembly Bill No. 680:

YEAS—42.

NAYS—None.

Assembly Bill No. 680 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblymen Hettrick, Buckley, Brower and Price.

Assemblyman Price moved that Assembly Bill No. 333 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion lost.

Remarks by Assemblymen Freeman, Perkins, Collins, Humke, Ohrenschall and Carpenter.

Assemblymen Perkins, de Braga and Leslie moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 333.

Roll call on Assembly Bill No. 333:

YEAS—15.

NAYS—Angle, Arberry, Bache, Brower, Buckley, Carpenter, Chowning, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, McClain, Mortenson, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas—24.

NOT VOTING—Berman, Evans, Gibbons—3.

Assembly Bill No. 333 having failed to receive a constitutional majority, Madam Speaker pro Tempore declared it lost.

Assembly Bill No. 614.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 614:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 614 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 652.

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sec. 6 as sec. 3.

Amend the bill as a whole by deleting sections 7 and 8.

Amend the title of the bill, third and fourth lines, by deleting:

"providing that a minor who falsely represents his age to purchase tobacco products is in need of supervision;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley and Carpenter.

Amendment lost.

Remarks by Assemblymen Anderson, Leslie and Freeman.

Roll call on Assembly Bill No. 549:

YEAS—15.

NAYS—Arberry, Bache, Beers, Berman, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Leslie, Marvel, McClain, Neighbors, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Williams—26.

NOT VOTING—Ohrenschall.

Assembly Bill No. 549 having failed to receive a constitutional majority, Madam Speaker pro Tempore declared it lost.

Assembly Bill No. 434.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 645.

Amend section 1, pages 1 and 2, by deleting lines 7 through 18 on page 1 and lines 1 through 7 on page 2, and inserting:

"(c) The statement required pursuant to NRS 623.225;

(d) Proof which is satisfactory to the board that he has completed:

(1) At least 5 years of education in a program of interior design or an equivalent number of credits and at least 1 year of experience in interior design;

(2) At least 4 years of education in a program of interior design or an equivalent number of credits and at least 2 years of experience in interior design;

(3) At least 3 years of education in a program of interior design or an equivalent number of credits and at least 3 years of experience in interior design;

(4) At least 2 years of education in a program of interior design or an equivalent number of credits and at least 4 years of experience in interior design; or

(5) At least 6 consecutive years of experience in the practice of interior design; and

(e) A certificate issued by the National Council for Interior Design".

Amend sec. 2, pages 2 and 3, by deleting lines 28 through 42 on page 2 and line 1 on page 3, and inserting:

"(c) The statement required pursuant to NRS 623.225;

(d) Proof which is satisfactory to the board that he has completed:

(1) At least 5 years of education in a program of interior design or an equivalent number of credits and at least 1 year of experience in interior design; ~~[or]~~

(2) At least 4 years of education in a program of interior design or an equivalent number of credits and at least 2 years of experience in interior design;

(3) At least 3 years of education in a program of interior design or an equivalent number of credits and at least 3 years of experience in interior design; or

(4) At least 2 years of education in a program of interior design or an equivalent number of credits and at least 4 years of experience in interior design; and

(e) A certificate issued by the National Council for Interior Design".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Brower gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 333 was this day refused passage.

CONSENT CALENDAR

Senate Bill No. 115.

Bill read by number.

Roll call on Senate Bill No. 115:

YEAS—42.

NAYS—None.

Senate Bill No. 115 having received a two thirds majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 372.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 517 was this day passed.

Assemblywoman Chowning moved that Assembly Bill No. 258 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblywoman Chowning.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 397.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 410.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 420.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 457.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 461.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 464.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 470.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 471.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 472.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 476.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 502.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 508.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 519.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 523.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 528.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 529.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 534.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 536.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 538.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 615.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 460.

Amend the bill as a whole by deleting sections 4 through 6 and renumbering sections 7 through 18 as sections 4 through 15.

Amend sec. 9, pages 5 and 6, by deleting lines 29 through 43 on page 5 and lines 1 through 31 on page 6 and inserting:

"293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for *a partisan* office may be filled by a candidate designated by the party central committee of the county or state, as the case may be, subject to the provisions of subsections 4 and 5.

2. A vacancy occurring in a nonpartisan nomination after the close of filing and before the first Tuesday in September must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for the office in question in the state, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in June and not later than the third Tuesday in September. A candidate nominated pursuant to the

provisions of this subsection may be elected only at a general election and his name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after a primary election and before the second Tuesday in September must be filled by the person who received the next highest vote for the nomination in the primary.

4. Except to place a candidate nominated pursuant to subsection 2 on the ballot, no change may be made on the ballot after the second Tuesday in September of the year in which the general election is held. If a nominee dies after that date, his name must remain on the ballot and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed before 5 p.m. on the second Tuesday in September. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed before 5 p.m. on that date.".

Amend the bill as a whole by renumbering sections 19 and 20 as sections 17 and 18 and adding a new section designated sec. 16, following sec. 18, to read as follows:

"Sec. 16. NRS 293.202 is hereby amended to read as follows:

293.202 A withdrawal of candidacy for office must be in writing and must be presented by the candidate in person, within 7 days , *excluding Saturdays, Sundays and holidays,* after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.".

Amend the bill as a whole by deleting sections 21 and 22 and renumbering sections 23 through 27 as sections 19 through 23.

Amend the bill as a whole by deleting sec. 28, renumbering sections 29 and 30 as sections 30 and 31 and adding new sections designated sections 24 through 29, following section 27, to read as follows:

"Sec. 24. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of the first class, and in each city of the second class that has so provided by ordinance, on the first Tuesday after the first Monday in ~~[May]~~ *April* of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of the first or second class, one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate, his name alone must be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 25. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. A vacancy occurring in a nomination for a city office after the close of filing and before the first Tuesday after the first Monday in ~~[May]~~ *April* in a year in which a general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. The petition must be filed not earlier than 30 days before the date of the primary city election and not later than the third Tuesday after the third Monday in ~~[May.]~~ *April.* A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election and his name must not appear on the ballot for a primary city election.

2. A vacancy occurring in a nomination for a city office after a primary city election and before the second Tuesday after the second Monday in ~~[May]~~ *April* must be filled by the person who received the next highest vote for the nomination in the primary city election.

3. Except to place a candidate nominated pursuant to subsection 1 on the ballot, no change may be made on the ballot after the second Tuesday after the second Monday in ~~[May]~~ *April* of the year in which the general city election is held. If a nominee dies after that date, his name must remain on the ballot and, if elected, a vacancy exists.

4. All designations provided for in this section must be filed before 5 p.m. on the second Tuesday after the second Monday in ~~[May]~~ *April* of the year in which the general city election is held. The filing fee must be paid and an acceptance of the designation must be filed before 5 p.m. on that date.

Sec. 26. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within 2 days , *excluding Saturdays, Sundays and holidays,* after the last day for filing a declaration of candidacy or an acceptance of candidacy.

Sec. 27. NRS 293C.345 is hereby amended to read as follows:

293C.345 The city clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct, before 5 p.m. on the third Thursday in ~~[April]~~ *March* and before 5 p.m. on the fourth Tuesday in May of any year in which a general city election is held, an official mailing ballot to be voted by him at the election.

Sec. 28. NRS 293C.370 is hereby amended to read as follows:

293C.370 1. Whenever a candidate whose name appears upon the ballot at a general city election dies after 5 p.m. of the third Tuesday *after the third Monday* in ~~[May]~~ *April* and before the time of the closing of the polls on the day of the election, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

2. If the deceased candidate receives the majority of the votes cast for the office, he shall be deemed elected and the office to which he was elected shall be deemed vacant at the beginning of the term for which he was elected. The vacancy created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 29. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Seven days before the primary election, for the period from 30 days before the regular session of the legislature after the last election for that office up to 12 days before the primary election;

(b) Seven days before the general election, whether or not the candidate won the primary election, for the period from 12 days before the primary election up to 12 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days before the next regular session of the legislature,

report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination up to 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election,

report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 30 days after ~~[the]~~ *:*

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election ~~[.]~~ *; or*

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the

filing of the notice of intent to circulate the petition for recall up to the date of the district court's decision.

4. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to subsection 4 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. Each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period must be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported on the form provided by the secretary of state.".

Amend the bill as a whole by renumbering sections 31 through 38 as sections 33 through 40 and adding a new section designated sec. 32, following sec. 30, to read as follows:

"Sec. 32. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Seven days before the primary election, for the period from 30 days before the regular session of the legislature after the last election for that office up to 12 days before the primary election;

(b) Seven days before the general election, whether or not the candidate won the primary election, for the period from 12 days before the primary election up to 12 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days before the next regular session of the legislature,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination up to 12 days before the special election; and

(b) Sixty days after the special election, for the remaining period up to 30 days after the special election,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report his campaign expenses on forms designed and provided

by the secretary of state and signed by the candidate under penalty of perjury, 60 days after ~~[the]~~ :

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall up to 30 days after the special election ~~[.]~~ *; or*

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall up to the date of the district court's decision.

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to subsection 4 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.".

Amend the bill as a whole by renumbering sec. 39 as sec. 46 and adding new sections designated sections 41 through 45, following sec. 38, to read as follows:

"Sec. 41. Section 96 of the charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of city elections.

1. All City elections ~~[shall]~~ *must* be nonpartisan in character and ~~[shall]~~ *must* be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council ~~[shall be]~~ *are* four years, and Councilmen ~~[shall]~~ *must* be elected at large without regard to precinct residency. Two full-term Councilmen and the Mayor are to be elected in each year immediately preceding a Federal presidential election, and two full-term Councilmen are to be elected in each year immediately following a Federal presidential election. In each election, the candidates receiving the greatest number of votes ~~[shall]~~ *must* be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-96)

A. In the event one or more two-year term positions on the Council will be available at the time of a municipal election as provided in Section 12, candidates ~~[shall]~~ *must* file specifically for such position(s). Candidates receiving the greatest respective number of votes ~~[shall]~~ *must* be declared elected to the respective available two-year positions. (Add. 15; Amd. 2; 6-4-91)

3. A city primary election ~~[shall]~~ *must* be held on the ~~[1st]~~ *first* Tuesday after the ~~[1st]~~ *first* Monday in ~~[May]~~ *April* of each odd-numbered year and a

City general election ~~[shall]~~ *must* be held on the ~~[1st]~~ *first* Tuesday after the ~~[1st]~~ *first* Monday in June of each odd-numbered year.

A. ~~[No primary shall]~~ *A primary election must not* be held if no more than double the number of Councilmen to be elected file as candidates. ~~[No primary shall]~~ *A primary election must not* be held for the office of Mayor if no more than two candidates file for that position. The primary election ~~[shall]~~ *must* be held for the purpose of eliminating candidates in excess of a figure double the number of Councilmen to be elected. (Add. 17; Amd. 1; 11-5-96)

B. If, in the primary City election, a candidate receives votes equal to a majority of voters casting ballots in that election, he shall be considered elected to one of the vacancies and his name shall not be placed on the ballot for the general City election. (Add. 10; Amd. 7; 6-2-81)

C. In each primary and general election, voters shall be entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the City elections. (Add. 11, Amd. 5; 6-7-83)

Sec. 42. Section 5.010 of the charter of the city of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 686, Statutes of Nevada 1997, at page 3480, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the Tuesday after the first Monday in ~~[May]~~ *April* of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this state.

3. A candidate for mayor, councilman, municipal judge or any other office not otherwise provided for by law must pay to the city clerk, at the time of filing the declaration of candidacy, the filing fee in the amount fixed by the city council.

4. All candidates for elective office must be voted upon by the registered voters of the city at large.

5. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he must be declared elected and no general election need be held for that office.

6. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate for nomination for any office, that candidate must be declared elected and no election may be held for that office.

Sec. 43. Section 5.010 of the charter of the city of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 570, Statutes of Nevada 1997, at page 2790, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. On the Tuesday after the ~~[1st]~~ *first* Monday in ~~[May]~~ *April* 1985, and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for two offices of councilman and for municipal judge, department 2, must be nominated.

2. On the Tuesday after the ~~[1st]~~ *first* Monday in ~~[May]~~ *April* 1987, and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for mayor, for two offices of councilman and for municipal judge, department 1, must be nominated.

3. The candidates for councilman who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from wards 2 and 4 must be nominated as provided in subsection 1, and the candidates from wards 1 and 3 must be nominated as provided in subsection 2.

4. If the city council has established an additional department or departments of the municipal court pursuant to section 4.010 of this charter, and, as a result, more than one office of municipal judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the city clerk. The city clerk shall collect from each candidate, at the time of filing that candidate's declaration of candidacy, the filing fee which is prescribed by ordinance for that office. All of the filing fees which are collected by the city clerk must be paid into the city treasury.

6. If, at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate for nomination for any office, that candidate must be declared elected for the term which commences on the day of the first regular meeting of the city council next succeeding the meeting at which the canvass of the returns is made, and no primary or general election need be held for that office.

7. If, in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, he must be declared elected for the term which commences on the day of the first regular meeting of the city council next succeeding the meeting at which the canvass of the returns is made, and no general election need be held for that office. If, in the primary election, no candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 44. Section 5.020 of the charter of the city of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 215, Statutes of Nevada 1997, at page 748, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The city council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents.

2. If for any general municipal election there are three or more candidates for the offices of mayor or municipal judge, or five or more candidates for the office of councilman, a primary election for any such office must be held on the Tuesday following the first Monday in ~~[May]~~ *April* preceding the general election.

3. Except as otherwise provided in subsections 4 and 5, after the primary election, the names of the two candidates for mayor and municipal judge and the names of the four candidates for city councilman who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for mayor or municipal judge receives a majority of the total votes cast for that office in the primary election, he shall be declared elected to office and his name must not appear on the ballot for the general election.

5. If a candidate for city council receives votes equal to a majority of voters casting ballots in the primary election:

(a) He shall be declared elected to one of the open seats on the city council and his name must not appear on the ballot for the general election.

(b) Unless all the open seats were filled pursuant to paragraph (a), the names of those candidates who received the highest number of votes but did not receive a number of votes equal to a majority of the voters casting ballots in the primary election, not to exceed twice the number of candidates remaining to be elected, must be placed on the ballot for the general election.

Sec. 45. Section 5.020 of the charter of the city of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 686, Statutes of Nevada 1997, at page 3482, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections: Declaration of candidacy.

1. If for any general municipal election there are three or more candidates for the offices of mayor, city attorney or municipal judge or three or more candidates from each ward to represent the ward as a member of the city council, a primary election for that office must be held on the first Tuesday after the first Monday in ~~[May]~~ *April* preceding the general election.

2. Candidates for the offices of mayor, city attorney and municipal judge must be voted upon by the registered voters of the city at large. Candidates to represent a ward as a member of the city council must be voted upon by the registered voters of the ward to be represented by them.

3. The names of the two candidates for mayor, city attorney and municipal judge and the names of the two candidates to represent the ward as a member of the city council from each ward who receive the highest number

of votes at the primary election must be placed on the ballot for the general election.".

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

"petitions; changing the date of the primary city election for certain cities; revising various deadlines and procedures relating to the filing of petitions, challenges, withdrawals of candidacy, lists of".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 304.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 571.

Amend sec. 2, page 2, by deleting lines 14 through 30 and inserting:

"*You have the right to make a complaint against a peace officer and have it investigated if you believe a peace officer has acted improperly. According to the laws of the State of Nevada, this agency has established written procedures for investigating complaints against peace officers. You have a right to receive a written copy of these procedures. This agency investigates complaints and determines, based on the evidence, any action that may be warranted. Please provide accurate and complete details of the reasons for your complaint. It is against the law to knowingly make a false or fraudulent complaint against a peace officer.*

I have read and understand the above statement.

Complainant's Signature".

Assemblyman Anderson withdrew Amendment No. 571.

The following amendment was proposed by Assemblywoman McClain:

Amendment No. 637.

Amend section 1, page 1, by deleting lines 3 through 15 and inserting:

"*1. A person who knowingly files a false or fraudulent written complaint or allegation of misconduct against a peace officer for conduct in the course and scope of his employment is guilty of a misdemeanor.*".

Amend sec. 2, page 2, by deleting lines 3 through 30 and inserting:

"*Each agency in this state that employs peace officers shall:*

1. Establish written procedures for investigating any complaint or allegation of misconduct made or filed against a peace officer employed by the agency; and

2. Make copies of the written procedures established pursuant to subsection 1 available to the public.".

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time.

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

Amendment No. 656.

Amend sec. 2, page 1, by deleting lines 3 through 9 and inserting:

"Sec. 2. *1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for:*

(a) Any type of drug or device for contraception; and

(b) Any type of hormone replacement therapy,

which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.".

Amend sec. 2, page 2, line 17, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 5, a*".

Amend sec. 2, page 2, line 22, after "*4.*" by inserting:

"*The provisions of this section do not:*

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6.".

Amend sec. 3, page 2, by deleting lines 24 through 30 and inserting:

"Sec. 3. *1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to contraceptives or hormone replacement therapy.*".

Amend sec. 3, page 3, line 10, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 5, a*".

Amend sec. 3, page 3, line 15, after "*4.*" by inserting:

"*The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage*

required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6.".

Amend sec. 6, page 3, by deleting lines 27 through 33 and inserting:

"Sec. 6. *1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for:*

(a) Any type of drug or device for contraception; and

(b) Any type of hormone replacement therapy,

which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.".

Amend sec. 6, page 4, line 12, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 5, a*".

Amend sec. 6, page 4, line 17, after "*4.*" by inserting:

"*The provisions of this section do not:*

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for his employees.

7.".

Amend sec. 7, page 4, by deleting lines 19 through 25 and inserting:

"Sec. 7. *1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to contraceptives or hormone replacement therapy.*".

Amend sec. 7, page 5, line 4, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 5, a*".

Amend sec. 7, page 5, line 9, after "*4.*" by inserting:

"*The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.*

5. An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for his employees.

7.".

Amend sec. 9, page 5, by deleting lines 13 through 19 and inserting:

"Sec. 9. *1. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for:*

(a) Any type of drug or device for contraception; and

(b) Any type of hormone replacement therapy,

which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.".

Amend sec. 9, page 5, line 40, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 5, a*".

Amend sec. 9, page 6, line 3, after "*4.*" by inserting:

"*The provisions of this section do not:*

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.

5. An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for his employees.

7.".

Amend sec. 10, page 6, by deleting lines 5 through 11 and inserting:

"Sec. 10. *1. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to contraceptives or hormone replacement therapy.*".

Amend sec. 10, page 6, line 32, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 5, a*".

Amend sec. 10, page 6, line 37, after "*4.*" by inserting:

"*The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.*

5. An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for his employees.

7.".

Amend sec. 12, pages 6 and 7, by deleting lines 41 through 43 on page 6 and lines 1 through 4 on page 7, and inserting:

"Sec. 12. *1. Except as otherwise provided in subsection 5, a health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for:*

(a) Any type of drug or device for contraception; and

(b) Any type of hormone replacement therapy,

which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.".

Amend sec. 12, page 7, line 6, by deleting "*maintenance*" and inserting "*care*".

Amend sec. 12, page 7, by deleting lines 11 and 12 and inserting:

"*(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by*".

Amend sec. 12, page 7, line 24, by deleting "*Evidence*" and inserting:

"*Except as otherwise provided in subsection 5, evidence*".

Amend sec. 12, page 7, line 29, after "*4.*" by inserting:

"*The provisions of this section do not:*

(a) Require a health maintenance organization to provide coverage for fertility drugs.

(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.

5. A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.

6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for his employees.

7.".

Amend sec. 13, page 7, by deleting lines 31 through 40 and inserting:

"Sec. 13. *1. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care*

shall include in the plan coverage for any health care service related to contraceptives or hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:".

Amend sec. 13, page 8, by deleting lines 3 and 4 and inserting:

"*(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by*".

Amend sec. 13, page 8, line 16, by deleting "*Evidence*" and inserting:

"*Except as otherwise provided in subsection 5, evidence*".

Amend sec. 13, page 8, line 21, after "*4.*" by inserting:

"*The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.*

5. A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.

6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for his employees.

7.".

Amend sec. 14, page 8, by deleting lines 41 and 42 and inserting:

"Medicaid ~~[pursuant to a contract with the welfare division of the department of human resources.]~~ *under the state plan for Medicaid.* This subsection does not exempt a health maintenance".

Amend sec. 14, page 9, by deleting lines 5 and 6 and inserting:

"*managed care to recipients of Medicaid under the state plan for Medicaid.*".

Amend the bill as a whole by deleting sec. 16 and renumbering sec. 17 as sec. 16.

Amend the bill as a whole by deleting sections 18 through 20.

Amend the title of the bill to read as follows:

"AN ACT relating to health care; requiring health insurers to include in certain policies of health insurance coverage for services and prescription drugs and devices related to contraceptives and hormone replacement therapy; providing a religious exemption for certain insurers; prohibiting certain health insurers from committing certain acts concerning coverage for services related to contraceptives and hormone replacement therapy; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning health care services related to contraceptives and hormone replacement therapy. (BDR 57-181)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

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

Amendment No. 373.

Amend section 1, page 1, line 3, by deleting "*If*" and inserting "*1. If*".

Amend section 1, page 2, by deleting line 1 and inserting:

"*(a) Prohibit an insured from receiving services covered*".

Amend section 1, page 2, line 5, by deleting "*2.*" and inserting "*(b)*".

Amend section 1, page 2, line 10, by deleting "*3.*" and inserting "*(c)*".

Amend section 1, page 2, line 14, by deleting "*4.*" and inserting "*(d)*".

Amend section 1, page 2, line 18, by deleting "*5.*" and inserting "*(e)*".

Amend section 1, page 2, line 20, by deleting "*(a)*" and inserting "*(1)*".

Amend section 1, page 2, line 22, by deleting "*(b)*" and inserting "*(2)*".

Amend section 1, page 2, after line 23, by inserting:

"*2. Nothing in this section prohibits a managed care organization from informing an insured that enhanced health care services are available at a hospital or facility other than the hospital described in subsection 1 with which the managed care organization contracts for the provision of emergency medical services, outpatient services or inpatient services.*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 204.

Bill read second time.

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

Amendment No. 639.

Amend sec. 8, page 2, by deleting sec. 8 and inserting:

"Sec. 8. (Deleted by amendment.)".

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

"making various changes concerning disciplinary".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 593.

Amend section 1, pages 1 and 2, by deleting lines 3 through 8 on page 1 and lines 1 through 7 on page 2 and inserting:

"*1. A public school shall afford the parents and legal guardians of pupils who are enrolled in the school and other members of the general public an opportunity to:*

(a) Review, at least annually, the supplemental textbooks proposed for instructional use in the public school; and

(b) Submit written comments regarding the supplemental textbooks proposed for instructional use.

2. A public school shall not use a supplemental textbook unless the school has afforded the parents and legal guardians of pupils who are enrolled in the school an opportunity to review the supplemental textbook and submit written comments regarding the supplemental textbook.".

Amend section 1, page 2, line 8, after "*3.*" by inserting:

"*The board of trustees of each school district shall ensure that the public schools within the school district afford parents and legal guardians of pupils who are enrolled in the public schools and other members of the general public an opportunity to review the supplemental textbooks proposed for instructional use in accordance with subsection 1.*

4.".

Amend sec. 2, page 2, by deleting lines 14 and 15 and inserting:

"instruction containing a presentation of the principles of a subject and used".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend sec. 4, page 3, by deleting lines 25 and 26 and inserting:

"*school district submits proof that the public schools within the school district comply with the requirements of section 1 of this act.*".

Amend the title of the bill, second line, by deleting "textbooks and".

Amend the summary of the bill, first line, after "review of" by inserting "supplemental".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 334.

Bill read second time.

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

Amendment No. 494.

Amend the bill as a whole by deleting sections 1 through 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The system or a private carrier may provide industrial insurance, as a part of a homeowner's policy of insurance, to a person who employs a domestic worker for the term of that worker's employment. Upon providing such coverage, the manager or private carrier may, with the approval of the commissioner, determine and fix the premium rates to be paid for the industrial insurance so provided.

2. A domestic worker for whom industrial insurance is provided pursuant to subsection 1:

(a) Shall be deemed to be an employee while performing work for his employer at a wage:

(1) Equal to his average monthly wage as determined pursuant to the regulations adopted by the administrator pursuant to NRS 616C.420 if he is employed more than 20 hours per week; or

(2) Of $150 per month if he is employed not more than 20 hours per week; and

(b) Is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

3. The provisions of this section do not authorize the system to transact property or casualty insurance in this state.

4. As used in this section:

(a) "Domestic worker" is a person who is engaged exclusively in household or domestic service performed inside or outside of a person's residence. The term includes, without limitation, a cook, housekeeper, maid, companion, babysitter, chauffeur or gardener.

(b) "Homeowner's policy of insurance" means a policy of property or casualty insurance that provides coverage for the loss of or damage to a home or against liability for the death or injury of a person or damage to property.".

Amend the title of the bill by deleting the second line and inserting:

"domestic workers; and providing other matters".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for industrial insurance coverage for domestic workers. (BDR 53-86)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 348 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 594.

Amend section 1, page 2, by deleting line 1 and inserting:

"4. The board of".

Amend section 1, page 2, line 3, after "officers." by inserting;

"*If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the board of trustees. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer.*".

Amend section 1, page 2, line 7, by deleting "*shall*" and inserting "*may*".

Amend section 1, page 2, by deleting lines 10 and 11 and inserting:

"*therein that is owned by the school district. If a contract is entered into pursuant to this section, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this section, the board of trustees shall, if applicable, cooperate with appropriate local law*".

Amend sec. 2, page 2, line 18, by deleting "*shall*" and inserting "*may*".

Amend sec. 2, page 2, line 22, by deleting "*The*" and inserting:

"*If the department enters into a contract pursuant to this section, the*".

Amend sec. 3, page 2, line 37, by deleting "*the*" and inserting "*a*".

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend the title of the bill by deleting the second through fifth lines and inserting:

"districts to employ a chief of school police; authorizing the boards of trustees of certain school districts to contract with metropolitan police departments for police services; providing for the creation of a school police unit within a metropolitan police department that has entered into a contract

with the board of trustees; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 304 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 478 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 451.

Bill read second time.

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

Amendment No. 377.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. The division shall enter into cooperative agreements with state and local agencies to provide inspections of regulated facilities where explosives are manufactured, or where an explosive is used, processed, handled, transported or stored in relation to its manufacture. The inspections must be conducted jointly by:*".

Amend section 1, page 2, line 7, by deleting "*As*" and inserting: "*Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.*

5. Except as otherwise provided in subsection 6, as".

Amend section 1, page 2, between lines 15 and 16, by inserting:

"*6. For the purposes of this section, an explosive does not include:*

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the title of the bill to read as follows:

"AN ACT relating to explosives; requiring inspections of certain regulated facilities where certain explosives are manufactured, used, processed, handled, transported or stored to be conducted jointly by various state and local agencies that are responsible for minimizing the risks posed by those facilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires inspections of certain regulated facilities where certain explosives are manufactured, used, processed, handled, transported or stored to be conducted jointly by various state and local agencies. (BDR 40-777)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 527.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 514.

Amend section 1, page 2, line 5, after "*Vegas,*" by inserting:

"*and the University of Nevada, Reno,*".

Amend sec. 2, page 2, line 17, by deleting "$12,000,000" and inserting "~~[$12,000,000]~~ *$25,000,000*".

Amend the title of the bill, third line, after "Vegas," by inserting:

"and the University of Nevada, Reno,".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 535.

Bill read second time.

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

Amendment No. 297.

Amend sec. 2, page 1, line 12, after "*oil.*" by inserting:

"*The term does not include any ammunition, powder, percussion caps, fuses, quills, matches, primers or explosive materials specified in 18 U.S.C. § 845(a)(4)-(6).*".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 459.380 is hereby amended to read as follows:

459.380 The legislature hereby declares that the purposes of NRS 459.380 to 459.3874, inclusive, are to:

1. Protect the health, safety and general welfare of the residents of this state from the effects of the improper handling of hazardous chemicals *or explosives* at the point where ~~[they]~~ *:*

(a) The chemicals are produced, used or stored in this state; *or*

(b) The explosives are manufactured for sale in this state;

2. Ensure that the employees of this state who are required to work with hazardous chemicals *or explosives* are guaranteed a safe and healthful working environment;

3. Protect the natural resources of this state by preventing and mitigating accidental or unexpected releases of hazardous chemicals into the environment; and

4. Ensure the safe and adequate handling of ~~[hazardous]~~ *:*

(a) Hazardous chemicals *that are* produced, used, stored or handled in this state ~~[.]~~ *; and*

(b) Explosives that are manufactured for sale in this state.".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and inserting a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. NRS 459.3808 is hereby amended to read as follows:

459.3808 "Hazard" means a characteristic of a:

1. Highly hazardous substance designated as such in NRS 459.3816 or any regulations adopted pursuant thereto;

2. System involving the use of such a highly hazardous substance;

3. Manufacturing plant using or producing a highly hazardous substance;

4. Regulated facility that manufactures explosives for sale; or

~~[4.]~~ *5.* Process relating to a highly hazardous substance,

which makes possible a chemical accident ~~[.]~~ *or explosion.*".

Amend sec. 5, page 2, line 23, by deleting:

"*produced and stored.*" and inserting:

"*manufactured for sale.*".

Amend the bill as a whole by renumbering sections 6 and 7 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 5, to read as follows:

"Sec. 8. NRS 459.3812 is hereby amended to read as follows:

459.3812 "Risk" means a risk posed by ~~[a]~~ *:*

1. A highly hazardous substance that is produced, used, stored or handled at a regulated facility ~~[.]~~ *; or*

2. An explosive that is manufactured for sale at a regulated facility.".

Amend sec. 6, page 2, by deleting line 41 and inserting:

"*(b) Manufactures explosives for sale.*".

Amend sec. 6, page 3, line 7, by deleting "8" and inserting "~~[8]~~ *3*".

Amend sec. 7, page 3, by deleting line 40 and inserting:

"precaution against chemical accidents, which is hereby".

Amend the bill as a whole by renumbering sections 8 through 10 as sections 12 through 14 and

adding a new section designated sec. 11, following sec. 7, to read as follows:

"Sec. 11. NRS 459.3826 is hereby amended to read as follows:

459.3826 1. Each owner or operator of a new regulated facility shall, within 10 days after the opening of the facility, tender the base fee and any additional fee imposed by the state environmental commission of the state department of conservation and natural resources pursuant to NRS 459.3824 for the first fiscal year with the form for registration of the facility.

2. Each owner or operator of a regulated facility registering a new highly hazardous substance *or explosive* at the facility shall tender the fee computed from the inventory of the highly hazardous substance *or explosive* when he registers the substance ~~[.]~~ *or explosive.*".

Amend sec. 8, page 4, by deleting line 7 and inserting:

"*(b) Manufactures any explosive for sale.*".

Amend sec. 8, page 4, line 16, by deleting:

"*produced and stored*" and inserting:

"*manufactured for sale*".

Amend sec. 8, page 4, line 17, by deleting:

"*produces and stores explosives;*" and inserting:

"*manufactures explosives for sale;*".

Amend sec. 8, page 4, lines 35 and 36, by deleting:

"*within 90 days:*

(a) After" and inserting:

"*:*

(a) Not later than 90 days after".

Amend sec. 8, page 4, line 39, by deleting "*(b) Before*" and inserting:

"*(b) Not later than 90 days after an explosive is added to the list of explosives that are manufactured for sale at the facility, if the facility manufactures explosives for sale;*

(c) At least 90 days before".

Amend sec. 8, page 4, line 42, by deleting "*(c) Before*" and inserting:

"*(d) At least 90 days before*".

Amend sec. 8, page 4, by deleting line 43 and inserting:

"*facility manufactures explosives for sale.*".

Amend the bill as a whole by renumbering sections 11 through 14 as sections 18 through 21 and adding new sections designated sections 15 through 17, following sec. 10, to read as follows:

"Sec. 15. NRS 459.3848 is hereby amended to read as follows:

459.3848 The findings of the person who conducted the assessment must include, without limitation:

1. The identity and quality of all highly hazardous substances produced, used, stored, handled, or that could unwittingly be produced in the event of a breakdown of equipment, human error, defect in design or procedural failure, or the imposition of an external force;

2. *The identity and quantity of all explosives that are manufactured for sale at the regulated facility;*

3. The nature, age and condition of all of the equipment and instruments ~~[involved in the handling and management of]~~ *used to handle and manage* a highly hazardous substance *or explosive* at the *regulated* facility, and the schedules for ~~[their]~~ *the* testing and maintenance ~~[;~~ ~~3.]~~ *of the equipment and instruments;*

4. The measures and precautions designed to protect against the intrusions of internal or external forces and events ~~[,]~~ or to control or contain discharges within the *regulated* facility;

~~[4.]~~ *5.* Any training or managerial practices in place which impart knowledge to appropriate personnel regarding the dangers posed by a release of a highly hazardous substance *or a discharge of an explosive* and the training provided to prepare ~~[them]~~ *those personnel* for the safe operation of the facility and for unanticipated occurrences;

~~[5.]~~ *6.* Any other preventive maintenance, capability to respond at the *regulated* facility to an emergency ~~[,]~~ or other internal mechanism developed to safeguard against the occurrence of an accidental release of a highly hazardous substance *or accidental discharge of an explosive* or any other aspect or component of the facility deemed relevant by the division;

~~[6.]~~ *7.* The practices, procedures and equipment designed to forestall a hazard at the ~~[covered]~~ *regulated* facility; and

~~[7.]~~ *8.* Any other information which is relevant to carry out the purposes of the report.

Sec. 16. NRS 459.385 is hereby amended to read as follows:

459.385 The conclusions of the person who conducted the assessment must include, without limitation:

1. The nature and magnitude of any hazard at the regulated facility;

2. The likelihood of a chemical accident resulting from the hazard at the regulated facility;

3. The circumstances that would result in a discharge of a highly hazardous substance *or explosive* at the regulated facility;

4. The effectiveness of the systems and procedures for safety at the regulated facility and for the control of any hazards; and

5. Any other information which is relevant for *the* purposes of the report.

Sec. 17. NRS 459.3852 is hereby amended to read as follows:

459.3852 The recommendations of the person who conducted the assessment must include, without limitation, the following information if applicable to the facility:

1. Alternative processes, procedures or equipment which ~~[might]~~ *may* reduce the risk of a release of a highly hazardous substance *or a discharge of an explosive* at the regulated facility while yielding the same or commensurate results;

2. The ~~[need]~~ *requirement* for *:*

(a) A change in a process;

~~[3. The need for a]~~

(b) A chemical substitution or change;

~~[4. The need for]~~

(c) Any additional safety equipment;

~~[5. The need for a mitigation system;~~

~~6. The need for]~~

(d) A mitigation system;

(e) Any additional preventive maintenance or responses at the *regulated* facility to emergencies, to safeguard against a hazard;

~~[7. The need for]~~ *and*

(f) Any additional planning near the *regulated* facility to meet emergencies;

~~[8.]~~ *3.* A detailed plan to abate hazards suitable for adoption as an accident reduction plan to reduce accidents; and

~~[9.]~~ *4.* Any other information which is relevant for *the* purposes of the report.".

Amend sec. 12, page 7, line 6, by deleting "annual fee:" and inserting: "~~[annual fee:]~~ *the fee required pursuant to NRS 459.3824:*".

Amend the title of the bill to read as follows:

"AN ACT relating to public safety; providing for the registration and regulation of facilities that manufacture explosives for sale by the division of environmental protection of the state department of conservation and natural resources; requiring an assessment of risks through analysis of hazards to be conducted at a regulated facility where highly hazardous substances are located or explosives are manufactured for sale if such a substance or explosive is newly introduced into the facility; abolishing the requirement that the division establish a schedule for those assessments; providing penalties; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 536.

Bill read second time.

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

Amendment No. 376.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Process" means:*

1. Any activity that involves a substance listed in NRS 459.3816 or in a regulation of the division adopted pursuant to NRS 459.3833, and includes, without limitation, the use, storage, manufacture, handling or on-site movement of the substance, or any combination thereof.

2. A group of vessels that are used in connection with such an activity, including vessels that are:

(a) Interconnected; or

(b) Separate, but located in such a manner which makes possible the release of a substance.

Sec. 3. *"Vessel" means a reactor, tank, drum, barrel, cylinder, vat, kettle, boiler, pipe, hose or other container.*

Sec. 4. *1. No owner or operator of a regulated facility may commence construction or operation of any new process subject to regulation pursuant to NRS 459.380 to 459.3874, inclusive, and sections 2, 3 and 4 of this act, unless he first obtains all appropriate permits from the division to construct the new process or commence operation of the new process, or both. Before issuing any such permits, the division shall consult with the division of industrial relations of the department of business and industry.*

2. An application for such a permit must be submitted on a form prescribed by the division.

3. The division may require the applicant to comply with requirements that it establishes by regulation before issuing any permits for construction and operation of the process.

4. The division may charge and collect a fee for the issuance of such a permit. All fees collected pursuant to this section and any interest earned thereon must be deposited with the state treasurer for credit to the fund for precaution against chemical accidents created pursuant to NRS 459.3824.".

Amend the bill as a whole by renumbering sections 2 through 9 as sections 5 through 12.

Amend sec. 2, page 2, lines 6 and 7, by deleting "*section 1*" and inserting: "*sections 2, 3 and 4*".

Amend sec. 2, page 2, line 8, after "inclusive," by inserting: "*and sections 2 and 3 of this act*".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 2, to read as follows:

"Sec. 5.5. NRS 459.3824 is hereby amended to read as follows:

459.3824 1. The owner of a regulated facility shall pay to the division an annual fee based on the fiscal year. The annual fee for each facility is the sum of a base fee set by the state environmental commission and any additional fee imposed by the commission pursuant to subsection 2. The annual fee must be prorated and may not be refunded.

2. The state environmental commission may impose an additional fee upon the owner of a regulated facility in an amount determined by the commission to be necessary to enable the division to carry out its duties pursuant to NRS 459.380 to 459.3874, inclusive ~~[.]~~ *, and sections 2, 3 and 4 of this act.* The additional fee must be based on a graduated schedule adopted by the commission which takes into consideration the quantity of hazardous substances located at each facility.

3. After the payment of the initial annual fee, the division shall send the owner of a regulated facility a bill in July for the annual fee for the fiscal year then beginning which is based on the applicable reports for the preceding year.

4. The owner of a regulated facility shall submit, with any payment required by this section, the number assigned by the department of taxation, for the imposition and collection of taxes pursuant to chapter 364A of NRS, to the business for which the payment is made.

5. All fees collected pursuant to this section *and penalties collected pursuant to NRS 459.3833, 459.3834 and 459.3874,* and any interest earned thereon , must be deposited with the state treasurer for credit to the fund for precaution against chemical accidents, which is hereby created as a special revenue fund.".

Amend sec. 3, page 2, line 12, by deleting "*1*" and inserting "*4*".

Amend sec. 3, page 2, line 19, by deleting "*1*" and inserting "*4*".

Amend sec. 4, page 3, between lines 32 and 33, by inserting:

"*The civil administrative penalty prescribed in category L may be assessed against a contractor who is constructing the regulated facility only if the contractor is contractually responsible for obtaining all appropriate permits for the construction of the regulated facility and the contractor knows or has reason to know the planned use of the regulated facility.*".

Amend sec. 4, page 4, line 4, by deleting "*1*" and inserting "*4*".

Amend sec. 5, page 4, line 14, by deleting:

"6 and 7" and inserting:

"9 and 10".

Amend sec. 6, page 4, by deleting lines 15 through 20 and inserting:

"Sec. 9. *1. No owner or operator of a place of employment may commence the construction of, substantially alter the construction of, or modify any major process used to protect the lives, safety and health of employees at a place of employment where an explosive is manufactured, or used, processed, handled, transported or stored in relation to its manufacture, unless he first obtains a permit therefor from the division. Before issuing any permit, the division shall consult with the division of*

environmental protection of the state department of conservation and natural resources.".

Amend sec. 6, page 4, by deleting lines 30 through 33 and inserting:

"*6. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.*".

Amend sec. 6, page 4, line 34, by deleting "*As*" and inserting:

"*Except as otherwise provided in subsection 8, as*".

Amend sec. 6, page 4, after line 42, by inserting:

"*8. For the purposes of this section, an explosive does not include:*

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.".

Amend sec. 7, page 5, line 1, by deleting "*6*" and inserting "*9*".

Amend the title of the bill to read as follows:

"AN ACT relating to public safety; requiring permits to construct or operate new processes which include any activity involving highly hazardous substances at any regulated facility where those substances are located; requiring a permit to construct, alter the construction of or modify certain processes at a place of employment where certain explosives are located; providing that certain monetary penalties must be deposited in the fund for precaution against chemical accidents; providing penalties; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 654.

Amend sec. 3, page 2, line 25, by deleting "*subsection 2,*" and inserting:

"*subsections 2 and 3,*".

Amend sec. 3, page 2, line 28, by deleting "*6*" and inserting "*4*".

Amend sec. 3, page 2, line 29, by deleting "*20*" and inserting "*18*".

Amend sec. 3, page 2, by deleting lines 37 through 39 and inserting:

"*section 2 of this act may transport as a passenger a member of his immediate family, regardless of the age of the family member.*

3. A person to whom a provisional license is issued pursuant to section 2 of this act may, during the first 12 months after the provisional license is".

Amend sec. 3, pages 2 and 3, by deleting line 43 on page 2 and line 1 on page 3, and inserting:

"*condition of the licensee, if the licensee has in his immediate possession a signed*".

Amend sec. 3, page 3, by deleting lines 7 through 10 and inserting:

"*activity authorized by his school, if the licensee has in his immediate possession a signed statement from his parent or legal guardian stating the reason for the necessity and an attached statement from the school that includes*".

Amend sec. 3, page 3, by deleting lines 13 and 14 and inserting:

"*(c) It is necessary for the licensee to drive to attend work, if the licensee has in*".

Amend sec. 3, page 3, by deleting lines 19 and 20 and inserting:

"*his immediate family, if the licensee has in his immediate possession a signed*".

Amend sec. 3, page 3, line 24, by deleting "*3.*" and inserting "*4.*".

Amend sec. 4, page 4, by deleting lines 14 and 15 and inserting:

"*(b) Is not grounds for suspension or revocation of the provisional license pursuant to NRS 483.360.*".

Amend sec. 5, page 4, by deleting line 23 and inserting:

"*of this act or otherwise indicate that the license is provisional;*".

Amend sec. 5, page 4, by deleting line 26 and inserting:

"*of 16 and 18 years; and*

(c) May adopt regulations necessary to carry out the laws governing the issuance of provisional licenses.".

Amend sec. 9, page 6, line 40, by deleting "school," and inserting:

"school ~~[,]~~ *or a school activity,*".

Amend sec. 9, page 7, line 2, by deleting "school," and inserting:

"school ~~[,]~~ *or a school activity,*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Bache, and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 555.

Bill read second time.

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

Amendment No. 625.

Amend sec. 2, page 2, by deleting lines 1 and 2 and inserting:

"*less than the value of the money or property transferred and a deduction as a charitable contribution is allowable for purposes*".

Amend sec. 2, page 2, between lines 18 and 19, by inserting:

"*The term does not include an annuity for which any person is paid compensation that is contingent upon the issuance of the annuity or based upon the value of the annuity other than a payment for reinsurance to an insurer licensed to issue insurance in this state.*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 562.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 618.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

"*1. The personal property of an employer who provides free child care for the children of his employees at an on-site child care facility, not to exceed the amount of $3,500,000 of assessed valuation, is exempt from taxation.*

2. An employer must file his".

Amend section 1, page 2, by deleting lines 2 and 3 and inserting:

"*making a claim pursuant to this section.*

4. As used in this section, "on-site child care facility" has the meaning ascribed to it in NRS 432A.0275.".

Amend the title of the bill to read as follows:

"AN ACT relating to property tax; providing an exemption from personal property tax for an employer who provides free on-site child care for his employees; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides exemption from personal property tax for employer who provides free on-site child care for employees. (BDR 32-1349)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Assemblyman Goldwater moved that upon return from the printer Assembly Bill No. 562 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk,

Assembly Bill No. 567.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 617.

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

"Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The personal property of an employer who provides a free pass for public transit to an employee for the entire fiscal year preceding the fiscal year for which the exemption is claimed, not to exceed the amount of $3,500 of assessed valuation, is exempt from taxation.

2. An employer must file his claim for the exemption on or before June 15 preceding the fiscal year for which the exemption is claimed with the county assessor of the county in which the personal property of the business is located.

3. The department shall prescribe by regulation the form to be used to make a claim pursuant to this section.

4. As used in this section:

(a) "Pass for public transit" means a card or other object that, when held by a person, entitles the person to use one or more of the methods of conveyance employed by a public transit system without paying an additional fare.

(b) "Public transit system" has the meaning ascribed to it in NRS 377A.016.".

Amend the title of the bill to read as follows:

"AN ACT relating to property tax; providing a partial exemption from personal property tax for an employer who provides a free pass for public transit to an employee; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides partial exemption from personal property tax for employer who provides free pass for public transit to employee. (BDR 32-1340)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Assemblyman Goldwater moved that upon return from the printer Assembly Bill No. 567 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 576.

Bill read second time.

The following amendment was proposed by the Committee on Education:

"

Amendment No. 592.

Amend section 1, page 1, line 9, after "2." by inserting:

"*If the board of trustees of a school district employs a person who is not licensed as an administrator to serve as the superintendent of schools, the board of trustees shall employ a person who is licensed as an administrator to oversee the academic programs of the public schools within the school district.*

3.".

Amend section 1, page 1, line 12, by deleting "3." and inserting "~~[3.]~~ *4.*".

Amend section 1, page 1, line 13, by deleting "4." and inserting "~~[4.]~~ *5.*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 581.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 616.

Amend sec. 3, page 2, by deleting line 19 and inserting:

"*Sec. 56.3. The legislature may exempt from the taxes imposed by*".

Amend sec. 3, page 2, by deleting lines 22 through 41 and inserting:

"*eligible pupil for a period of not more than 14 consecutive days at the beginning of each school year. If the legislature authorizes the exemption, it shall establish:*

1. Standards for determining whether a pupil is eligible for the exemption and which school supplies are exempt;

2. The dates during which the exemption applies; and

3. Procedures for administering the provisions of this section.".

Amend sec. 4, page 3, line 5, after "to" by inserting:

"authorize the legislature to".

Amend sec. 5, page 3, line 16, after "would" by inserting:

"authorize the legislature to".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There are exempted from the taxes imposed by this chapter the gross receipts from the sale and the storage, use or other consumption of school supplies by or on behalf of an eligible pupil during the last 7 days of August each year. To obtain the exemption, a pupil or his parent or legal guardian shall, in the manner prescribed by the Nevada tax commission, present to the retailer from whom he is purchasing a school supply, documentation of the eligibility of the pupil for the exemption. Upon the presentation of such

documentation, the retailer shall provide the exemption to the pupil or his parent or legal guardian.

2. The department of taxation shall:

(a) In cooperation with the department of education, establish the type of documentation that may be presented to and must be accepted by a retailer pursuant to subsection 1; and

(b) Provide to each retailer:

(1) On or before May 24 of each year, a notice indicating that an eligible pupil or his parent or legal guardian may obtain the exemption provided in subsection 1 during the last 7 days of August;

(2) Information concerning the documentation that may be presented to and must be accepted by a retailer pursuant to subsection 1; and

(3) A copy of the regulations adopted by the Nevada tax commission pursuant to subsection 4.

3. The department of education shall provide to each school district:

(a) A notice of the exemption provided pursuant to subsection 1; and

(b) Samples of the documentation that the department of taxation determines may be presented to and must be accepted by a retailer pursuant to subsection 1. The school district shall copy and distribute the documentation to each pupil of the school district.

4. The Nevada tax commission shall adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Eligible pupil" means a person who is enrolled for the current academic year in a public or private school as evidenced by a photographic identification card or other enrollment documentation deemed acceptable for this purpose by the department of taxation as evidence of his enrollment.

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

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

(d) "School supplies" means paper, pencils, pens, markers, crayons, notebooks, binders, poster board, scissors, rulers, lunchboxes, backpacks, dictionaries, thesauruses, tape, tape dispensers, staples, staplers and calculators. Except as otherwise provided in this paragraph, the term includes, without limitation, any other similar supplies determined by the Nevada tax commission to be for use by pupils to assist in the performance of their course work. The term does not include clothing, shoes, computers, computer software or any single item sold at retail for more than $100.".

Amend sec. 9, page 3, line 41, by deleting "*student*" and inserting "*pupil*".

Amend sec. 9, page 3, line 42, after "*year.*" by inserting:

"*To obtain the exemption, a pupil or his parent or legal guardian shall, in the manner prescribed by the Nevada tax commission, present to the retailer from whom he is purchasing a school supply, documentation of the eligibility of the pupil for the exemption. Upon the presentation of such documentation, the retailer shall provide the exemption to the pupil or his parent or legal guardian.*".

Amend sec. 9, page 4, line 1, after "*2.*" by inserting:

"*The department of taxation shall:*

(a) In cooperation with the department of education, establish the type of documentation that may be presented to and must be accepted by a retailer pursuant to subsection 1; and

(b) Provide to each retailer:

(1) On or before May 24 of each year, a notice indicating that an eligible pupil or his parent or legal guardian may obtain the exemption provided in subsection 1 during the last 7 days of August;

(2) Information concerning the documentation that may be presented to and must be accepted by a retailer pursuant to subsection 1; and

(3) A copy of the regulations adopted by the Nevada tax commission pursuant to subsection 4.

3. The department of education shall provide to each school district:

(a) A notice of the exemption provided pursuant to subsection 1; and

(b) Samples of the documentation that the department of taxation determines may be presented to and must be accepted by a retailer pursuant to subsection 1. The school district shall copy and distribute the documentation to each pupil of the school district.

4.".

Amend sec. 9, page 4, line 3, by deleting "*3.*" and inserting "*5.*".

Amend sec. 9, page 4, lines 5 and 6 by deleting:

"*school, community college or university*" and inserting "*school*".

Amend sec. 9, page 4, line 8, by deleting:

"*Nevada tax commission*" and inserting:

"*department of taxation*".

Amend sec. 9, page 4, line 9, after "*(b)*" by inserting:

"*"Private school" has the meaning ascribed to it in NRS 394.103.*

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

(d)".

Amend sec. 9, page 4, line 12, by deleting "*subsection,*" and inserting "*paragraph,*".

Amend sec. 9, page 4, line 14, by deleting "*and students*".

Amend sec. 9, page 4, by deleting line 18 and inserting:

"Sec. 11. Sections 9 and 10 of this act become effective on January 1, 2001,".

Amend the title of the bill, third line, by deleting "provide a" and inserting: "authorize the legislature to provide not more than 2 weeks without sales tax on school supplies; contingently providing 1".

Amend the summary of the bill to read as follows:

"SUMMARY—Proposes to authorize legislature to provide not more than 2 weeks without sales tax on school supplies. (BDR 32-1501)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 584.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 266.

Amend sec. 4, page 1, by deleting line 8 and inserting:

"Sec. 4. *Except as otherwise provided in NRS 366.395:*

1. If a person fails to file a return or the department is not".

Amend sec. 10, page 3, line 26, by deleting "*45*" and inserting "*30*".

Amend sec. 55, page 17, line 5, by deleting "*or*".

Amend sec. 55, page 17, line 8, by deleting the italicized period and inserting:

"*; or*

3. Produces, manufactures or refines motor vehicle fuel, except aviation fuel, in this state.".

Amend sec. 59, page 18, line 2, by deleting "*25th*" and inserting "*last*".

Amend sec. 61, page 18, line 26, by deleting "*25th*" and inserting "*last*".

Amend sec. 61, page 18, line 27, before "*month,*" by inserting "*calendar*".

Amend sec. 62, page 19, line 14, by deleting "*20*" and inserting "*25*".

Amend sec. 71, page 22, line 18, by deleting "25th" and inserting:

"~~[25th]~~ *last*".

Amend sec. 73, page 23, line 18, by deleting "gasoline." and inserting:

"~~[gasoline.]~~ *motor vehicle fuel.*".

Amend sec. 73, page 23, line 21, by deleting "gasoline" and inserting:

"~~[gasoline]~~ *motor vehicle fuel*".

Amend sec. 77, page 25, line 19, after "*3.*" by inserting:

"*Any person who resells any motor vehicle fuel exempt from taxation pursuant to NRS 365.220 to 365.260, inclusive, for use that is not exempt pursuant to those provisions shall collect the excise tax required to be paid on the motor vehicle fuel and remit it to the department.*

4.".

Amend sec. 83, page 27, line 22, by deleting "*2000,*" and inserting "*2002,*".

Amend sec. 84, page 27, line 26, by deleting "1." and inserting "~~[1.]~~".

Amend sec. 84, page 27, by deleting lines 29 through 33 and inserting:

"as a dealer ~~[.~~

~~2. The fee for each license issued shall be $5, which shall be paid to the department. All such fees shall be delivered by the department to the state treasurer and shall be credited by him to the state highway fund.]~~ *or supplier.*".

Amend sec. 85, page 28, lines 1 and 2, by deleting:

"*or supplier* may" and inserting:

"~~[may]~~ *or supplier must*".

Amend sec. 85, page 28, line 4, by deleting the period and inserting:

"~~[.]~~ *, or $1,000, whichever is greater.*".

Amend sec. 88, page 29, line 13, by deleting "25th" and inserting "~~[25th]~~ *last*".

Amend sec. 88, page 29, by deleting lines 26 through 34 and inserting "*collection.*".

Amend sec. 89, page 29, line 37, by deleting "25th" and inserting "~~[25th]~~ *last*".

Amend sec. 90, page 30, line 30, by deleting "gasoline" and inserting: "~~[gasoline]~~ *motor vehicle fuel*".

Amend sec. 90, page 30, line 31, by deleting "*gasoline*" and inserting: "*motor vehicle fuel*".

Amend sec. 95, page 31, line 40, after "dealer" by inserting "*and supplier*".

Amend sec. 95, page 32, line 7, after "*dealer*" by inserting "*or supplier*".

Amend sec. 95, page 32, line 13, by deleting the italicized comma and inserting "*or supplier,*".

Amend sec. 95, page 32, line 18, after "dealer's" by inserting "*or supplier's*".

Amend sec. 95, page 32, line 19, after "dealer" by inserting "*or supplier*".

Amend sec. 95, page 32, line 24, after "dealer" by inserting "*or supplier*".

Amend the bill as a whole by adding new sections designated sections 100.5 and 100.7, following sec. 100, to read as follows:

"Sec. 100.5. NRS 366.395 is hereby amended to read as follows:

366.395 1. Any ~~[person]~~ *special fuel user* who fails to pay any excise tax ~~[, except taxes assessed pursuant to the provisions of NRS 366.405,]~~ within the time prescribed by this chapter shall pay, in addition to the tax, a penalty of ~~[:~~

~~(a) If the amount of the tax owed is $50 or more, 10 percent of the amount owed or $50, whichever is greater; or~~

~~(b) If the amount of the tax owed is less than $50,]~~ *$50 or* 10 percent of the amount owed, *whichever is greater,* plus interest on the amount of the tax at the rate of 1 percent per month or fraction thereof, from the date the tax became finally due until the date of payment.

2. A tax return or statement is considered delinquent when it has not been received by the department by the date the tax return or statement is due, as prescribed by the provisions of this chapter.

Sec. 100.7. NRS 366.540 is hereby amended to read as follows:

366.540 1. The tax provided for by this chapter must be paid by special fuel suppliers, special fuel dealers and special fuel users. A special fuel supplier or special fuel dealer shall pay to the department the excise tax he collects from purchasers of special fuel with the monthly return filed pursuant to NRS 366.383 or 366.386, respectively. The tax paid by a special fuel user must be computed by multiplying the tax rate per gallon provided in this chapter by the amount that the number of gallons of special fuel consumed by the special fuel user in the propulsion of motor vehicles on the

highways of this state exceeds the number of gallons of special fuel purchases by him.

2. Except as otherwise provided in subsection 3, in computing the amount of tax on special fuel a special fuel supplier owes to the department, the special fuel supplier may deduct from the amount due pursuant to subsection 1 any amount which is due but has not been paid by a purchaser who is authorized by the department to defer payment of the tax pursuant to NRS 366.397. If such a deduction is claimed, the claim must identify the purchaser and the amount of taxes that he failed to pay.

3. A special fuel supplier shall not deduct from the amount he owes the department pursuant to subsection 1 any amount which has not been paid by a person whose permit to defer the payment of the tax has been revoked pursuant to subsection 4 of NRS 366.397 if, before the special fuel was purchased, the special fuel supplier had been notified by the department pursuant to subsection 5 of NRS 366.397 that it had revoked the purchaser's permit.

4. Each special fuel supplier and special fuel dealer shall hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the state.".

Amend sec. 106, page 37, line 38, by deleting "gasoline" and inserting: "~~[gasoline]~~ *motor vehicle fuel*".

Amend sec. 106, page 37, line 41, by deleting "gasoline" and inserting: "~~[gasoline]~~ *motor vehicle fuel*".

Amend sec. 106, page 38, line 2, by deleting "gasoline" and inserting: "~~[gasoline]~~ *motor vehicle fuel*".

Amend sec. 106, page 38, line 10, by deleting "25th" and inserting "~~[25th]~~ *last*".

Amend sec. 106, page 38, line 13, by deleting "gasoline" and inserting: "~~[gasoline]~~ *motor vehicle fuel*".

Amend sec. 109, page 39, line 13, by deleting "25th" and inserting "~~[25th]~~ *last*".

Amend sec. 110, page 39, line 23, by deleting "366.395,".

Amend sec. 111, page 39, line 29, by deleting:

"July 1, 1999." and inserting:

"January 1, 2002.".

Amend sec. 112, page 39, line 31, by deleting:

"July 1, 1999." and inserting:

"January 1, 2002.".

Amend sec. 113, page 39, by deleting lines 32 through 35 and inserting:

"Sec. 113. 1. This section and section 100.7 of this act become effective upon passage and approval.

2. The remaining sections of this act become effective on January 1, 2000, for the purposes of the adoption of regulations by the department of motor vehicles and public safety and the execution of any other

administrative matters necessary to allow the department to begin collecting the taxes on January 1, 2002, and for all other purposes on January 1, 2002.".

Amend sec. 114, page 39, line 36, by deleting "reprint" and inserting: "and 2001 reprints".

Amend the leadlines of repealed sections by deleting the leadline of NRS 366.395.

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 603.

Bill read second time.

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

Amendment No. 375.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. No person may commence operation in this state of a facility where an explosive, or a substance listed in NRS 459.3816, the regulations adopted pursuant thereto or the regulations adopted pursuant to NRS 459.3833, will be used, manufactured,*".

Amend section 1, page 1, line 7, after "*is*" by inserting "*to be*".

Amend section 1, page 1, line 14, by deleting "*10*" and inserting "*30*".

Amend section 1, page 2, by deleting line 22 and inserting:

"*and a description of all explosives, and all substances described in subsection 1, that*".

Amend section 1, page 2, by deleting lines 25 through 27 and inserting:

"*(a) Consult with:*

(1) Local emergency planning committees;

(2) The administrator of the division of environmental protection of the state department of conservation and natural resources;

(3) The state fire marshal;

(4) The administrator of the division of industrial relations of the department of business and industry; and

(5) The governing body of any other city or county that may be affected by the operation of the facility; and".

Amend section 1, page 2, line 30, by deleting "*30 days*" and inserting: "*a reasonable time*".

Amend section 1, page 3, by deleting lines 1 and 2 and inserting:

"*7. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.*

8. Except as otherwise provided in subsection 9, as used in this section, "explosive" means gunpowders, powders used for blasting, all".

Amend section 1, page 3, by deleting lines 11 and 12 and inserting:

"*9. For the purposes of this section, an explosive does not include:*

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.".

Amend the title of the bill by deleting the first through fourth lines and inserting:

"AN ACT relating to land use; requiring a person who wishes to commence operation of a facility where explosives or certain substances will be used, manufactured, processed, transferred or stored to obtain a conditional use permit from the governing body of the city or county in which the facility is to be located; providing exceptions; establishing the".

Amend the summary of the bill, first line, by deleting "for" and inserting "to commence".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 610.

Bill read second time.

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

Amendment No. 644.

Amend section 1, page 1, by deleting lines 16 and 17 and inserting:

"(1) Buildings for his own private residential use; ~~[or]~~

(2) Farm or ranch buildings used as such ~~[.]~~ *; or*

(3) Buildings owned by that person or his employer when an architect, a registered interior designer, a residential designer or a licensed professional engineer is also engaged by that person or his employer for work on the same building.".

Amend section 1, page 2, line 3, by deleting:

"*, during or after construction,*".

Amend section 1, page 2, by deleting lines 13 through 18 and inserting:

"(7) Furniture or equipment,

if the preparation or implementation of those drawings or the installation of those materials or furnishings is not regulated by any building code or other law, ordinance, rule or regulation governing the alteration or construction of a structure.

(h) Any person who holds a certificate of registration issued by the state fire marshal to provide approved interior materials and furnishings used in interior design to the extent authorized by the certificate.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 477 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The state fire marshal shall, by regulation, provide for the registration of qualified interior designers who provide interior materials and furnishings regulated by a building code.

2. The regulations must set forth:

(a) The qualifications necessary for the issuance of a certificate of registration pursuant to this section, including, without limitation, the submission of evidence of the successful completion of a course of study approved by the state fire marshal regarding applicable building codes and other related information.

(b) The criteria for approving instructors and courses of study regarding applicable building codes and other related information.

(c) Any continuing education necessary for the renewal of a certificate of registration issued pursuant to this section.

3. A person licensed or registered by the state board of architecture pursuant to chapter 623 of NRS is not eligible for the issuance of a certificate of registration pursuant to this section.".

Amend the title of the bill, first line, by deleting:

"in skeleton form".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 621.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 432.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 179.245, 179.255 or 453.3365, a copy of the order must be sent to ~~[each]~~ *:*

1. The central repository for Nevada records of criminal history; and

2. Each public or private company, agency or official named in the order, and that person shall seal the records in his custody which relate to the matters contained in the order, shall advise the court of his compliance, and shall then seal the order.

Sec. 2. Chapter 179A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *"Record of public safety" means a record, other than a record of criminal history, that is submitted to the central repository by an agency of criminal justice and maintained by the central repository pursuant to the provisions of this chapter.*".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 4. *1. In the time and manner prescribed by the director of the*".

Amend section 1, page 1, line 5, by deleting "*shall*" and inserting "*may*".

Amend section 1, page 1, line 9, after "*authority;*" by inserting "*and*".

Amend section 1, page 1, by deleting lines 11 through 13 and inserting "*agency.*".

Amend section 1, page 2, by deleting lines 3 through 7.

Amend the bill as a whole by renumbering sections 2 through 9 as sections 6 through 13 and adding a new section designated sec. 5, following section 1, to read as follows:

"Sec. 5. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.".

Amend sec. 2, page 2, line 14, after "*171.1773,*" by inserting:

"*citations issued for violations of NRS 484.379 and 484.3795,*".

Amend sec. 2, page 2, by deleting lines 17 and 18 and inserting:

"*without limitation,* dismissals, acquittals, convictions, sentences,".

Amend sec. 2, page 2, line 19, by deleting "*12*" and inserting "*17*".

Amend sec. 2, page 2, line 26, by deleting "state. ~~[The~~" and inserting:

"state ~~[. The~~".

Amend sec. 2, page 2, line 28, after "~~regulations.]~~" by inserting:

", *including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the division of parole and probation of the department.*".

Amend sec. 2, page 3, line 4, by deleting "Records" and inserting:

"~~[Records]~~ *Except as otherwise provided in subsection 1, records*".

Amend sec. 3, page 3, by deleting line 26 and inserting:

"to sexual offenses , ~~[and]~~ other records of criminal history *and records of public safety that* it ~~[collects,]~~ *creates or issues,* and any".

Amend sec. 3, page 3, line 42, by deleting "shall:" and inserting:

"shall ~~[:]~~ *, in the manner prescribed by the director of the department:*".

Amend sec. 3, page 4, by deleting lines 1 through 7 and inserting:

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

(1) Sexual offenses and other records of criminal history; ~~[and]~~

(2) The genetic markers of the blood and the secretor status of".

Amend sec. 3, page 4, by deleting lines 11 through 14 and inserting:

"*(3) Records of public safety.*

(b) When practicable, use a record of the ~~[subject's fingerprints]~~ *personal identifying information of a subject*".

Amend sec. 3, page 4, line 22, by deleting "Disseminate" and inserting:

"~~[Disseminate]~~ *Except as otherwise provided in paragraph (b), disseminate*".

Amend sec. 3, page 4, line 24, after "(b)" by inserting:

"*Except as otherwise provided in subsection 4 of NRS 179A.100, disseminate only to law enforcement agencies in this state, records concerning:*

(1) An applicant for the issuance or renewal of a permit to carry a concealed firearm submitted to the central repository pursuant to NRS 202.366 or 202.3687; and

(2) An applicant for the issuance or renewal of an occupational license or permit submitted to the central repository pursuant to section 4 of this act.

(c)".

Amend sec. 3, page 4, line 25, by deleting "such information;" and inserting:

"~~[such information;]~~ *the information that the central repository may disseminate pursuant to paragraph (a);*".

Amend sec. 3, page 4, line 26, by deleting "(c)" and inserting "~~[(c)]~~ *(d)*".

Amend sec. 3, page 4, line 27, by deleting "person:" and inserting:

"person ~~[:]~~ *whose record of fingerprints the central repository submits to the Federal Bureau of Investigation and:*".

Amend sec. 3, page 5, by deleting lines 5 and 6 and inserting "central repository.".

Amend sec. 3, page 5, by deleting line 37 and inserting:

"(h) On or before ~~[January 31]~~ *July 1* of each ~~[odd-numbered]~~ year, prepare and".

Amend sec. 3, page 5, line 39, after "legislature," by inserting:

"*or the legislative commission when the legislature is not in regular session,*".

Amend sec. 3, page 6, line 18, after "*to*" by inserting "*receive and*".

Amend sec. 3, page 6, between lines 20 and 21, by inserting:

"*(d) Collect and maintain records submitted to the central repository pursuant to section 4 of this act.*".

Amend sec. 3, page 6, line 21, by deleting "section, "advisory" and inserting:

"~~[section, "advisory]~~ *section:*

(a) "Advisory".

Amend sec. 3, page 6, between lines 22 and 23, by inserting:

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

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

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

Amend sec. 4, page 6, by deleting lines 33 and 34 and inserting:

"records of criminal history ~~[.]~~ *and records of public safety.*".

Amend sec. 5, page 7, line 3, after "agencies" by inserting:

"*of criminal justice*".

Amend sec. 5, page 7, line 5, after "agency" by inserting:

"*of criminal justice*".

Amend sec. 5, page 7, line 17, after "offenses" by inserting:

"*, other records of criminal history or records of public safety*".

Amend sec. 6, page 8, by deleting line 37 and inserting:

"criminal history *or records of public safety*".

Amend sec. 6, page 8, line 38, by deleting "*440.030*".

Amend sec. 6, page 9, by deleting line 3 and inserting:

"*of public safety* were provided;".

Amend sec. 7, page 9, by deleting line 10 and inserting:

"criminal history *or records of public safety*".

Amend sec. 7, page 9, line 11, by deleting "*440.030*".

Amend sec. 8, page 9, by deleting line 25 and inserting:

"criminal history *or records of public safety*".

Amend sec. 8, page 9, line 26, by deleting "*440.030*".

Amend sec. 8, page 9, by deleting lines 31 and 32 and inserting:

"relating to sexual offenses , ~~[or]~~ a record of criminal history ~~[.]~~ *or a record of public safety.*".

Amend sec. 8, page 9, by deleting line 36 and inserting:

"*of public safety* by those persons who".

Amend sec. 8, page 10, by deleting line 8 and inserting:

"*of public safety* by the person who is the".

Amend sec. 8, page 10, by deleting lines 11 and 12 and inserting:

"~~other record]~~ , *other records* of criminal history *or records of public safety* found by the director to be inaccurate,".

Amend sec. 8, page 10, by deleting lines 19 through 25 and inserting:

"criminal history *or records of public safety* must be corrected and the corrected information disseminated. The corrected information must be sent to each person who requested the information in the 12 months preceding the date on which the correction was made, and notice of the correction must be sent to each person entitled thereto pursuant to NRS 179A.210, to the address given by each person who requested the information when the request was made.".

Amend sec. 9, page 10, by deleting lines 30 and 31 and inserting:

"criminal history *or records of public safety* under false pretenses;".

Amend sec. 9, page 10, by deleting line 33 and inserting:

"records of criminal history *or records of public safety*".

Amend sec. 9, page 10, line 34, by deleting "*NRS 440.030*".

Amend sec. 9, page 10, by deleting lines 36 and 37 and inserting:

"record relating to records of criminal history ~~[:]~~ *or a record of public safety or any record relating to records of public safety,*".

Amend the bill as a whole by renumbering sections 10 through 13 as sections 15 through 18 and adding a new section designated sec. 14, following sec. 9, to read as follows:

"Sec. 14. NRS 62.350 is hereby amended to read as follows:

62.350 1. The fingerprints of a child must be taken if the child is in custody for an act that, if committed by an adult:

(a) Would be a felony, a gross misdemeanor or a sexual offense; or

(b) Would be a misdemeanor, and the act involved:

(1) The use or threatened use of force or violence against the victim; or

(2) The possession, use or threatened use of a firearm or a deadly weapon.

2. The fingerprints of a child who is in custody but who is not subject to the provisions of subsection 1 may be taken if a law enforcement officer finds latent fingerprints during the investigation of an offense and the officer has reason to believe that the latent fingerprints are those of the child. The officer shall use the fingerprints taken from the child ~~[for the purpose of making]~~ *to make* an immediate comparison with the latent fingerprints. If the comparison is:

(a) Negative, the fingerprint card and other copies of the fingerprints taken may be immediately destroyed or may be retained for future use.

(b) Positive, the fingerprint card and other copies of the fingerprints:

(1) Must be delivered to the court for disposition if the child is referred to court.

(2) May be immediately destroyed or may be retained for future use if the child is not referred to court.

3. Fingerprints that are taken from a child pursuant to the provisions of this section:

(a) May be retained in a local file or a local system for the automatic retrieval of fingerprints if they are retained under special security measures that limit inspection of the fingerprints to law enforcement officers who are conducting criminal investigations. If the child from whom the fingerprints are taken subsequently is not adjudicated delinquent, the parent or guardian of the child or, when the child becomes at least 18 years of age, the child, may petition the court for the removal of the fingerprints from any such local file or local system.

(b) Must be submitted to the central repository for Nevada records of criminal history if the child is adjudicated delinquent for an act that, if committed by an adult, would be a felony or sexual offense, and may be submitted to the central repository for any other act. *Any such fingerprints submitted to the central repository must be submitted with a description of the child and the unlawful act, if any, that the child committed.* The central

repository shall retain the fingerprints *and such information* of the child under special security measures that limit inspection of the fingerprints *and such information* to law enforcement officers who are conducting criminal investigations and to officers and employees of the central repository who are assisting law enforcement officers with criminal investigations or who are conducting research or performing a statistical analysis.

(c) Must not be submitted to the Federal Bureau of Investigation unless the child is adjudicated delinquent for an act that, if committed by an adult, would be a felony or a sexual offense.

4. A child who is in custody must be photographed for the purpose of identification. Except as otherwise provided in this subsection, the photographs of the child must be kept in the file pertaining to the child under special security measures that limit inspection of the photographs to law enforcement officers who are conducting criminal investigations. If a court subsequently determines that the child is not delinquent, the court shall order the photographs to be destroyed.

5. Any person who willfully violates any provision of this section is guilty of a misdemeanor.".

Amend sec. 12, page 12, by deleting lines 11 and 12 and inserting:

"*Nevada records of criminal history:*

1. A record of:

(a) The name and fingerprints of each offender serving a term of imprisonment in an".

Amend sec. 12, page 12, line 14, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 12, page 12, by deleting line 17 and inserting:

"*(c) The date of admission of the offender; and*

2. A notice of the release of each offender.".

Amend sec. 13, page 12, by deleting lines 27 through 29 and inserting:

"*3. A coroner who makes a certificate of death concerning a person for whom the central repository for Nevada records of criminal history has a record shall collect and submit a record of the certificate of death and, if possible, a record of the fingerprints of the decedent to the central repository in the time and manner prescribed by the*".

Amend the bill as a whole by renumbering sections 14 and 15 as sections 20 and 21 and adding a new section designated sec. 19, following sec. 13, to read as follows:

"Sec. 19. NRS 481.245 is hereby amended to read as follows:

481.245 1. When a coroner is unable to establish the identity of a dead body by means other than by dental records, he shall ~~[have]~~ *:*

(a) Collect a record of the fingerprints of the decedent, if possible, and submit the record to the central repository for Nevada records of criminal history; and

(b) Have a dental examination of the body ~~[made]~~ *conducted* by a dentist. The dentist shall prepare a record of his findings and forward it to the

investigation division and to the central repository for Nevada records of criminal history.

2. Each sheriff, chief of police or other law enforcement agency which receives a report of a person missing under suspicious circumstances who is 18 years or older shall:

(a) Transmit to the investigation division and to the central repository for Nevada records of criminal history:

(1) The initial report that contains identifying information concerning the missing person within 72 hours after the receipt of that report; and

(2) Any subsequent report concerning the missing person within 5 working days after the receipt of that report if the report contains additional identifying information concerning the missing person;

(b) Notify immediately such persons and make inquiries concerning the missing person as the agency deems necessary; and

(c) Enter the information concerning the missing person into the computer for the National Crime Information Center and the central repository for Nevada records of criminal history, if appropriate.

3. The sheriff, chief of police or other law enforcement agency shall request the written consent of the next of kin or guardian of a person who has been reported to him as missing for 30 days or more to obtain certain identifying information about the missing person that the National Crime Information Center recommends be provided from the appropriate providers of medical care. After receiving the written consent, the sheriff, chief of police or other law enforcement agency shall obtain the identifying information from the providers of medical care and forward that information and any other relevant information to the investigation division and to the central repository for Nevada records of criminal history for comparison with the identifying information that is on file concerning unidentified deceased persons. This subsection does not prevent the voluntary release of identifying information about the missing person by the next of kin or guardian of the missing person at any time.

4. The next of kin or guardian of the person reported as missing shall promptly notify the appropriate law enforcement agency when the missing person is found.

5. The sheriff, chief of police or other law enforcement agency shall inform the investigation division, the central repository for Nevada records of criminal history and the National Crime Information Center when a missing person has been found.

6. The investigation division and the central repository for Nevada records of criminal history shall:

(a) Maintain the records and other information forwarded to them pursuant to subsections 1, 2 and 3 for the purpose of comparing the records and otherwise assisting in the identification of dead bodies; and

(b) Upon request during a state of emergency proclaimed pursuant to NRS 414.070, provide the records and other information that are maintained

pursuant to this subsection to the state disaster identification team of the division of emergency management of the department.".

Amend sec. 14, page 12, line 31, by deleting "9" and inserting "13".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 653.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 532.

Amend section 1, page 1, line 4, after "*Attends training*" by inserting: "*for initial certification as a category I peace officer*".

Amend section 1, page 2, between lines 13 and 14, by inserting:

"*4. As used in this section, "category I peace officer" means a person within the first training category established by the peace officers' standards and training committee or a similar category established by another law enforcement academy for peace officers who are empowered by law to perform a broad spectrum of law enforcement duties and whose primary functions specifically include:*

(a) Routine patrol;

(b) Criminal investigations;

(c) Enforcement of traffic laws; and

(d) Investigation of motor vehicle accidents.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 653 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 669.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 659.

Amend the bill as a whole by renumbering section 1 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who has:

(a) Been denied a license by the commission;

(b) Been found unsuitable by the commission; or

(c) Had a license or finding of suitability revoked by the commission,

shall not enter or attempt to enter into any contract or agreement with a licensee, either directly or indirectly, through any business organization under such a person's control, that involves the operations of a licensee without the prior approval of the commission. This provision does not prohibit any person from purchasing any goods or services for personal use from a licensee at retail prices that are available to the general public.

2. Every contract or agreement with a person that is subject to the provisions of subsection 1 shall be deemed to include a provision for its termination without liability on the part of the licensee. Failure to expressly include that condition in the contract or agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

3. Any person, contract or agreement subject to the provisions of subsection 1 is subject to being enjoined pursuant to and in accordance with the provisions of NRS 463.346.

Sec. 2. NRS 463.165 is hereby amended to read as follows:

463.165 1. Except for persons associated with licensed corporations, limited partnerships or limited-liability companies and required to be licensed pursuant to NRS 463.530, 463.569 or 463.5735, each employee, agent, guardian, personal representative, lender or holder of indebtedness of a gaming licensee who, in the opinion of the commission, has the power to exercise a significant influence over the licensee's operation of a gaming establishment may be required to apply for a license.

2. A person required to be licensed pursuant to subsection 1 shall apply for a license within 30 days after the commission requests that he do so.

3. If an employee required to be licensed under subsection 1:

(a) Does not apply for a license within 30 days after being requested to do so by the commission, and the commission makes a finding of unsuitability for that reason;

(b) Is denied a license; or

(c) Has his license revoked by the commission,

the licensee by whom he is employed shall terminate his employment in any capacity in which he is required to be licensed and shall not permit him to exercise a significant influence over the operation of the gaming establishment upon being notified by registered or certified mail of that action.

4. A gaming licensee or an affiliate of the licensee shall not pay to a person whose employment has been terminated pursuant to subsection 3 any remuneration for any service performed in any capacity in which he is required to be licensed, except for amounts due for services rendered before the date of receipt of notice of the action by the commission. Any contract or agreement for personal services or for the conduct of any activity at the licensed gaming establishment between a gaming licensee or an affiliate of the licensee and a person terminated pursuant to subsection 3 is subject to termination. Every such agreement shall be deemed to include a provision for

its termination without liability on the part of the licensee or ~~[registered holding company]~~ *affiliate* upon a finding by the commission that the person is unsuitable to be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

5. A gaming licensee or an affiliate of the licensee shall not, without the prior approval of the commission, enter into any contract or agreement with a person who is found unsuitable or who is denied a license or whose license is revoked by the commission , *and whose name has been placed on the list maintained pursuant to subsection 8,* or with any business enterprise *that the licensee knows or under the circumstances reasonably should know is* under the control of that person after the date of receipt of notice of the action by the commission. Every contract or agreement for personal services to a gaming licensee or an affiliate or for the conduct of any activity at a licensed gaming establishment shall be deemed to include a provision for its termination without liability on the part of the licensee or ~~[registered holding company]~~ *affiliate* upon a finding by the commission that the person is unsuitable to be associated with a gaming enterprise. Failure expressly to include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

6. A gaming licensee or an affiliate of the licensee shall not , *without the prior approval of the commission,* employ any person in a capacity for which he is required to be licensed, if he has been found unsuitable or denied a license, or whose license has been revoked by the commission, *and whose name has been placed on the list maintained pursuant to subsection 8,* after the date of receipt of notice of the action by the commission . ~~[, without prior approval of the commission.]~~ *Every contract or agreement for employment with a gaming licensee or an affiliate shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon a finding by the commission that the person is unsuitable to be associated with a gaming enterprise. Failure to expressly include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.*

7. As used in this section, "affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a licensee.

8. The board shall maintain and make available to every licensee a complete and current list containing the names of every person the commission has denied a license, who has been found unsuitable or who has had a license or finding of suitability revoked. The list must also contain the names of any business organization under the control of any such person known to the board.

Sec. 3. NRS 463.167 is hereby amended to read as follows:

463.167 1. The commission may determine the suitability, or may require the licensing, of any person who furnishes services or property to a

state gaming licensee under any arrangement pursuant to which the person receives payments based on earnings, profits or receipts from gaming. The commission may require any such person to comply with the requirements of this chapter and with the regulations of the commission. If the commission determines that any such person is unsuitable, it may require the arrangement to be terminated.

2. If the premises of a licensed gaming establishment are directly or indirectly owned or under the control of the licensee therein, or of any person controlling, controlled by, or under common control with the licensee, the commission may, upon recommendation of the board, require the application of any person for a determination of suitability to be associated with a gaming enterprise if the person:

(a) Does business on the premises of the licensed gaming establishment;

(b) Is an independent agent or does business with a licensed gaming establishment as a ticket purveyor, a tour operator, the operator of a bus program, or as the operator of any other type of casino travel program or promotion; or

(c) Provides any goods or services to the licensed gaming establishment for a compensation which the board finds to be grossly disproportionate to the value of the goods or services.

3. If the commission determines that the person is unsuitable to be associated with a gaming enterprise, the association must be terminated. Any agreement which entitles a business other than gaming to be conducted on the premises, or entitles a person other than gaming to conduct business with the licensed gaming establishment as set forth in paragraph (b) or (c) of subsection 2, is subject to termination upon a finding of unsuitability of the person associated therewith. Every such agreement must be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the commission that the person associated therewith is unsuitable to be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If the application is not presented to the board within 30 days following demand or the unsuitable association is not terminated, the commission may pursue any remedy or combination of remedies provided in this chapter.

4. The name of any person determined to be unsuitable pursuant to this section must be included on the list required pursuant to subsection 8 of NRS 463.165.

Sec. 4. NRS 463.387 is hereby amended to read as follows:

463.387 1. State gaming license fees or taxes paid in excess of the amount required to be reported and paid may be refunded, upon the approval of the commission, as other claims against the state are paid.

2. Within 90 days after the mailing of the notice of the commission's action upon a claim for refund filed pursuant to this chapter, the claimant may bring an action against the commission on the grounds set forth in the

claim in any court of competent jurisdiction for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

3. Failure to bring an action within the time specified in subsection 2 constitutes a waiver of any demand against the state on account of alleged overpayments.

4. *Within 20 days after the mailing of the notice of the commission's action upon a claim for refund filed pursuant to this chapter, the claimant may file a motion for rehearing with the commission. The commission must take action on the motion for rehearing within 50 days after it has been filed with the commission. If the motion for rehearing is granted, the commission's earlier action upon the claim for refund is rescinded and the 90-day period specified in subsection 2 does not begin until the commission mails notice of its action upon the claim following the rehearing.*

5. If the commission fails to mail its notice of action on a claim within 6 months after the claim is filed ~~[,]~~ *or reheard,* the claimant may consider the claim disallowed and bring an action against the commission on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

~~[5.]~~ *6.* In any case where a refund is granted, interest must be allowed at the rate prescribed in NRS 17.130 upon the amount found to have been erroneously paid from the first day of the first month following the date of overpayment until paid. The commission may in its discretion deny or limit the payment of interest if it finds that the claimant has failed to file a claim for a refund within 90 days after receiving written notification of overpayment from the board or has impeded the board's ability to process the claim in a timely manner.

~~[6.]~~ *7.* Notwithstanding the provisions of NRS 353.115, any claim for refund of state gaming license fees or taxes paid in excess of the amount required to be reported and paid, must be filed with the commission within 5 years after the date of overpayment and not thereafter.

~~[7.]~~ *8.* The provisions of this chapter must not be construed to permit the proration of state gaming taxes or license fees for purposes of a refund.".

Amend section 1, page 1, line 11, by deleting "~~[collected and]~~" and inserting:

"*, including those imposed in connection with use of credit cards or debit cards, that are* collected and".

Amend the bill as a whole by renumbering sec. 2 as sec. 7 and adding a new section designated sec. 6, following section 1, to read as follows:

"Sec. 6. NRS 463.645 is hereby amended to read as follows:

463.645 *1.* If any person who is required by or pursuant to this chapter to be licensed or found suitable because of his connection with a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license, or a holding company or intermediary company, including a publicly traded corporation, fails to apply for a license or a finding of suitability after being requested to do so by the commission or

is denied a license or a finding of suitability, or if his license or finding of suitability is revoked, *and his name has been placed on the list maintained pursuant to subsection 8 of NRS 463.165,* the corporation, partnership, limited partnership, limited-liability company, business organization, holding company, intermediary company or any person who directly or indirectly controls, is controlled by or is under common control with the corporation, partnership, limited partnership, limited-liability company, business organization, holding company or intermediary company shall not, after receipt of written notice from the commission:

~~[1.]~~ *(a)* Pay him any remuneration for any service relating to the activities of a licensee, except for amounts due for services rendered before the date of receipt of notice of such action by the commission. Any contract or agreement for personal services or the conduct of any activity at a licensed gaming establishment between a former employee whose employment was terminated because of failure to apply for a license or a finding of suitability, denial of a license or finding of suitability, or revocation of a license or a finding of suitability, or any business enterprise under the control of that employee and the licensee, holding or intermediary company or registered publicly traded corporation is subject to termination. Every such agreement shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the commission that the business or any person associated therewith is unsuitable to be associated with a gaming enterprise. Failure expressly to include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

~~[2.]~~ *(b)* Enter into any contract or agreement with him or with a business organization *that the licensee knows or under the circumstances reasonably should know is* under his control which involves the operations of a licensee, without the prior approval of the commission.

~~[3.]~~ *(c)* Employ him in any position involving the activities of a licensee without prior approval of the commission.

2. The name of any person who has been denied a license, been found unsuitable or had a license or finding of suitability revoked pursuant to subsection 1 must be included on the list required pursuant to subsection 8 of NRS 463.165.".

Amend the title of the bill, second line, after "changes;" by inserting: "prohibiting certain persons from entering into contracts or agreements with a licensee; authorizing a rehearing on a claim for a refund of gaming license fees or taxes;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 677.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 535.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of NRS 706.011 to 706.791, inclusive, and this section to the contrary, if the registered owner of a vehicle which is impounded pursuant to NRS 706.476 is a short-term lessor licensed pursuant to NRS 482.363 who is engaged in the business of renting or leasing vehicles in accordance with NRS 482.295 to 482.3159, inclusive, the registered owner is not liable for any administrative fine or other penalty that may be imposed by the authority for the operation of a passenger vehicle in violation of NRS 706.011 to 706.791, inclusive, if:

(a) At the time that the vehicle was impounded, the vehicle was in the care, custody or control of a lessee; and

(b) The registered owner did not know or have reason to know that the vehicle would be used in violation of NRS 706.011 to 706.791, inclusive.

2. A short-term lessor may establish that a vehicle was subject to the care, custody or control of a lessee at the time that the vehicle was impounded pursuant to NRS 706.476 by submitting to the authority a true copy of the lease or rental agreement pursuant to which the vehicle was leased or rented to the lessee by the short-term lessor. The submission of a true copy of a lease or rental agreement is prima facie evidence that the vehicle was in the care, custody or control of the lessee.

3. Upon the receipt of:

(a) A true copy of a written lease or rental agreement pursuant to subsection 2 which evidences that the vehicle impounded by the authority pursuant to NRS 706.476 was under the care, custody or control of a lessee and not the registered owner of the vehicle; and

(b) An affidavit made by the short-term lessor which states that the registered owner did not know or have reason to know that the vehicle would be operated in violation of NRS 706.011 to 706.791, inclusive,

the authority shall release the vehicle to the short-term lessor.

4. As used in this section, "short-term lessor" has the meaning ascribed to it in NRS 482.053.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.013 to 706.791, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.476 is hereby amended to read as follows:

706.476 *Except as otherwise provided in section 1 of this act:*

1. A vehicle used as a taxicab, limousine or other passenger vehicle in passenger service must be impounded by the authority if a certificate of public convenience and necessity has not been issued authorizing its operation. A hearing must be held by the authority no later than the conclusion of the second normal business day after impoundment, weekends and holidays excluded. As soon as practicable after impoundment, the authority shall notify the registered owner of the vehicle:

(a) That the registered owner of the vehicle must post a bond in the amount of $20,000 to ensure his presence at all proceedings held pursuant to this section;

(b) Of the time set for the hearing; and

(c) Of his right to be represented by counsel during all phases of the proceedings.

2. The authority shall hold the vehicle until the registered owner of the vehicle appears and:

(a) Proves that he is the registered owner of the vehicle;

(b) Proves that he holds a valid certificate of public convenience and necessity;

(c) Proves that the vehicle meets all required standards of the authority; and

(d) Posts a bond in the amount of $20,000 with the ~~[administrator.]~~ *authority.*

The authority shall return the vehicle to its registered owner when the owner meets the requirements of this subsection and pays all costs of impoundment.

3. If the registered owner is unable to meet the requirements of paragraph (b) or (c) of subsection 2, the authority may assess an administrative fine against the registered owner for each such violation in the amount of $5,000. The maximum amount of the administrative fine that may be assessed against a registered owner for a single impoundment of his vehicle pursuant to this section is $10,000. The authority shall return the vehicle after any administrative fine imposed pursuant to this subsection and all costs of impoundment have been paid.

Sec. 4. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act,* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act,* or by the authority or the department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and section 1 of this act;*

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~.~~, *and section 1 of this act;*

(d) Fails to obey any order, decision or regulation of the authority or the department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the authority or the department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~.~~, *and section 1 of this act;*

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been canceled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the authority or department any certificate, permit, license or identifying device which has been suspended, canceled or revoked pursuant to the provisions of this chapter,

is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. A person convicted of a misdemeanor for a violation of the provisions of NRS 706.386 or 706.421 shall be punished:

(a) For the first offense by a fine of not less than $500 nor more than $1,000;

(b) For a second offense within 12 consecutive months and each subsequent offense by a fine of $1,000; or

(c) For any offense, by imprisonment in the county jail for not more than 6 months, or by both the prescribed fine and imprisonment.

3. Any person who operates or permits the operation of a vehicle in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law

enforcement officer witnesses a violation of this subsection, he may cause the vehicle to be towed immediately from the scene.

4. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

5. Any bail allowed must not be less than the appropriate fine provided for by this section.".

Amend the title of the bill to read as follows:

"AN ACT relating to vehicles; providing immunity under certain circumstances for short-term lessors of vehicles from administrative fines and other penalties that may be imposed by the transportation services authority for vehicles leased by short-term lessors that are operated in passenger service without a certificate of public convenience and necessity; providing for the release of such a vehicle impounded by the transportation services authority to a short-term lessor; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides immunity under certain circumstances for short-term lessors of vehicles from penalties that may be imposed by transportation services authority for unlawful use of vehicles leased by short-term lessors. (BDR 58-1599)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 572.

Amend sec. 2, page 2, line 2, by deleting "7," and inserting "8,".

Amend the bill as a whole by deleting sections 3 through 6, renumbering sections 7 and 8 as sections 8 and 9 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

"Sec. 3. *As used in sections 3 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Keg" means any container which is capable of holding 4 or more gallons of beer and which is designed for or capable of dispensing beer from a tap.*

Sec. 5. *"Licensed retailer" means a person who is licensed to sell beer or liquor to a consumer.*

Sec. 6. *1. A licensed retailer shall not sell beer in a keg to a purchaser or lease a keg to a lessee unless, before the purchaser or lessee takes possession of the keg:*

(a) The purchaser or lessee provides to the licensed retailer identification in the form of a driver's license or other identification containing a photograph of the purchaser or lessee;

(b) The licensed retailer collects from the purchaser or lessee a deposit of not less than $50 or more than $100 for each keg involved in the transaction and prepares a receipt for the transaction that complies with the provisions of this section;

(c) The purchaser or lessee signs, in the appropriate place in accordance with the provisions of subsection 3, the receipt prepared by the licensed retailer; and

(d) The licensed retailer gives a copy of the signed receipt to the purchaser or lessee and informs the purchaser or lessee that the purchaser or lessee has a duty to maintain a copy of the signed receipt at the location where the keg will be used to dispense beer.

2. Each receipt prepared by a licensed retailer pursuant to subsection 1 must include, without limitation:

(a) The name and address of the establishment of the licensed retailer where the transaction occurred;

(b) The date of the transaction;

(c) The identification number for each keg involved in the transaction;

(d) The amount of the deposit collected by the licensed retailer for each keg involved in the transaction;

(e) The name and address of the purchaser or lessee; and

(f) The identification number of the driver's license or other form of identification provided to the licensed retailer by the purchaser or lessee.

3. In addition to the requirements of subsection 2, each receipt prepared by a licensed retailer pursuant to subsection 1 must include a place for the signature of the purchaser or lessee. The place for the signature of the purchaser or lessee must follow immediately after a declaration that is printed conspicuously on the receipt in substantially the following form:

I declare under penalty of perjury that I am 21 years of age or older and that I will not allow a person who is less than 21 years of age to consume, in violation of any applicable law, any beer involved in this transaction. I am signing this receipt with the knowledge that I am making a sworn declaration under penalty of perjury.

4. A purchaser or lessee who signs a receipt containing a declaration that substantially complies with the provisions of subsection 3 shall be deemed to have made a sworn declaration under penalty of perjury.

5. For each transaction completed pursuant to this section, the licensed retailer shall:

(a) Retain, for not less than 6 months at the establishment of the licensed retailer where the transaction occurred, a copy of the signed receipt given to the purchaser or lessee pursuant to subsection 1; and

(b) Make a copy of the signed receipt available for inspection by any law enforcement agency during that period.

6. A licensed retailer who collects a deposit from a purchaser or lessee pursuant to subsection 1 shall refund the deposit to the purchaser or lessee if, within 6 months after the date of the transaction, the purchaser or lessee:

(a) Returns to the licensed retailer the keg for which the deposit was collected; and

(b) Presents to the licensed retailer a copy of the signed receipt that was given to the purchaser or lessee pursuant to subsection 1.

A licensed retailer shall not refund a deposit to a purchaser or lessee who fails to comply with the provisions of this subsection.

Sec. 7. *1. A person shall not purchase beer in a keg from a licensed retailer or lease a keg from a licensed retailer unless the person is 21 years of age or older and, before the person takes possession of the keg, the person:*

(a) Provides to the licensed retailer identification in the form of a driver's license or other identification containing a photograph of the person;

(b) Pays to the licensed retailer the deposit required pursuant to section 6 of this act for each keg involved in the transaction; and

(c) Signs, in the appropriate place, a receipt which is prepared by the licensed retailer and which contains a declaration that substantially complies with the provisions of subsection 3 of section 6 of this act.

2. A person who has purchased beer in a keg or who has leased a keg:

(a) Shall not allow a person who is less than 21 years of age to consume, in violation of any applicable law, any beer that is dispensed from the keg; and

(b) Shall maintain at the location where the keg is used to dispense beer a copy of the signed receipt that was given to the person pursuant to section 6 of this act.".

Amend sec. 7, page 3, line 31, by deleting "*6,*" and inserting "*7,*".

Amend the title of the bill, third line, by deleting:

"and other containers".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 142 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Beth Schwartz, Ed Rivera, Zuri Langhorn, Mary Rector, and Stephanie Wong.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Young and Havilah E. Marrel.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Elverum.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Allyn Goodrich.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sadie Anstedt, Nichole Barkley, Anthony Delgado, Zaide Diaz, Ruby Garcia, Alexander Goodell, Darcy Morris, Keinia Olivares-Wenzel, Keaton Rich, Derek Rizo, Joseph Rowan, Michael Santoyo, Stephen Sawyers, Felipe Segura, Trevor Voight, Arissa Anaya, Jesus Abundis, Jeff Aldama, Jessica Adams, Trevor Fowlkes, Garrick Hague, Ronald Kennison, Casey Lenox, Blaine Lentz, Yadira Lopez, Kayla Massoni, Cody Rhodes, Ashley Runge, Mikel Schachten, Brandon Snoddy, Arlenne Villagrana, Rafael Silis, Bryan Byrne, Monica Carreon, Jaime Carrillo, Daniel Ceballos, Nick Cutunilli, Heather Douglas, Alfredo Hernandez, Sarah Lange, MacKenzie Leslie, Morgan Little, Jose Rodriguez, Nick Sisson, Cody Swanson, Cierra Thomas, Charles Timko, Betty Jo Wagers, Chris Simmons, Jorge Meza, Rebecca Badzinski, Seth Henderson, Alejandra Melgarejo, Tracy Avery, Jan Carsten, Brice Crook, Jared Hill, Ben Hopkins, Chris Kuhn, Blake Maxwell, Stephen Remer, David Rikalo, Kevin Sloan, Andrew Willett, Nicole Belarde, Caitlin Berger, Ashley Boyd, Katie Cocking, Ashley Davis, Ali Dillard, Denim Estrada, Becca Fox, Heather Habdy, Whitney Hoote, Courtney Kaylor, Lindsey Lee, Paige Miller, Alecia Timmons, Latosha Edmondson, Nikki Cazier, Laurie Nellis, and Barbara Culbert.

Assemblyman Perkins moved that the Assembly adjourn until Friday, April 16, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:53 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 16, 1999

Assembly called to order at 11:31 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

We thank You, God, for Your goodness which is expressed to us in ways we often don't even see. Please bless those here present with an awareness of Your unfailing love for them. Help each of us, with thankful hearts, to share Your goodness with those who are struggling. In body and spirit they need to be shown Your unconditional love. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 193, 214, 236, 259, 326, 515, 616, 632, 635, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 62, 160, 298, 424, 566, 590, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 249, 280, 373, 533, 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 542, 651, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 490, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 272, 627, 628, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 122, 140, 305, 353; Senate Bills Nos. 484, 522.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 42, 44, 45, 55, 75, 132, 210, 216, 334, 336, 365, 374, 379, 387, 403, 418, 431, 435, 437, 535, 542.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 62, 160, 193, 214, 236, 249, 259, 272, 280, 298, 326, 373, 424, 490, 509, 515, 533, 542, 566, 573, 590, 616, 627, 628, 632, 635 and 651 be placed on the Second Reading File.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 348 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 149.

Bill read second time and ordered to third reading.

Assembly Bill No. 62.

Bill read second time.

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

Amendment No. 671.

Amend section 1, page 1, by deleting lines 2 through 11 and inserting:

"278.021 1. ~~[The purpose of this section is to remove obstacles imposed by zoning ordinances, declarations of restrictions, deed restrictions, restrictive covenants and equitable servitudes which prevent persons who are mentally retarded from living in normal residences.~~

~~2.~~] In any ordinance adopted by a city or county, the".

Amend section 1, page 2, line 17, by deleting:

"*3. The provisions of subsection 2*" and inserting:

"*2. The provisions of subsection 1*".

Amend section 1, pages 2 and 3, by deleting lines 22 through 43 on page 2 and lines 1 through 6 on page 3, and inserting:

"*to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.*

~~[4. For the purposes of subsection 1, a residence for mentally retarded persons is not a commercial activity.]~~

3. The health division of the department of human resources shall compile and maintain a registry of information relating to each residential facility for groups that exists in this state and shall make available for access on the Internet or its successor, if any, the information contained in the registry. The registry must include with respect to each residential facility for groups:

(a) The name of the owner of the facility;

(b) The name of the administrator of the facility;

(c) The address of the facility; and

(d) The number of clients for which the facility is licensed.

Any department or agency of a county or city that becomes aware of the existence of a residential facility for groups that is not included in the registry shall transmit such information to the health division, as is necessary, for inclusion in the registry within 30 days after obtaining the information.

4. The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after October 1, 1999, to operate a residential facility for groups within a particular neighborhood in the jurisdiction of the governing body, including, without limitation, an application submitted as a result of the change in ownership of a residential facility for groups. If, on or after October 1, 1999, an application is submitted to operate a residential facility for groups that is in addition to the residential facility for groups that has been approved pursuant to paragraph (a) or (b) within 660 feet from an existing residential facility for groups, the governing body shall review the application based on applicable zoning ordinances. Except as a result of a change in ownership of a residential facility for groups on or after October 1, 1999, the requirements of this subsection do not require the relocation or displacement of any residential facility for groups which existed before October 1, 1999, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential facility for groups within 660 feet of each other is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations.".

Amend section 1, page 3, line 7, by deleting "*7.*" and inserting "*5.*".

Amend section 1, page 3, line 10, by deleting "*2*" and inserting "*1*".

Amend section 1, page 3, between lines 10 and 11, by inserting:

"*6. The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.*".

Amend section 1, page 3, line 11, by deleting "*8.*" and inserting "*7.*".

Amend sec. 2, page 3, by deleting lines 33 and 34 and inserting:

"(d) A facility funded by the ~~[welfare division or the mental hygiene and mental retardation division of the]~~ department of human resources ~~[.]~~ *or with which the department of human resources has contracted.*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective on January 1, 2000, for the purposes of the compilation of the registry required pursuant to subsection 3 of NRS 278.021 as amended by section 1 of this act and on October 1, 1999, for all other purposes.".

Amend the title of the bill, third line, by deleting "local governments" and inserting:

"the health division of the department of human resources".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

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

Amendment No. 552.

Amend sec. 3, page 2, by deleting lines 35 through 40 and inserting:

"Sec. 3. *1. Except as otherwise provided in this section, the state fire marshal shall adopt regulations relating to the types of fireworks that a local government may regulate. The types of fireworks that the state fire marshal may authorize must be listed in section 3.1 of Standard 87-1, "Standard for Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics," 1993 edition, adopted by the American Pyrotechnics Association, except the state fire marshal shall not authorize the types of fireworks listed in sections 3.1.2 and 3.1.3 of Standard 87-1.*".

Amend sec. 3, pages 3 and 4, by deleting lines 13 through 42 on page 3 and lines 1 through 5 on page 4, and inserting:

"*4. As used in this section, "pyrotechnic composition" means any combination of chemical elements or compounds capable of burning independently of the oxygen in the atmosphere.*".

Amend sec. 4, page 4, line 6, after "*1.*" by inserting:

"*The state fire marshal has primary authority to enforce the provisions of this chapter regarding fireworks or a regulation adopted thereto.*

2.".

Amend sec. 4, page 4, line 16, by deleting "*2.*" and inserting "*3.*".

Amend sec. 4, page 4, line 18, by deleting "*1.*" and inserting "*2.*".

Amend the bill as a whole by adding a new section designated section 8, following sec. 7, to read as follows:

"Sec. 8. NRS 269.220 is hereby amended to read as follows:

269.220 In addition to the powers and jurisdiction conferred by other laws, the town board or board of county commissioners shall have the power and duty to regulate ~~[the]~~ *:*

(a) The storage of gunpowder and other explosive or combustible materials ~~[.]~~ *; and*

(b) The manufacture, sale, use, storage and possession of fireworks, if such regulations are at least as restrictive as the regulations adopted by the state fire marshal pursuant to chapter 477 of NRS.".

Amend the title of the bill, second and third lines, by deleting: "authorize for public use;" and inserting "regulate;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 193.

Bill read second time.

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

Amendment No. 598.

Amend sec. 2, page 1, by deleting line 7 and inserting: "*called and utilizes a random or sequential number generator*".

Amend sec. 3, page 2, line 9, by deleting the period and inserting: "*or regarding other business of the school or school district.*".

Amend sec. 6, page 3, line 39, by deleting "*9 p.m.*" and inserting "*6 p.m.*".

Amend sec. 7, page 4, by deleting line 11 and inserting: "*message to solicit a person to purchase goods or services by telephone and he does not have a preexisting business relationship with the person being called unless a recorded or unrecorded natural voice:*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 214.

Bill read second time.

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

Amendment No. 599.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting:

"1. Each employer who employs at least 300 employees in private employment at one location in this state shall, in addition to any other leave, grant to each employee who complies with this section at least 2 hours of leave with or without pay each year for each child of the employee who attends kindergarten or grades 1 to 12, inclusive. An employee who takes leave pursuant to this section must use the leave to meet with the teacher or counselor of his child, or the principal or any other administrator of the school that his child attends.

2. An employer shall grant paid or unpaid leave to an employee pursuant to this section, at the discretion of the employer and within the limits of any applicable federal law or state statute.

3. An employee who desires to take leave pursuant to subsection 1, must provide notice to his employer at least 3 days before the employee desires to take the leave.

4. An employer may request that an employee who takes leave pursuant to subsection 1 provide written proof to the employer of the attendance of the employee at a meeting with the teacher or counselor of the employee's child, or the principal or any other administrator of the school that the child attends. Upon such a request, the employee must provide the proof.

5. An employer shall not penalize an employee or otherwise take disciplinary action against an employee because the employee requests or takes leave pursuant to this section.

6. The provisions of this section do not prohibit an employer from establishing a policy or program of leave that provides employees with benefits for leave in addition to the benefits required by this section.".

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each employee of the state or any county, city, town or other political subdivision thereof is entitled, in addition to any other leave, to at least 2 hours of leave with or without pay each year for each child of the employee who attends kindergarten or grades 1 to 12, inclusive. An employee who takes leave pursuant to this section must use the leave to meet with the teacher or counselor of his child, or the principal or any other administrator of the school that his child attends.

2. A public employer shall grant leave to an employee pursuant to this section with or without pay:

(a) For state employees, within the limits of any legislative appropriation or authorized expenditure specifically for this purpose; and

(b) For all other public employees, at the discretion of the public employer,

and within the limits of any applicable federal law or state statute.

3. An employee who desires to take leave pursuant to subsection 1, must provide notice to his employer at least 3 days before the employee desires to take the leave.

4. A public employer may request that an employee who takes leave pursuant to subsection 1 provide written proof to the employer of the attendance of the employee at a meeting with the teacher or counselor of the employee's child, or the principal or any other administrator of the school that the child attends. Upon such a request, the employee must provide the proof.

5. A public employer shall not penalize an employee or otherwise take disciplinary action against an employee because the employee requests or takes leave pursuant to this section.

Sec. 5. NRS 281.1275 is hereby amended to read as follows:

281.1275 1. Except as permitted by the federal Family and Medical Leave Act of 1993 ~~[,]~~ *and except as required by the operation of section 4 of this act,* the salary of a public officer or employee of the state or any agency thereof, or of a political subdivision or any agency thereof, who is not entitled pursuant to federal or state law, local ordinance, or policy or contract of employment to earn overtime at the rate of time and one-half, must not be reduced for an absence from work for part of a day.

2. The provisions of this section do not apply to an officer or employee of the legislative branch of government, except an officer or employee of the legislative library.".

Amend sec. 4, page 2, line 7, after "provisions of" by inserting: "section 3 of".

Amend the title of the bill by deleting the first line and inserting: "AN ACT relating to employment; requiring certain private and public employers to grant leave".

Amend the summary of the bill by deleting the first line and inserting: "SUMMARY—Requires certain private and public employers to grant leave to certain".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley and Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time.

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

Amendment No. 600.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. The legislature hereby finds and declares that, because of the unique and special conditions of the Lake Tahoe Basin, certain exemptions are necessary to allow Douglas County to make arrangements with and to enter into an agreement with other public and private entities for the creation and operation of a nonprofit organization to own, operate and maintain a coordinated transit system in the Lake Tahoe Basin. The legislature further finds and declares that:

1. The Lake Tahoe Basin exhibits unique environmental and ecological conditions that are irreplaceable.

2. The increasing development of the region is threatening the quality of the water and air in the Lake Tahoe Basin.

3. The operation of a coordinated transit system in the Lake Tahoe Basin will contribute to a reduction in the degradation of the quality of water and air in the Basin.

4. Douglas County and other public and private entities in the Lake Tahoe Basin desire to own, operate and maintain a coordinated transit system through the creation and operation of a nonprofit organization.

5. The nonprofit organization will be created through a cooperative agreement in which Douglas County will participate as a member.

6. A special act is necessary to provide participation in the cooperative agreement creating the nonprofit organization, and that a general law cannot be made applicable because of the need for cooperation between public and private entities and the requirements for the preservation of the quality of water and air that are unique to the Lake Tahoe Basin.

Sec. 2. 1. Douglas County may enter into contracts and agreements with public and private entities for the purposes of creating, operating and dissolving a nonprofit organization to own, operate and maintain a coordinated transit system in the Lake Tahoe Basin.

2. Notwithstanding any other provision of law, Douglas County is exempt from the provisions of chapter 332 of NRS for the purposes of entering into contracts and agreements pursuant to subsection 1.

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

Amend the title of the bill to read as follows:

"AN ACT relating to the Lake Tahoe Basin; authorizing Douglas County to enter into certain contracts and agreements relating to the creation and operation of a nonprofit organization to operate a transit system in the Lake Tahoe Basin; exempting Douglas County from the Local Government Purchasing Act for the purposes of entering into such contracts and agreements; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes Douglas County to enter into certain contracts and agreements for certain purposes relating to operation of transit system in Lake Tahoe Basin. (BDR S-112)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 278.

Amend section 1, page 1, line 3, by deleting "*The*" and inserting:
"*Except as otherwise provided in this section, the*".

Amend section 1, page 1, line 5, by deleting "*recipient*" and inserting:
"*recipient, the undivided estate of a recipient of Medicaid*".

Amend section 1, page 1, by deleting line 14 and inserting:

"*2. Except as otherwise provided in this section, a recipient of incorrectly paid public assistance, the undivided estate of a recipient of Medicaid or a person who*".

Amend section 1, page 1, after line 17, by inserting:

"*3. The administrator or his designee may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of public assistance, the estate of the recipient, the undivided estate of a recipient of Medicaid or a person who signed the application for public assistance on behalf of the recipient.*

4. The administrator may, to the extent that it is not prohibited by federal law, waive the repayment of public assistance incorrectly paid to a recipient if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The administrator shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.".

Amend sec. 2, page 2, line 2, after "all" by inserting:
"*real and personal property and other*".

Amend sec. 2, page 2, line 3, after "other" by inserting:
"*real and personal property and other*".

Amend sec. 2, page 2, line 4, by deleting:
"~~[at the time of]~~ *immediately before*" and inserting:
"*immediately before or* at the time of".

Amend sec. 2, page 2, by deleting lines 6 and 7, and inserting:
"~~[passing by reason of joint tenancy, reserved life estate, survivorship or trust, and]~~ *conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement, including, without limitation,* any of the decedent's separate property and his interest in".

Amend sec. 3, page 3, line 21, by deleting "*money recovered*" and inserting "*recovery*".

Amend sec. 3, page 3, line 22, before "*estate*" by inserting "*undivided*".

Amend sec. 3, page 3, line 24, by deleting the semicolon and inserting: "*after October 1, 1993;*".

Amend sec. 3, page 3, line 25, before "*estate,*" by inserting "*undivided*".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

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

Amendment No. 601.

Amend section 1, page 1, line 2, by deleting:

"2, 3 and 4" and inserting:

"2 and 3".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 8 as sections 2 through 7.

Amend sec. 5, page 2, line 17, by deleting "*Two*" and inserting "*Four*".

Amend sec. 5, page 2, by deleting lines 28 through 31 and inserting:

"~~[2.]~~ *(b) One member who is an architect registered pursuant to chapter*".

Amend sec. 5, page 2, line 34, by deleting "*(e)*" and inserting "*(c)*".

Amend sec. 5, page 2, by deleting lines 36 through 38.

Amend sec. 5, page 2, line 39, by deleting "*3.*" and inserting "*2.*".

Amend sec. 5, page 2, line 41, by deleting "*terms.*" and inserting: "*terms of any length.*".

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sections 11 and 12 as sections 8 and 9.

Amend sec. 11, page 6, by deleting lines 4 through 26 and inserting:

"Sec. 8. 1. Except as otherwise provided in subsection 3, the terms of office of all members of the state contractors' board who are serving on October 30, 1999, expire upon the commencement of the terms of their successors appointed pursuant to subsection 2. A member of the board may be appointed to succeed himself if he is qualified pursuant to NRS 624.050 as amended by this act. For the purposes of subsection 2 of NRS 624.050 as amended by this act, the term of office for each member in office on January 1, 2001, shall be deemed his first term of office.

2. On or before October 31, 1999, the governor shall appoint members to the state contractors' board as follows:

(a) Three members who are qualified as general contractors pursuant to paragraph (a) of subsection 1 of NRS 624.050 as amended by this act, whose

terms of office commence on October 31, 1999, and expire on October 30, 2002.

(b) One member who qualifies as a subcontractor pursuant to paragraph (a) of subsection 1 of NRS 624.050 as amended by this act, whose term of office commences on October 31, 1999, and expires on October 30, 2004.

(c) One member who qualifies as an architect or professional engineer pursuant to paragraph (b) of subsection 1 of NRS 624.050 as amended by this act, whose term of office commences on October 31, 1999, and expires on October 30, 2002.

3. The contractor previously appointed pursuant to NRS 624.050 whose term expires on October 30, 2000, and the representative of the public previously appointed pursuant to NRS 624.050 whose term expires on October 30, 2000, shall serve out the remainder of their terms.

4. After the expiration of the terms of office set forth in subsections 2 and 3, the new or reappointed members of the state contractors' board serve for a term of 4 years or until their successors have been appointed, as required by subsection 2 of NRS 624.050 as amended by this act.".

Amend sec. 12, page 6, by deleting lines 27 through 31 and inserting:

"Sec. 9. 1. This section and sections 1, 2, 3 and 5 to 8, inclusive, of this act become effective on July 1, 1999.

2. Section 4 of this act becomes effective on October 31, 1999.".

Amend the title of the bill by deleting the second and third lines and inserting:

"duties of the board; and providing other matters properly".

Assemblyman Lee moved the adoption of the amendment.

Remarks by Assemblyman Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 505.

Amend section 1, page 2, line 7, by deleting "~~[must]~~" and inserting "must".

Amend section 1, page 2, by deleting line 8 and inserting:

"be reduced to $100 for the first violation if the person obtains a".

Amend section 1, page 2, line 22, by deleting:

"*reduce the fine as set forth in subsection 3*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 277.

Amend the bill as a whole by deleting sections 1 through 10 and inserting new sections designated sections 1 through 108, following the enacting clause, to read as follows:

"Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. *As used in sections 2 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Aversive intervention" means:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of corporal punishment;

5. The use of verbal and mental abuse;

6. The use of electric shock;

7. The placement of a person in seclusion;

8. Requiring a person to obtain or maintain a physically painful position, excluding physical restraint;

9. Requiring a person to perform exercise under forced conditions;

10. Any intervention, technique or procedure that deprives a person of the use of one or more of his senses, regardless of the length of the deprivation;

11. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation; or

12. The use of time out in another room in an emergency.

Sec. 4. *"Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.*

Sec. 5. *"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.*

Sec. 6. *"Electric shock" means the application of electric current to a person's skin or body.*

Sec. 7. *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.*

Sec. 8. *"Exclusionary time out" means the removal of a person from an ongoing activity to a location where the person cannot observe the activity.*

Sec. 9. *"Mechanical restraint" means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.*

Sec. 10. *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Sec. 11. *"Seclusion" means the placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room. The term does not include exclusionary time out or time out in another room.*

Sec. 12. *"Time out in another room" means the removal of a person from an ongoing activity to an unlocked room where the door to the room is held shut by another person or by a mechanism that requires the constant physical pressure of another person to keep the mechanism engaged. The term is equivalent to the term "time-out room" as referred to in 42 C.F.R. § 483.450.*

Sec. 13. *"Verbal and mental abuse" means actions or utterances that cause mental distress including, without limitation, the use of obscene gestures and words to frighten, humiliate, intimidate, threaten or insult.*

Sec. 14. *A person employed by a facility or any other person shall not use any aversive intervention on a client.*

Sec. 15. *A person employed by a facility or any other person shall not:*

1. Except as otherwise provided in section 16 of this act, place a client on exclusionary time out or time out in another room.

2. Except as otherwise provided in section 17 of this act, use physical restraint on a client.

3. Except as otherwise provided in section 18 of this act, use mechanical restraint on a client.

4. Except as otherwise provided in section 19 of this act, use chemical restraint on a client.

Sec. 16. *1. A client may be placed on exclusionary time out or time out in another room if:*

(a) The use of the procedure is:

(1) Based upon a need identified in the client's plan of care; and

(2) Included in the client's plan of care, for which informed consent has been obtained pursuant to NRS 433.484;

(b) The procedure is carried out in accordance with the client's plan of care;

(c) The procedure is the lowest level of intrusiveness required to influence the behavior of the client and is not excessively intrusive in relation to that behavior;

(d) The use of the procedure is supported by documentation in the client's record that indicates:

(1) Less intrusive procedures have been tried on the client but have failed to change the inappropriate behavior of the client;

(2) The length of time the less intrusive procedures were used; and

(3) The possible reasons why the less intrusive procedures failed;

(e) The procedure is carried out and continuously monitored by members of the staff of the facility who are qualified and trained in the proper application of the procedure;

(f) The client is protected from hazardous conditions;

(g) Except as otherwise provided in paragraph (k), the release of the client from time out is contingent upon whether the client stops or controls the behavior that precipitated the use of time out;

(h) The staff who are responsible for monitoring the client attempt to return the client to the activity from which he was removed at least every 30 minutes, regardless of whether the client stops or controls the behavior that precipitated the use of time out;

(i) The client is offered access to a toilet and water at least every 30 minutes;

(j) The client is released from time out immediately if he stops or controls the behavior that precipitated the time out and is returned to the activity from which he was removed, if possible; and

(k) Placement of the client on time out does not exceed 60 consecutive minutes after the initiation of the time out.

2. The facility shall maintain a record of each time that a client is placed on time out.

Sec. 17. *1. Except as otherwise provided in subsection 2, physical restraint may be used on a client only if:*

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the client so that the client is no longer an immediate threat to himself or others; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a client and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the client in completing a task or response if the client does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a client to safety if the client is in danger in his present location; or

(c) Conduct medical examinations or treatments on the client that are necessary.

3. If physical restraint is used on a client in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The

report must be made not later than 1 working day after the procedure is used.

Sec. 18. *1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a client only if:*

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the client's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) examines the client on the working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(e) The client is released from the mechanical restraint to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the facility lessens or discontinues the restraint every 15 minutes to determine whether the client will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the client contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f) and the response of the client; and

(h) The client is released from the mechanical restraint as soon as his behavior no longer presents an immediate threat to himself or others.

2. Mechanical restraint may be used on a client and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a client;

(b) Protect a client who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness; or

(c) Position a client who has physical disabilities in a manner prescribed in the client's plan of services.

3. If mechanical restraint is used on a client in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 19. *1. Chemical restraint may only be used on a client if:*

(a) The client has been diagnosed as mentally ill, as defined in NRS 433A.115, and is receiving mental health services from a facility;

(b) Except as otherwise provided in subsection 4, the chemical restraint is administered to the client while he is under the care of the facility;

(c) An emergency exists that necessitates the use of chemical restraint;

(d) A medical order authorizing the use of chemical restraint is obtained from the client's attending physician or psychiatrist or, if he is unavailable,

another licensed physician not later than 15 minutes after the administration of the chemical restraint;

(e) The physician or psychiatrist who signed the order required pursuant to paragraph (d) examines the client on the working day immediately after the administration of the chemical restraint; and

(f) The chemical restraint is administered by a licensed physician or registered nurse.

2. If chemical restraint is used on a client, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

3. If the client's attending physician or psychiatrist did not sign the order required pursuant to paragraph (d) of subsection 1, the licensed physician who signed the order shall consult with and provide notice of the administration of the chemical restraint to the client's attending physician or psychiatrist not later than 2 working days after the procedure is used.

4. If a client is transported from a facility to an independent center for emergency medical care, as defined in NRS 449.013, chemical restraint may be administered to the client while he is under the care of the center in accordance with the provisions of this section.

Sec. 20. *1. Each facility shall develop a program of education for the members of the staff of the facility to provide instruction in positive behavioral interventions and positive behavioral supports that:*

(a) Includes positive methods to modify the environment of clients to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to clients so that clients can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance a client's independence and quality of life;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of clients; and

(e) Offers a process for designing interventions based upon the client that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the client.

2. Each facility shall provide appropriate training for the members of the staff of the facility who are authorized to carry out and monitor exclusionary time out, time out in another room, physical restraint, mechanical restraint and chemical restraint to ensure that those members of the staff are competent and qualified to carry out the procedures in accordance with sections 2 to 21, inclusive, of this act.

Sec. 21. *1. A facility where a violation of the provisions of sections 2 to 21, inclusive, of this act occurs shall:*

(a) Not later than 24 hours after a violation occurs, or as soon thereafter as the violation is discovered, report the violation to the division; and

(b) Develop, in cooperation with the division, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the facility to prevent future violations.

2. The division shall forward the plan to the director of the department. The director or his designee shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The director or his designee may require appropriate revision of the plan to ensure compliance.

3. If the facility where the violation occurred does not meet the requirements of the plan to the satisfaction of the director or his designee, the department may withhold funding for the facility until the facility meets the requirements of the plan.

Sec. 22. NRS 433.484 is hereby amended to read as follows:

433.484 Each client admitted for evaluation, treatment or training to a facility has the following rights, concerning care, treatment and training, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the client by such additional means as prescribed by regulation:

1. To medical, psychosocial and rehabilitative care, treatment and training including prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability. All of that care, treatment and training must be consistent with standards of practice of the respective professions in the community and is subject to the following conditions:

(a) Before instituting a plan of care, treatment or training or carrying out any necessary surgical procedure, express and informed consent must be obtained in writing from:

(1) The client if he is 18 years of age or over or legally emancipated and competent to give that consent, and from his legal guardian, if any;

(2) The parent or guardian of a client under 18 years of age and not legally emancipated; or

(3) The legal guardian of a client of any age who has been adjudicated mentally incompetent;

(b) An informed consent requires that the person whose consent is sought be adequately informed as to:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, benefits and purposes of the procedure; and

(3) Alternative procedures available;

(c) The consent of a client as provided in paragraph (b) may be withdrawn by the client in writing at any time with or without cause;

(d) Even in the absence of express and informed consent, a licensed and qualified physician may render emergency medical care or treatment to any client who has been injured in an accident or who is suffering from an acute illness, disease or condition, if within a reasonable degree of medical certainty, delay in initiation of emergency medical care or treatment would

endanger the health of the client and if the treatment is immediately entered into the client's record of treatment, subject to the provisions of paragraph (e); and

(e) If the proposed emergency medical care or treatment is deemed by the chief medical officer of the facility to be unusual, experimental or generally occurring infrequently in routine medical practice, the chief medical officer shall request consultation from other physicians or practitioners of healing arts who have knowledge of the proposed care or treatment.

2. To be free from ~~[the application of any mechanical restraint, except if prescribed by a physician. If so prescribed, the restraint must be removed whenever the condition justifying its use no longer exists, and any use of a mechanical restraint, together with the reasons therefor, must be made a part of the client's record of treatment.]~~ *abuse, neglect and aversive intervention.*

3. To consent to his transfer from one facility to another, except that the administrator of the mental hygiene and mental retardation division of the department or his designee, or the administrator of the division of child and family services of the department or his designee, may order a transfer to be made whenever conditions concerning care, treatment or training warrant it. If the client in any manner objects to the transfer, the person ordering it must enter the objection and a written justification of the transfer in the client's record of treatment and immediately forward a notice of the objection to the administrator who ordered the transfer, and the commission shall review the transfer pursuant to subsection 3 of NRS 433.534.

4. Other rights concerning care, treatment and training as may be specified by regulation of the commission.

Sec. 23. NRS 433.514 is hereby amended to read as follows:

433.514 1. ~~[The]~~ *Except as otherwise provided in paragraph (d) of subsection 1 of section 19 of this act, the* attending psychiatrist or physician shall be responsible for all medication given or administered to a client.

2. Each administrative officer shall establish a policy for the review of the administration, storage and handling of medications by nurses and nonprofessional personnel.

Sec. 24. NRS 433.554 is hereby amended to read as follows:

433.554 1. An employee of a public or private mental health facility or any other person, except a client, who:

(a) Has reason to believe that a client of the division or of a private facility offering mental health services has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by clients unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with clients, unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a client involving the transfer of money or property for personal use or gain at the expense of the client; or

(e) Contrives the escape, elopement or absence of a client,

is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private mental health facility or any other person, except a client, who willfully abuses or neglects a client:

(a) ~~[If no]~~ *For a first violation that does not result in* substantial bodily harm to the client , ~~[results,]~~ is guilty of a gross misdemeanor.

(b) ~~[If]~~ *For a first violation that results in* substantial bodily harm to the client , ~~[results,]~~ is guilty of a category B felony . ~~[and]~~

(c) For a second or subsequent violation, is guilty of a category B felony. A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if he is an officer or employee of the state, he forfeits his office or position.

4. *A conviction pursuant to NRS 433.554 is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to NRS 433.554.*

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a client, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the client;

(2) ~~[Striking the client;~~

~~(3) Verbal intimidation or coercion of the client without a redeeming purpose;~~

~~(4) The use of excessive force when placing the client in physical restraints; and~~

~~(5)]~~ *The use of any type of aversive intervention;*

(3) A violation of section 15 of this act; and

(4) The use of physical , ~~[or]~~ chemical *or mechanical* restraints *or the use of time out in another room* in violation of ~~[state or]~~ federal law.

Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Client" includes any person who seeks, on his own or others' initiative, and can benefit from care , treatment and training in a public or private institution or facility offering mental health services. The term does

not include a client of the division of child and family services of the department.

(c) "Neglect" means any omission to act which causes injury to a client or which places the client at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the client has consented; and

(2) The policies of the facility for the care and treatment of clients.

Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 25. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each mentally retarded person admitted to a division facility is entitled to all rights enumerated in *sections 2 to 21, inclusive, of this act and* NRS 433.482 and 433.484.

2. The administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of mentally retarded persons. The person designated shall file the regulations with the administrator.

3. Clients' rights specified in NRS 433.482 and 433.484 may be denied only for cause. Any denial of such rights must be entered in the client's treatment record, and notice of such *a* denial must be forwarded to the administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding such *a* denial. A copy of the report must be sent to the administrator and the commission.

5. The commission has such powers and duties with respect to reports of denial of rights as are enumerated in subsection 3 of NRS 433.534.

Sec. 26. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 50, inclusive, of this act.

Sec. 27. *As used in sections 27 to 50, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 28 to 40, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 28. *"Aversive intervention" means:*

1. *The use of noxious odors and tastes;*
2. *The use of water and other mists or sprays;*
3. *The use of blasts of air;*
4. *The use of corporal punishment;*
5. *The use of verbal and mental abuse;*
6. *The use of electric shock;*
7. *The administration of chemical restraint to a person;*

8. The placement of a person in seclusion;

9. Requiring a person to obtain or maintain a physically painful position, excluding physical restraint;

10. Requiring a person to perform exercise under forced conditions;

11. Any intervention, technique or procedure that deprives a person of the use of one or more of his senses, regardless of the length of the deprivation;

12. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation; or

13. The use of time out in another room in an emergency.

Sec. 29. *"Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.*

Sec. 30. *"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.*

Sec. 31. *"Electric shock" means the application of electric current to a person's skin or body.*

Sec. 32. *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.*

Sec. 33. *"Exclusionary time out" means the removal of a person from an ongoing activity to a location where the person cannot observe the activity.*

Sec. 34. *"Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 35. *"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

Sec. 36. *"Mechanical restraint" means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.*

Sec. 37. *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Sec. 38. *"Seclusion" means the placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room. The term does not include exclusionary time out or time out in another room.*

Sec. 39. *"Time out in another room" means the removal of a person from an ongoing activity to an unlocked room where the door to the room is held shut by another person or by a mechanism that requires the constant*

physical pressure of another person to keep the mechanism engaged. The term is equivalent to the term "time-out room" as referred to in 42 C.F.R. § 483.450.

Sec. 40. *"Verbal and mental abuse" means actions or utterances that cause mental distress including, without limitation, the use of obscene gestures and words to frighten, humiliate, intimidate, threaten or insult.*

Sec. 41. *A person employed by the board of trustees of a school district or any other person shall not use any aversive intervention on a pupil with a disability.*

Sec. 42. *A person employed by the board of trustees of a school district or any other person shall not:*

1. Except as otherwise provided in section 43 of this act, place a pupil with a disability on exclusionary time out or time out in another room.

2. Except as otherwise provided in section 44 of this act, use physical restraint on a pupil with a disability.

3. Except as otherwise provided in section 45 of this act, use mechanical restraint on a pupil with a disability.

Sec. 43. *1. A pupil with a disability may be placed on exclusionary time out or time out in another room if:*

(a) The use of the procedure is:

(1) Based upon a need identified in the pupil's individualized education program; and

(2) Included in the pupil's individualized education program;

(b) Before the procedure is used, the parent or guardian of the pupil provides his informed consent, as set forth in 34 C.F.R. § 300.500;

(c) The procedure is carried out in accordance with the pupil's individualized education program;

(d) The procedure is the lowest level of intrusiveness required to influence the behavior of the pupil and is not excessively intrusive in relation to that behavior;

(e) The use of the procedure is supported by documentation in the pupil's record that indicates:

(1) Less intrusive procedures have been tried on the pupil but have failed to change the inappropriate behavior of the pupil;

(2) The length of time the less intrusive procedures were used; and

(3) The possible reasons why the less intrusive procedures failed;

(f) The procedure is carried out and continuously monitored by members of the staff of the school who are qualified and trained in the proper application of the procedure;

(g) The pupil is protected from hazardous conditions;

(h) Except as otherwise provided in paragraph (l), the release of the pupil from time out is contingent upon whether the pupil stops or controls the behavior that precipitated the use of time out;

(i) The staff who are responsible for monitoring the pupil attempt to return the pupil to the activity from which he was removed at least every 30

minutes, regardless of whether the pupil stops or controls the behavior that precipitated the use of time out;

(j) The pupil is offered access to a toilet and water at least every 30 minutes;

(k) The pupil is released from time out immediately if he stops or controls the behavior that precipitated the time out and is returned to the activity from which he was removed, if possible; and

(l) Placement of the pupil on time out does not exceed 60 consecutive minutes after the initiation of the time out.

2. A school shall maintain a record of each time that a pupil with a disability is placed on time out.

Sec. 44. *1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:*

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period time that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat to himself or others; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a pupil to safety if the pupil is in danger in his present location; or

(c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees determines that a denial of the pupil's rights has occurred, the board of trustees may submit a report to the department in accordance with section 50 of this act.

Sec. 45. *1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:*

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the pupil's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) examines the pupil on the working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;

(e) The pupil is released from the mechanical restraint to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f) and the response of the pupil; and

(h) The pupil is released from the mechanical restraint as soon as his behavior no longer presents an immediate threat to himself or others.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of the pupil;

(b) Protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness; or

(c) Position a pupil who has physical disabilities in a manner prescribed in the pupil's individualized education program.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees determines that a denial of the pupil's rights has occurred, the board of trustees may submit a report to the department in accordance with section 50 of this act.

Sec. 46. *1. The board of trustees of each school district shall develop a program of education for the members of the staff of the schools within the school district who provide services to pupils with disabilities. The program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:*

(a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance the independence and quality of life for pupils with disabilities;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and

(e) Offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. The board of trustees of each school district shall provide appropriate training for the members of the staff of the schools within the school district who are authorized to carry out and monitor exclusionary time out, time out in another room, physical restraint and mechanical restraint to ensure that those members of the staff are competent and qualified to carry out the procedures in accordance with sections 27 to 50, inclusive, of this act.

Sec. 47. *1. Unless a more severe penalty is prescribed by specific statute, a person who willfully uses aversive intervention on a pupil with a disability or violates section 42 of this act:*

(a) For a first violation that does not result in substantial bodily harm to the pupil, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the pupil, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

A person who is convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

2. A person who is convicted pursuant to this section is ineligible for 5 years for employment with the board of trustees of a school district.

3. A conviction pursuant to this section is grounds for disciplinary action against the person so convicted and the school district where the violation occurred. The superintendent of schools of the school district may recommend to the superintendent of public instruction the suspension or revocation of the professional license, registration, certificate or permit of a person convicted.

Sec. 48. *1. A school where a violation of sections 27 to 50, inclusive, of this act occurs shall report the violation to the board of trustees of the school district not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.*

2. The board of trustees of the school district where the violation occurred shall develop, in cooperation with the superintendent of public instruction, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the school and the board of trustees to prevent future violations.

3. The superintendent of public instruction shall submit the plan to the department. The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance.

4. If the school where the violation occurred does not meet the requirements of the plan to the satisfaction of the department, the department may appoint an administrator to oversee the school to ensure that the school meets the requirements of the plan.

Sec. 49. *An officer, administrator or employee of a public school shall not retaliate against any person for having:*

1. Reported a violation of sections 27 to 50, inclusive, of this act; or

2. Provided information regarding a violation of sections 27 to 50, inclusive, of this act,

by a public school or a member of the staff of the public school.

Sec. 50. *1. A denial of rights of a pupil with a disability pursuant to sections 27 to 50, inclusive, of this act must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district.*

2. If the board of trustees of a school district receives notice of a denial of rights pursuant to subsection 1, it shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the department.

3. The department:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of pupils with disabilities; and

(c) May act to resolve disputes relating to apparent violations.

Sec. 51. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.520, inclusive [,] *, and sections 27 to 50, inclusive, of this act:*

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 52. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees. *The board of trustees of a school district shall not employ a person who is convicted pursuant to section 47 of this act for at least 5 years after the date of conviction.*

2. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof; and

(b) Shall establish policies governing the duties and performance of teacher aides.

3. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the superintendent of public instruction, must, as a condition to employment, submit to the school district a full set of his fingerprints and written permission authorizing the school district to forward the fingerprints to the Federal Bureau of Investigation and the central repository for Nevada records of criminal history for their reports on the criminal history of the applicant.

4. The board of trustees of a school district may employ or appoint persons to serve as school police officers.

Sec. 53. NRS 391.314 is hereby amended to read as follows:

391.314 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and he is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Notwithstanding the provisions of NRS 391.312, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, he must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.312 to 391.3196, inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.312.

3. If sufficient grounds for dismissal do not exist, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other security which is acceptable to the board as a guarantee that he will repay any amounts paid to him pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept security other than a bond. An employee who receives salary pursuant to this subsection shall repay it if he is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS 179D.200 to 179D.290, inclusive, or 179D.350

to 179D.550, inclusive, or is convicted of an act forbidden by NRS 200.508, 201.190 or 201.265 forfeits all rights of employment from the date of his arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his arrest or the date on which his employment terminated, whichever is later. *A licensed employee who is convicted pursuant to section 47 of this act forfeits all rights of employment from the date of his arrest or the date on which his employment terminated, whichever is later.*

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if he is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.312.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.312. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

Sec. 54. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 55 to 79, inclusive, of this act.

Sec. 55. *As used in sections 55 to 79, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 56 to 69, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 56. *"Aversive intervention" means:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of corporal punishment;

5. The use of verbal and mental abuse;

6. The use of electric shock;

7. The administration of chemical restraint to a person;

8. The placement of a person in seclusion;

9. Requiring a person to obtain or maintain a physically painful position, excluding physical restraint;

10. Requiring a person to perform exercise under forced conditions;

11. Any intervention, technique or procedure that deprives a person of the use of one or more of his senses, regardless of the length of the deprivation;

12. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation; or

13. The use of time out in another room in an emergency.

Sec. 57. *"Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.*

Sec. 58. *"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.*

Sec. 59. *"Electric shock" means the application of electric current to a person's skin or body.*

Sec. 60. *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.*

Sec. 61. *"Exclusionary time out" means the removal of a person from an ongoing activity to a location where the person cannot observe the activity.*

Sec. 62. *"Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 63. *"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

Sec. 64. *"Mechanical restraint" means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.*

Sec. 65. *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Sec. 66. *"Pupil with a disability" has the meaning ascribed to it in NRS 388.440.*

Sec. 67. *"Seclusion" means the placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room. The term does not include exclusionary time out or time out in another room.*

Sec. 68. *"Time out in another room" means the removal of a person from an ongoing activity to an unlocked room where the door to the room is held shut by another person or by a mechanism that requires the constant physical pressure of another person to keep the mechanism engaged. The term is equivalent to the term "time-out room" as referred to in 42 C.F.R. § 483.450.*

Sec. 69. *"Verbal and mental abuse" means actions or utterances that cause mental distress including, without limitation, the use of obscene gestures and words to frighten, humiliate, intimidate, threaten or insult.*

Sec. 70. *A person employed by a private school or any other person shall not use any aversive intervention on a pupil with a disability.*

Sec. 71. *A person employed by a private school or any other person shall not:*

1. Except as otherwise provided in section 72 of this act, place a pupil with a disability on exclusionary time out or time out in another room.

2. Except as otherwise provided in section 73 of this act, use physical restraint on a pupil with a disability.

3. Except as otherwise provided in section 74 of this act, use mechanical restraint on a pupil with a disability.

Sec. 72. *1. A pupil with a disability may be placed on exclusionary time out or time out in another room if:*

(a) The use of the procedure is:

(1) Based upon a need identified in the pupil's service plan developed pursuant to 34 C.F.R. § 300.455 or the pupil's individualized education program, whichever is appropriate; and

(2) Included in the pupil's service plan developed pursuant to 34 C.F.R. § 300.455 or the pupil's individualized education program, whichever is appropriate;

(b) Before the procedure is used, the parent or guardian of the pupil provides his informed consent, as set forth in 34 C.F.R. § 300.500;

(c) The procedure is carried out in accordance with the pupil's service plan developed pursuant to 34 C.F.R. § 300.455 or the pupil's individualized education program, whichever is appropriate;

(d) The procedure is the lowest level of intrusiveness required to influence the behavior of the pupil and is not excessively intrusive in relation to that behavior;

(e) The use of the procedure is supported by documentation in the pupil's record that indicates:

(1) Less intrusive procedures have been tried on the pupil but have failed to change the inappropriate behavior of the pupil;

(2) The length of time the less intrusive procedures were used; and

(3) The possible reasons why the less intrusive procedures failed;

(f) The procedure is carried out and continuously monitored by members of the staff of the private school who are qualified and trained in the proper application of the procedure;

(g) The pupil is protected from hazardous conditions;

(h) Except as otherwise provided in paragraph (l), the release of the pupil from time out is contingent upon whether the pupil stops or controls the behavior that precipitated the use of time out;

(i) The staff who are responsible for monitoring the pupil attempt to return the pupil to the activity from which he was removed at least every 30

minutes, regardless of whether the pupil stops or controls the behavior that precipitated the use of time out;

(j) The pupil is offered access to a toilet and water at least every 30 minutes;

(k) The pupil is released from time out immediately if he stops or controls the behavior that precipitated the time out and is returned to the activity from which he was removed, if possible; and

(l) Placement of the pupil on time out does not exceed 60 consecutive minutes after the initiation of the time out.

2. The private school shall maintain a record of each time that a pupil with a disability is placed on time out.

Sec. 73. *1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:*

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat to himself or others; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a pupil to safety if the pupil is in danger in his present location; or

(c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record not later than 1 working day after the procedure is used. A copy of the report must be provided to the superintendent, the pupil's individualized education program team, if applicable, and the parent or guardian of the pupil.

Sec. 74. *1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:*

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the pupil's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) examines the pupil on the working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the private school who is trained and qualified to apply mechanical restraint;

(e) The pupil is released from the mechanical restraint to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the private school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f) and the response of the pupil; and

(h) The pupil is released from the mechanical restraint as soon as his behavior no longer presents an immediate threat to himself or others.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of the pupil;

(b) Protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness; or

(c) Position a pupil who has physical disabilities in a manner prescribed in the pupil's service plan developed pursuant to 34 C.F.R. § 300.455 or the pupil's individualized education program, whichever is appropriate.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record not later than 1 working day after the procedure is used. A copy of the report must be provided to the administrator of the private school, the superintendent, the pupil's individualized education program team, if applicable, and the parent or guardian of the pupil.

Sec. 75. *1. If a private school provides instruction to pupils with disabilities, the school shall develop a program of education for the members of the staff of the school who provide services to pupils with disabilities. The program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:*

(a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance the independence and quality of life for pupils with disabilities;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and

(e) Offers a process for deigning interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. If a private school provides instruction to pupils with disabilities, the school shall provide appropriate training for the members of the staff of the school who are authorized to carry out and monitor exclusionary time out, time out in another room, physical restraint and mechanical restraint to ensure that those members of the staff are competent and qualified to carry out the procedures in accordance with sections 55 to 79, inclusive, of this act.

Sec. 76. *1. Unless a more severe penalty is prescribed by specific statute, a person who willfully uses aversive intervention on a pupil with a disability or violates section 71 of this act:*

(a) For a first violation that does not result in substantial bodily harm to the pupil, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the pupil, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

A person who is convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

2. A person who is convicted pursuant to this section is ineligible for 5 years for employment with a private school.

3. A conviction pursuant to this section is grounds for disciplinary action against the person so convicted and the private school where the violation occurred. The superintendent may take appropriate action to cause the suspension or revocation of the professional license, registration, certificate or permit of a person convicted.

Sec. 77. *1. A private school where a violation of sections 55 to 79, inclusive, of this act occurs shall report the violation to the superintendent not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.*

2. The private school where a violation occurred shall develop, in cooperation with the superintendent, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the private school to prevent future violations.

3. The superintendent shall submit the plan to the department. The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance.

Sec. 78. *An officer, administrator or employee of a private school shall not retaliate against any person for having:*

1. Reported a violation of sections 55 to 79, inclusive, of this act; or

2. Provided information regarding a violation of sections 55 to 79, inclusive, of this act,

by a private school or a member of the staff of the private school.

Sec. 79. *1. A denial of rights of a pupil with a disability pursuant to sections 55 to 79, inclusive, of this act must be entered in the pupil's cumulative record. Notice of the denial must be provided to the administrator of the private school.*

2. If the administrator of a private school receives notice of a denial of rights pursuant to subsection 1, he shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the superintendent.

3. The superintendent:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of pupils with disabilities; and

(c) May act to resolve disputes relating to apparent violations.

Sec. 80. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 81 to 105, inclusive, of this act.

Sec. 81. *As used in sections 81 to 105, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 82 to 94, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 82. *"Aversive intervention" means:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of corporal punishment;

5. The use of verbal and mental abuse;

6. The use of electric shock;

7. The placement of a person in seclusion;

8. Requiring a person to obtain or maintain a physically painful position, excluding physical restraint;

9. Requiring a person to perform exercise under forced conditions;

10. Any intervention, technique or procedure that deprives a person of the use of one or more of his senses, regardless of the length of the deprivation; or

11. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation. The term does not include the withholding or withdrawal of life-sustaining treatment in accordance with NRS 449.626.

Sec. 83. *"Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.*

Sec. 84. *"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.*

Sec. 85. *"Electric shock" means the application of electric current to a person's skin or body.*

Sec. 86. *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.*

Sec. 87. *"Exclusionary time out" means the removal of a person from an ongoing activity to a location where the person cannot observe the activity.*

Sec. 88. *"Facility" means a facility that is licensed pursuant to this chapter.*

Sec. 89. *"Mechanical restraint" means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.*

Sec. 90. *"Person with a disability" means a person who:*

1. Has a physical or mental impairment that substantially limits one or more of the major life activities of the person;

2. Has a record of such an impairment; or

3. Is regarded as having such an impairment.

Sec. 91. *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Sec. 92. *"Seclusion" means the placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room. The term does not include exclusionary time out or time out in another room.*

Sec. 93. *"Time out in another room" means the removal of a person from an ongoing activity to an unlocked room where the door to the room is held shut by another person or by a mechanism that requires the constant physical pressure of another person to keep the mechanism engaged. The term is equivalent to the term "time-out room" as referred to in 42 C.F.R. § 483.450.*

Sec. 94. *"Verbal and mental abuse" means actions or utterances that cause mental distress including, without limitation, the use of obscene gestures and words to frighten, humiliate, intimidate, threaten or insult.*

Sec. 95. *A person employed by a facility licensed pursuant to this chapter or any other person shall not use any aversive intervention on a person with a disability who is a patient at the facility.*

Sec. 96. *A person employed by a facility licensed pursuant to this chapter or any other person shall not:*

1. Except as otherwise provided in section 97 of this act, place a person with a disability who is a patient at the facility on exclusionary time out or time out in another room.

2. Except as otherwise provided in section 98 of this act, use physical restraint on a person with a disability who is a patient at the facility.

3. Except as otherwise provided in section 99 of this act, use mechanical restraint on a person with a disability who is a patient at the facility.

4. Except as otherwise provided in section 100 of this act, use chemical restraint on a person with a disability who is a patient at the facility.

Sec. 97. *1. A person with a disability who is a patient at a facility may be placed on exclusionary time out or time out in another room if:*

(a) The use of the procedure is:

(1) Based upon a need identified in the patient's plan of treatment; and

(2) Included in the patient's plan of treatment, for which informed consent has been obtained pursuant subsections 3 and 4;

(b) The procedure is carried out in accordance with the patient's plan of treatment;

(c) The procedure is the lowest level of intrusiveness required to influence the behavior of the patient and is not excessively intrusive in relation to that behavior;

(d) The use of the procedure is supported by documentation in the patient's record that indicates:

(1) Less intrusive procedures have been tried on the patient but have failed to change the inappropriate behavior of the patient;

(2) The length of time the less intrusive procedures were used; and

(3) The possible reasons why the less intrusive procedures failed;

(e) The procedure is carried out and continuously monitored by members of the staff of the facility who are qualified and trained in the proper application of the procedure;

(f) The patient is protected from hazardous conditions;

(g) Except as otherwise provided in paragraph (k), the release of the patient from time out is contingent upon whether the patient stops or controls the behavior that precipitated the use of time out;

(h) The staff who are responsible for monitoring the patient attempt to return the patient to the activity from which he was removed at least every 30 minutes, regardless of whether the patient stops or controls the behavior that precipitated the use of time out;

(i) The patient is offered access to a toilet and water at least every 30 minutes;

(j) The patient is released from time out immediately if he stops or controls the behavior that precipitated the time out and is returned to the activity from which he was removed, if possible; and

(k) Placement of the patient on time out does not exceed 60 consecutive minutes after the initiation of the time out.

2. A facility shall maintain a record of each time that a person with a disability who is a patient at the facility is placed on time out.

3. Before exclusionary time out or time out in another room is included in a patient's plan of treatment at a facility, the facility shall obtain the written informed consent of:

(a) The patient if he is at least 18 years of age or legally emancipated and competent to give that consent, and from his legal guardian, if any;

(b) The parent or guardian of the patient if the patient is under 18 years of age and not legally emancipated; or

(c) The legal guardian of a patient of any age who has been adjudicated mentally incompetent.

The consent required by this subsection may be withdrawn in writing at any time with or without cause.

4. An informed consent requires that the person whose consent is sought is adequately informed of:

(a) The nature and consequences of the procedure;

(b) The reasonable risks, benefits and purposes of the procedure; and

(c) Alternative procedures available.

Sec. 98. *1. Except as otherwise provided in subsection 2, physical restraint may be used on a patient with a disability who is a patient at a facility only if:*

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the patient so that the patient is no longer an immediate threat to himself or others; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a person with a disability who is a patient at a facility and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the patient in completing a task or response if the patient does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a patient to safety if the patient is in danger in his present location; or

(c) Conduct medical examinations or treatments on the patient that are necessary.

3. If physical restraint is used on a patient in an emergency, the use of the procedure must be reported as a denial of rights pursuant to section 105 of this act, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 99. *1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a person with a disability who is a patient at a facility only if:*

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the patient's treating physician before the application of the

mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) examines the patient on the working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(e) The patient is released from the mechanical restraint to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the facility lessens or discontinues the restraint every 15 minutes to determine whether the patient will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the patient contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f) and the response of the patient; and

(h) The patient is released from the mechanical restraint as soon as his behavior no longer presents an immediate threat to himself or others.

2. Mechanical restraint may be used on a person with a disability who is a patient at a facility and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a patient;

(b) Protect a patient who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness; or

(c) Position a patient who has physical disabilities in a manner prescribed in the patient's plan of treatment.

3. If mechanical restraint is used on a patient in an emergency, the use of the procedure must be reported as a denial of rights pursuant to section 105 of this act, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 100. *1. Chemical restraint may only be administered to a person with a disability who is a patient at an independent center for emergency medical care. The chemical restraint must be administered in accordance with section 19 of this act.*

2. Each independent center for emergency medical care shall provide appropriate training for the members of the staff of the center who are authorized to administer chemical restraint to ensure that those members of the staff are competent and qualified to carry out the procedure in accordance with section 19 of this act.

Sec. 101. *1. Each facility shall develop a program of education for the members of the staff of the facility to provide instruction in positive behavioral interventions and positive behavioral supports that:*

(a) Includes positive methods to modify the environment of patients to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to patients so that patients can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance a patient's independence and quality of life;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of patients; and

(e) Offers a process for designing interventions based upon the patient that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the patient.

2. Each facility shall provide appropriate training for the members of the staff of the facility who are authorized to carry out and monitor exclusionary time out, time out in another room, physical restraint and mechanical restraint to ensure that those members of the staff are competent and qualified to carry out the procedures in accordance with sections 81 to 105, inclusive, of this act.

Sec. 102. *1. Unless a more severe penalty is prescribed by specific statute, a person who willfully uses aversive intervention on a person with a disability who is a patient at a facility or violates section 96 of this act:*

(a) For a first violation that does not result in substantial bodily harm to the person with a disability, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the person with a disability, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

A person who is convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

2. A person who is convicted pursuant to this section is ineligible for 5 years for employment with a facility.

3. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The health division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted.

Sec. 103. *1. A facility where a violation of the provisions of sections 81 to 105, inclusive, of this act occurs shall report the violation to the health division not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.*

2. A facility where a violation occurred shall develop, in cooperation with the health division, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the facility to prevent future violations.

3. The health division shall forward the plan to the board. The board shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The board may require appropriate revision of the plan to ensure compliance.

4. If the facility where the violation occurred does not meet the requirements of the plan to the satisfaction of the board, the board may direct the agency that administers funding for the facility to withhold state funding for the facility until the facility meets the requirements of the plan.

Sec. 104. *An officer, administrator or employee of a facility licensed pursuant to this chapter shall not retaliate against any person for having:*

1. Reported a violation of sections 81 to 105, inclusive, of this act; or

2. Provided information regarding a violation of sections 81 to 105, inclusive, of this act,

by a facility or a member of the staff of the facility.

Sec. 105. *1. A denial of rights of a person with a disability who is a patient of a facility pursuant to sections 81 to 105, inclusive, of this act must be entered in the patient's record. Notice of the denial must be provided to the administrator of the facility.*

2. If the administrator of a facility receives notice of a denial of rights pursuant to subsection 1, he shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the health division.

3. The health division:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of persons with disabilities who are patients at facilities; and

(c) May act to resolve disputes relating to apparent violations.

Sec. 106. NRS 449.730 is hereby amended to read as follows:

449.730 *1.* Every medical facility and facility for the dependent shall inform each patient or his legal representative, upon his admission to the facility, of the patient's rights as listed in NRS 449.700, 449.710 and 449.720.

2. In addition to the requirements of subsection 1, if a person with a disability is a patient at a medical facility or facility for the dependent, the facility shall inform the patient of his rights pursuant to sections 81 to 105, inclusive, of this act.

Sec. 107. NRS 449.850 is hereby amended to read as follows:

449.850 1. The attorney in fact may not consent to:

(a) Commitment or placement of the principal in a facility for treatment of mental illness;

(b) Convulsive treatment;

(c) Psychosurgery;

(d) Sterilization;

(e) Abortion; ~~[or]~~

(f) *Aversive intervention, as that term is defined in section 82 of this act; or*

(g) Any other treatment to which the principal, in the power of attorney, states that the attorney in fact may not consent.

2. The attorney in fact must make decisions concerning the use or nonuse of life sustaining treatment which conform to the known desires of the principal. The principal may make these desires known in the power of attorney.

Sec. 108. The amendatory provisions of this act do not apply to offenses that were committed before October 1, 1999.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, Providing appropriate health and educational services to persons with disabilities is essential to fulfilling this state's important goal of ensuring equality of opportunity, full participation, independent living and economic self-sufficiency for persons with disabilities; and

WHEREAS, A person with a disability who is receiving health or educational services in this state is entitled to receive those services in an environment that is the least restrictive, as determined by his disability, and is entitled to be treated with dignity and respect by the staff of the facility or school where he is receiving services; and

WHEREAS, A person with a disability who is receiving health or educational services in this state is entitled to a comprehensive treatment or educational program that does not authorize disciplinary measures when convenient for the members of the staff of the facility or school; now, therefore,".

Amend the title of the bill, first and second lines, by deleting:
"and deprivation techniques".

Amend the summary of the bill, first line, by deleting:
"and deprivation techniques".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 298.

Bill read second time.

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

Amendment No. 560.

Amend sec. 2, page 1, line 3, by deleting "*A*" and inserting:
"*Except as otherwise provided in subsection 4, a*".

Amend sec. 2, page 1, by deleting lines 7 and 8 and inserting:
"*finances a public work may adopt criteria for the qualification of bidders on contracts for public works of the local government. If a governing body*

adopts criteria pursuant to this subsection, the governing body shall use the criteria to determine the qualification of bidders on contracts for public works of the local government.".

Amend sec. 2, page 1, by deleting lines 12 through 14 and inserting:

"*subsection must be used by the state public works board to determine the qualification of bidders on contracts for public works of this state.*

4. A public body may accept a bid on a contract for a public work from a person who does not qualify pursuant to section 4 of this act if the person holds:

(a) An unlimited contractor's license issued by the state contractors' board in the branch of general engineering contracting or general building contracting, or in both branches, and:

(1) At the time he submits his bid, he provides a bid bond equal to 10 percent of the amount of the bid; and

(2) At the time the contract is awarded, he provides a performance bond, a labor and material bond, and a guaranty bond, each equal to 100 percent of the amount of the contract; or

(b) A contractor's license issued by the state contractors' board that is designated in any classification if he:

(1) Has, in the 5 years immediately preceding the submission of the bid, been found to be a responsible contractor in the classification in which his contractor's license is designated;

(2) Provides a bid bond, a performance bond, a guaranty bond and a labor and material bond in such amounts as the state public works board or governing body may require; and

(3) Employs a person determined by the state contractors' board to be qualified to supervise each classification of construction upon which the person submitting the bid is bidding.

5. Before adopting criteria pursuant to this section, the state public works board or a governing body shall hold at least one public hearing to solicit and evaluate public opinion regarding the criteria to be adopted. Notice of such a hearing must be provided by mail at least 10 days before the hearing to:

(a) Construction trade associations; and

(b) Labor unions representing trades in the building industry.".

Amend sec. 3, pages 1 and 2, by deleting lines 15 through 18 on page 1 and lines 1 through 19 on page 2, and inserting:

"Sec. 3. *The criteria adopted by the state public works board or a governing body pursuant to section 2 of this act to determine whether an applicant is qualified to bid on a contract for a public work:*

1. Must be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.

2. May include only:

(a) The financial ability of the applicant to perform the contract;

(b) The principal personnel of the applicant;

(c) Whether the applicant has breached any contracts with a public agency or person in this state or any other state; and

(d) Whether the applicant has been disqualified from being awarded the contract pursuant to NRS 338.017 or 338.145.".

Amend sec. 4, page 2, line 20, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 4 of section 2 of this act, a*".

Amend sec. 4, page 2, line 35, by deleting:

"*adopted pursuant to section 2*" and inserting:

"*described in section 3*".

Amend sec. 4, page 2, between lines 36 and 37, by inserting:

"*5. Financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the state public works board or a governing body to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.*".

Amend sec. 6, page 3, line 20, by deleting "*act.*" and inserting:

"*act or was exempt from meeting such qualifications pursuant to subsection 4 of section 2 of this act.*".

Amend sec. 7, page 4, line 41, by deleting "*contract; and*" and inserting:

"*contract or must be exempt from meeting such qualifications pursuant to subsection 4 of section 2 of this act; and*".

Amend sec. 7, page 5, line 9, by deleting "*act;*" and inserting:

"*act, unless the bidder is exempt from meeting such qualifications pursuant to subsection 4 of section 2 of this act;*".

Amend sec. 8, page 6, line 22, by deleting "*contract; and*" and inserting:

"*contract or must be exempt from meeting such qualifications pursuant to subsection 4 of section 2 of this act; and*".

Amend sec. 8, page 6, line 33, by deleting "*act;*" and inserting:

"*act, unless the bidder is exempt from meeting such qualifications pursuant to subsection 4 of section 2 of this act;*".

Amend sec. 9, page 7, line 35, after "*act*" by inserting:

"*or was exempt from meeting such qualifications pursuant to subsection 4 of section 2 of this act*".

Amend sec. 10, page 8, line 3, by deleting "*act;*" and inserting:

"*act or is exempt from meeting such qualifications pursuant to subsection 4 of section 2 of this act;*".

Amend the title of the bill by deleting the second and third lines and inserting:

"qualification of bidders on certain contracts for public works; requiring a person to qualify before bidding on such contracts in certain circumstances; and providing other matters properly".

Amend the summary of the bill, first line, by deleting "bidding." and inserting:

"bidding in certain circumstances.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

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

Amendment No. 653.

Amend section 1, page 1, line 3, by deleting "*14*" and inserting "*11*".

Amend sec. 2, page 2, line 19, by deleting "*14,*" and inserting:
"*11 of this act,*".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend sec. 4, page 3, lines 20 and 21, by deleting:
"*section 3 of this act and*".

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sections 8 through 21 as sections 5 through 18.

Amend sec. 10, page 8, by deleting lines 33 through 43 and inserting:
"disability and is stable and ratable, the insurer shall schedule an appointment with ~~[a]~~ *the* rating physician or chiropractor *selected pursuant to this subsection* to determine the extent of the employee's disability. *Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor:*

(a) The insurer shall select ~~[a]~~ *the rating* physician or chiropractor from ~~[a group]~~ *the list* of *qualified* rating physicians and chiropractors designated".

Amend sec. 10, page 9, by deleting line 4 and inserting:
"division pursuant to NRS 616C.110.

(b) Rating physicians and chiropractors".

Amend sec. 14, page 14, by deleting lines 6 through 8 and inserting:
"*insurer or a third-party administrator, by a claimant who has not accepted a benefit penalty pursuant to NRS 616D.120, which alleges that the insurer or third-party administrator has, with knowledge of or reckless disregard for his lack of a justification, denied or unreasonably delayed payment of compensation to that claimant.*".

Amend sec. 14, page 14, line 10, after "*third-party administrator*" by inserting:
"*pursuant to subsection 1*".

Amend sec. 14, page 14, line 17, by deleting "*administrator.*" and inserting:
"*administrator pursuant to subsection 1.*".

Amend sec. 14, page 14, line 22, after "*administrator*" by inserting:
"*pursuant to subsection 1*".

Amend sec. 14, page 14, line 26, after "*administrator*" by inserting:

"*pursuant to subsection 1*".

Amend sec. 14, page 14, line 29, by deleting the italicized comma and inserting:

"*pursuant to subsection 1,*".

Amend sec. 14, page 14, line 35, by deleting "*administrator;*" and inserting:

"*administrator pursuant to subsection 1;*".

Amend sec. 15, page 15, line 3, by deleting "*14*" and inserting "*11*".

Amend sec. 16, page 15, line 10, by deleting "*14*" and inserting "*11*".

Amend sec. 16, page 15, line 14, by deleting "*14*" and inserting "*11*".

Amend sec. 17, page 15, line 24, by deleting "*14*" and inserting "*11*".

Amend sec. 17, page 15, line 29, by deleting "*14*" and inserting "*11*".

Amend sec. 18, page 18, line 4, by deleting "*14*" and inserting "*11*".

Amend sec. 18, page 18, line 16, by deleting "*14*" and inserting "*11*".

Amend sec, 18, page 18, line 21, by deleting "*14*" and inserting "*11*".

Amend sec, 18, page 18, line 24, by deleting "*14*" and inserting "*11*".

Amend sec. 19, page 19, line 38, by deleting "*14*" and inserting "*11*".

Amend sec. 19, page 19, line 40, by deleting "*14*" and inserting "*11*".

Amend sec. 19, page 20, line 22, by deleting "*14*" and inserting "*11*".

Amend sec. 21, page 21, line 16, by deleting "*14*" and inserting "*11*".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; requiring an insurer to reimburse an injured employee for the expense of a second determination of disability under certain circumstances; revising the provisions governing the effect on the availability of compensation of a preexisting condition and of an aggravation of an industrial injury or disease that is not related to employment; revising the provisions governing the determination and provision of compensation for permanent total disability, temporary total disability and permanent partial disability; expanding the maximum length of certain programs of vocational rehabilitation; authorizing vocational rehabilitation services to be provided outside of this state under certain circumstances; authorizing a claimant to bring and maintain certain causes of action against an insurer or third-party administrator if the claimant does not accept a benefit penalty; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 373.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 499.

Amend section 1, page 1, line 2, by deleting:

"2 and 3" and inserting:

"2 to 5, inclusive,".

Amend sec. 3, page 1, line 8, by deleting "*A*" and inserting:

"*Except as otherwise provided in subsection 5, a*".

Amend sec. 3, page 2, by deleting lines 9 through 12 and inserting:

"*of such a business shall not:*

(a) Refer a person to a residential facility for groups that is not licensed.

(b) Accept or receive a fee for the referral of a person to a residential facility for groups either from or on behalf of the person who is referred to the facility or from the facility to which the person is referred.

A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the attorney general in the name of the state board of health for the first offense of $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise required by federal law, the state board of health shall deposit all civil penalties collected pursuant to this section into a separate account in the state general fund to be used for the enforcement of this section and the protection of the health, safety, well-being and property of residences of residential facilities for groups.

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.001 to 449.240, inclusive, this section and sections 2 and 4 of this act, on October 1, 1999.".

Amend the bill as a whole by deleting sec. 4, renumbering sections 5 through 9 as sections 6 through 10 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. *If the health division suspends or revokes the license of a person who operates a residential facility for groups for conduct or a practice detrimental to the health or safety of the occupants of the facility, the division shall suspend or revoke the license of all residential facilities for groups operated by that person. The person who operates the facility shall move all of the persons who are receiving services in the residential facilities for groups to other licensed residential facilities for groups at his own expense.*

Sec. 5. *The provisions of NRS 449.249, 449.2493 and 449.2496 apply to homes for individual residential care in a county whose population is less than 100,000.*".

Amend sec. 5, page 2, lines 33 and 34, by deleting "or

~~[(d)]~~" and inserting "~~[or~~

~~(d)]~~".

Amend sec. 5, page 2, line 35, by deleting the period and inserting:

"~~[.]~~ *; or*

(d) A home for individual residential care in a county whose population is less than 100,000.".

Amend sec. 6, page 2, line 40, by deleting:

"*2 and 3*" and inserting:
"*2, 3 and 4*".

Amend sec. 7, page 4, line 12, by deleting "*plans*" and inserting "*regulations*".

Amend sec. 8, page 4, by deleting lines 32 and 33 and inserting:
"*license issued by the health division:*

(a) Is liable for a civil penalty to be recovered by the attorney general in the name of the health division for the first offense of $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000;".

Amend sec. 8, pages 4 and 5, by deleting lines 40 through 42 on page 4 and lines 1 and 2 on page 5, and inserting:
"*unless otherwise required by federal law, the health division shall deposit all civil penalties collected pursuant to this section into a separate account in the state general fund to be used for the protection of the health, safety and well-being of patients including residents of residential facilities for groups.*".

Amend the bill as a whole by deleting sections 10 through 19 and renumbering sec. 20 as sec. 11.

Amend sec. 20, page 9, line 3, by deleting:
"*2 or 3*" and inserting:
"*2, 3 or 4*".

Amend the bill as a whole by deleting sec. 21 and renumbering sec. 22 as sec. 12.

Amend sec. 22, page 9, line 19, after "1999," by inserting:
"in a county whose population is 100,000 or more,".

Amend sec. 22, page 9, line 31, by deleting "1999." and inserting:
"1999, in a county whose population is 100,000 or more.".

Amend sec. 22, page 9, line 37, after "1999," by inserting:
"in a county whose population is 100,000 or more,".

Amend sec. 22, page 9, line 38, by deleting "remaining," and inserting:
"remaining in such counties,".

Amend the bill as a whole by deleting sec. 23 and renumbering sec. 24 as sec. 13.

Amend sec. 24, page 10, by deleting lines 4 through 8 and inserting:

"Sec. 13. The amendatory provisions of this act do not apply to offenses that were committed before October 1, 1999.".

Amend the bill as a whole by deleting sec. 25 and the text of repealed sections.

Amend the title of the bill to read as follows:
"AN ACT relating to health care; making various changes concerning certain health care facilities; requiring licensure of homes for individual residential care in certain counties; providing civil penalties; and providing other matters properly relating thereto.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 424.

Bill read second time.

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

Amendment No. 558.

Amend section 1, page 1, line 2, by deleting:

"2, 3 and 4" and inserting:

"2 and 3".

Amend sec. 2, pages 1 and 2, by deleting lines 3 through 10 on page 1 and lines 1 through 12 on page 2, and inserting:

"Sec. 2. *The legislature hereby finds and declares that:*

1. The process of regional planning in a county whose population is 100,000 or more but less than 400,000, as set forth in NRS 278.026 to 278.029, inclusive, and sections 2 and 3 of this act, ensures that comprehensive planning will be carried out with respect to population, conservation, land use and transportation, public facilities and services, annexation and intergovernmental coordination.

2. The process of regional planning set forth in NRS 278.026 to 278.029, inclusive, and sections 2 and 3 of this act, does not specifically limit the premature expansion of development into undeveloped areas or address the unique needs and opportunities that are characteristic of older neighborhoods in a county whose population is 100,000 or more but less than 400,000.

3. The problem of the premature expansion of development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:

(a) Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and

(b) Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.

4. It is the intent of the legislature with respect to NRS 278.026 to 278.029, inclusive, and sections 2 and 3 of this act, that each local government and affected entity shall exercise its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.".

Amend sec. 4, pages 2 and 3, by deleting sec. 4 and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 3, line 10, by deleting "*10*" and inserting "*20*".

Amend sec. 6, page 3, line 17, by deleting:

"*2, 3 and 4*" and inserting:
"*2 and 3*".

Amend sec. 6, page 3, line 24, by deleting "agency;" and inserting:
"agency ~~[:]~~ *other than the University and Community College System of Nevada;*".

Amend sec. 7, pages 4 and 5, by deleting lines 39 through 43 on page 4 and lines 1 through 26 on page 5, and inserting:
"consisting of ~~[:]~~ *10 members appointed as follows:*

(a) Three members ~~[from the local planning commission of each city in]~~ *appointed by the governing body of* the county ~~[whose population is 40,000 or more, appointed by the respective governing bodies of those cities;~~

~~(b) One member from the local planning commission of each]~~ *, at least one of whom must represent a neighborhood advisory group in the county if such a group exists;*

(b) Three members appointed by the governing body of the largest city in the county ~~[whose population is less than 40,000, appointed by the respective governing bodies of those cities; and]~~ *, at least one of whom must represent a neighborhood advisory group in the city if such a group exists;*

(c) Three members ~~[from the local planning commission of the county,]~~ appointed by the governing body of the *second largest city in the* county, at least ~~[two]~~ *one* of whom must ~~[reside in unincorporated areas of the county.]~~ *represent a neighborhood advisory group in the city if such a group exists; and*

(d) One member to represent the interests of schools in the county, appointed by the board of trustees of the county school district.".

Amend sec. 7, page 5, by deleting lines 29 through 34 and inserting:
"his successor. A member may be reappointed. ~~[A member who ceases to be a member of the local planning commission of the jurisdiction from which he is appointed automatically ceases to be a member of the commission.]~~ A vacancy must be filled for the unexpired term by the ~~[governing body]~~ *appointing authority* which made the original appointment.".

Amend sec. 7, page 5, lines 38 and 39 by deleting:
"*pursuant to paragraph (a) or (b) of subsection 1,*".

Amend sec. 7, page 5, line 41, by deleting "governing bodies." and inserting:
"~~[governing bodies.]~~ *appointing authorities set forth in subsection 1.*".

Amend sec. 7, page 5, after line 43, by inserting:

"*5. Each member of the commission must successfully complete the course of training prescribed by the governing body pursuant to subsection 2 of NRS 278.0265 within 1 year after the date on which his term of appointment commences. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his appointment 1 year after the date on which his term of appointment commenced.*".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. NRS 278.0265 is hereby amended to read as follows:

278.0265 The governing board:

1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.

2. *Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:*

(a) State statutes and regulations and local ordinances, resolutions and regulations concerning land use planning; and

(b) The provisions of chapter 241 of NRS.

3. May establish and collect reasonable fees for the provision of any service that is authorized pursuant to the provisions of NRS 278.026 to 278.029, inclusive ~~[.]~~ *, and sections 2 and 3 of this act.*".

Amend sec. 8, page 6, by deleting lines 10 through 14 and inserting:

"3. *The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods and revitalization of urban areas, including, without limitation, policies that relate to the interspersion of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.*".

Amend sec. 8, page 7, by deleting lines 3 and 4 and inserting "*commission regarding*".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 278.0284 is hereby amended to read as follows:

278.0284 *1.* Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government ~~[.]~~ *and the comprehensive regional plan.* In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make ~~[a specific finding]~~ *specific findings* that the ordinance conforms to the master plan ~~[.]~~ *and the comprehensive regional plan.* Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.

2. The regional planning commission shall adopt regulations concerning the resolution of disputes between persons, local governments and the regional planning commission regarding whether an action taken by or an ordinance or resolution adopted by a local government conforms to the

provisions of the comprehensive regional plan as required pursuant to subsection 1.".

Amend sec. 10, pages 8 and 9, by deleting sec. 10 and inserting:

"Sec. 10. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. 1. The governing board for regional planning, created pursuant to NRS 278.0264, shall prescribe the course of training described in subsection 2 of NRS 278.0265 on or before June 30, 2000.

2. Notwithstanding the provisions of subsection 5 of NRS 278.0262, a member of the regional planning commission whose term of appointment commences on or before January 1, 2001, must successfully complete the course of training prescribed by the governing body pursuant to subsection 2 of NRS 278.0265 on or before June 30, 2001. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his appointment on June 30, 2001.".

Amend the title of the bill to read as follows:

"AN ACT relating to land use planning; revising provisions regarding plans for capital improvements; changing the composition of the regional planning commission; expanding the contents of a comprehensive regional plan; requiring members of the regional planning commission to complete certain training; requiring certain local governments to conform their actions, ordinances and regulations to the comprehensive regional plan and providing for the adoption of regulations concerning the resolution of disputes relating to such a requirement; authorizing the governing body of a local government to use certain land use controls and principles of zoning; and providing other matters properly relating thereto.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 410.

Amend section 1, page 2, by deleting lines 3 and 4, and inserting:

"section if the channel is cleared, maintained or restored pursuant to *:*

(a) Except as otherwise provided in subsection 5, a permit".

Amend section 1, page 2, by deleting lines 8 through 22 and inserting:

"5. *Subject to the limitations contained in subsection 6, an incorporated city, county or political subdivision, and its employees and agents, may conduct clearance, maintenance, restoration, surveying and monumenting without obtaining a grant, without obtaining a permit issued by the division*

of state lands or the division of environmental protection of the state department of conservation and natural resources and without paying application or permit fees for such permits if:

(a) The governmental entity applies for the applicable permits from the division of state lands and from the division of environmental protection of the state department of conservation and natural resources;

(b) The governmental entity obtains all other permits and approvals as are required by law;

(c) The governmental entity applies for a grant pursuant to subsection 3; and

(d) The grant is denied for lack of money in the account after:

(1) The state engineer requests an allocation from the contingency fund pursuant to subsection 4 of NRS 532.230; and

(2) An allocation from the contingency fund is not made within 90 days after the request is made.

The immunity provided in subsection 4 applies to any action taken without a permit by a state governmental entity in accordance with this subsection. The division of state lands and the division of environmental protection of the state department of conservation and natural resources shall refund the application or permit fees, if any, paid by a governmental entity to apply for permits relating to work performed pursuant to this subsection if the grant is denied for lack of money and the state permits are not issued for that reason.

6. If a permit is issued by the division of state lands or by the division of environmental protection of the state department of conservation and natural resources to a governmental entity who performs work pursuant to subsection 5, the work performed by or on behalf of the governmental entity pursuant to subsection 5 must be performed in accordance with the permit or permits. If no such permit is issued, the work must be:

(a) Limited to the work for which the grant and permits were requested; and

(b) Conducted in accordance with accepted best management practices.

7. As used in this section, "navigable river" means a river or stream".

Amend sec. 2, pages 2 and 3, by deleting line 42 on page 2 and lines 1 through 4 on page 3, and inserting:

"*and its employees and agents, may conduct the work for which the grant was requested pursuant to subsection 3 of NRS 532.220.*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 445A.465 is hereby amended to read as follows:

445A.465 1. Except *as otherwise provided in NRS 532.230 or except* as authorized by a permit issued by the department pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, and regulations adopted by the commission, it is unlawful for any person to:

(a) Discharge from any point source any pollutant into any waters of the state or any treatment works.

(b) Inject fluids through a well into any waters of the state.

(c) Discharge from a point source a pollutant or inject fluids through a well that could be carried into the waters of the state by any means.

(d) Allow a pollutant discharged from a point source or fluids injected through a well to remain in a place where the pollutant or fluids could be carried into the waters of the state by any means.

2. The commission shall adopt regulations which provide a simplified procedure for approval by the department of permits that are required by subsection 1 for work related to clearing and maintaining the channel of a navigable river, including, without limitation, dredging or filling, bank stabilization or restoration, channel clearance, construction of irrigation diversions or the clearance of vegetation, debris or temporary obstructions. The regulations must include a limitation on the time allowed for the processing of an application for such a permit to not more than 60 days after receipt by the department of a completed application and any required fees, unless the administrator determines that it is in the public interest to hold a public hearing regarding the application and promptly notifies the applicant of that determination.".

Amend the title of the bill to read as follows:

"AN ACT relating to navigable rivers; authorizing under certain circumstances a governmental entity, its employees and agents to conduct channel clearance of rivers without certain permits; expanding the related provision regarding immunity; and providing other matters properly relating thereto.".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 509.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 622.

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

"Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a wild horse or horses stray onto land which is privately owned, an owner of the land may:

(a) Inform the appropriate federal authority; and

(b) Request the authority to remove the wild horse or horses from the land,

in the manner and form required by the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331 et seq., and the regulations adopted pursuant thereto.

2. If the appropriate federal authority fails to remove the wild horse or horses from the land within a reasonable amount of time after receiving a request pursuant to subsection 1, the landowner may:

(a) Notify the board of county commissioners in the county in which the land is located of the failure; and

(b) Request the county to institute an action in federal court on his behalf requesting a writ of mandamus ordering the appropriate federal authority to remove the wild horse or horses from the land.

3. Upon receiving a notification and request pursuant to subsection 2, the county may institute an action in a federal court of competent jurisdiction on behalf of the landowner requesting the court to issue a writ of mandamus directing the appropriate federal authority who was notified pursuant to subsection 1 to remove the wild horse or horses from the land. The county shall:

(a) Determine whether it will institute such an action; and

(b) Notify the landowner of its determination,

as soon as practicable after receiving the request.

4. A motion filed pursuant to subsection 3 must include a request that the court authorize the county, the division of agriculture of the department of business and industry or a representative of the county or the division to remove the wild horse or horses from the land if the appropriate federal authority is unable or unwilling to do so.

5. As used in this section "appropriate federal authority" means a federal agency or officer who is charged with the duties of:

(a) Receiving notices from landowners requesting the removal of wild horses from land which is privately owned; and

(b) Arranging to have wild horses removed from land which is privately owned,

pursuant to the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331 et seq., or regulations adopted pursuant thereto.".

Amend the title of the bill to read as follows:

"AN ACT relating to wild horses; authorizing a county, upon request, to institute an action in federal court on behalf of a landowner requesting a writ of mandamus requiring certain action by federal authorities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes county to institute court action on behalf of landowner to require enforcement of federal law requiring removal of wild horses from private property. (BDR 20-1587)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Bill read second time.

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

Amendment No. 626.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689B.0374, 695B.1912, 695C.1735 and 695G.170, *and sections 4.5, 7.5, 13.5 and 16.5 of this act,* any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.".

Amend sec. 2, page 2, line 4, by deleting "and 4" and inserting:

", 4 and 4.5".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *1. A policy of health insurance must include a provision authorizing a woman covered by the policy to obtain covered health care services for women without first receiving authorization or a referral from her primary care physician.*

2. The provisions of this section do not authorize a woman covered by a policy of health insurance to designate an obstetrician or gynecologist as her primary care physician.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Health care services for women" means gynecological or obstetrical services, including, without limitation, perinatal care, preventative gynecological care and reproductive health care services.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.".

Amend sec. 5, page 2, line 24, by deleting "and 7" and inserting:
", 7 and 7.5".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. *1. A policy of group health insurance must include a provision authorizing a woman covered by the policy to obtain covered health care services for women without first receiving authorization or a referral from her primary care physician.*

2. The provisions of this section do not authorize a woman covered by a policy of group health insurance to designate an obstetrician or gynecologist as her primary care physician.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Health care services for women" means gynecological or obstetrical services, including, without limitation, perinatal care, preventative gynecological care and reproductive health care services.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.".

Amend sec. 11, page 3, line 22, by deleting "and 13" and inserting:
", 13 and 13.5".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. *1. A contract for hospital or medical service must include a provision authorizing a woman covered by the contract to obtain covered health care services for women without first receiving authorization or a referral from her primary care physician.*

2. The provisions of this section do not authorize a woman covered by a contract for hospital or medical service to designate an obstetrician or gynecologist as her primary care physician.

3. A contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Health care services for women" means gynecological or obstetrical services, including, without limitation, perinatal care, preventative gynecological care and reproductive health care services.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.".

Amend sec. 14, page 4, line 2, by deleting "and 16" and inserting:

", 16 and 16.5".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. *1. A health care plan must include a provision authorizing a woman covered by the plan to obtain covered health care services for women without first receiving authorization or a referral from her primary care physician.*

2. The provisions of this section do not authorize a woman covered by a health care plan to designate an obstetrician or gynecologist as her primary care physician.

3. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Health care services for women" means gynecological or obstetrical services, including, without limitation, perinatal care, preventative gynecological care and reproductive health care services.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.".

Amend sec. 17, page 4, line 39, by deleting:

"*15 and 16*" and inserting:

"*15, 16 and 16.5*".

Amend the title of the bill, fifth line, after "insureds;" by inserting:

"providing that a policy of health insurance must include a provision allowing a woman who is covered by the policy to have direct access to certain health care services for women;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 533.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 501.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. A board of county commissioners may create a hospital district in an area where no hospital district exists for the sole purpose of contracting with a public agency or a privately owned hospital to provide*".

Amend section 1, page 1, by deleting lines 13 through 15 and inserting:

"*2. A board of county commissioners shall not create a hospital district pursuant to this section unless it determines that:*

(a) The proposed hospital district constitutes a geographic area of the county that is not served by adequate medical services;

(b) There is no county hospital or the county hospital is not capable of providing the necessary services; and

(c) The proposal is approved by a majority of the votes cast on the issue by persons in the proposed hospital district.

3. If a hospital district is created pursuant to this section, the board of county commissioners may be designated by ordinance as, ex officio, the board of trustees of the hospital district, notwithstanding the provisions of subsection 3 of NRS 450.620.".

Amend the bill as a whole by adding a new section, designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 450.620 is hereby amended to read as follows:

450.620 1. Except as otherwise provided in subsection 2 and NRS 450.625, if a hospital district is created pursuant to NRS 450.550 to 450.750, inclusive, the board of county commissioners shall provide by ordinance for:

(a) The number of members of the board of trustees;

(b) The term of office of the trustees, which must not exceed 4 years; and

(c) The times and manner of the election of the trustees, which must be nonpartisan.

2. If a hospital district specified in subsection 1 does not include territory within more than one county, the board of county commissioners may enact an ordinance providing that the board of county commissioners is, ex officio, the board of hospital trustees of the district hospital. If such an ordinance is enacted in a county:

(a) The county commissioners shall serve as the hospital trustees of the district hospital during their terms of office as county commissioners; and

(b) If hospital trustees have been elected pursuant to subsection 1, the term of office of each hospital trustee of the district hospital who is serving in that capacity on the effective date of the ordinance is terminated as of the effective date of the ordinance.

3. ~~[A]~~ *Except as otherwise provided in section 1 of this act, a* board of county commissioners shall not enact an ordinance pursuant to subsection 2 unless it determines that:

(a) The county has fully funded its indigent care account created pursuant to NRS 428.010;

(b) The county has fulfilled its duty to reimburse the hospital for indigent care provided to qualified indigent patients; and

(c) During the previous calendar year:

(1) At least one of the hospital's accounts payable was more than 90 days in arrears;

(2) The hospital failed to fulfill its statutory financial obligations, including the payment of taxes, premiums for industrial insurance or contributions to the public employees' retirement system;

(3) One or more of the conditions relating to financial emergencies set forth in subsection 1 of NRS 354.685 existed at the hospital; or

(4) The hospital received notice from the Federal Government or the State of Nevada that the certification or license of the hospital was in imminent jeopardy of being revoked because the hospital had not carried out a previously established plan of action to correct previously noted deficiencies found by the regulatory body.".

Amend the title of the bill to read as follows:

"AN ACT relating to hospital districts; authorizing a board of county commissioners to create a hospital district for the sole purpose of contracting for hospital services under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes board of county commissioners to create hospital district for sole purpose of entering contract for services with independent hospital under certain circumstances. (BDR 40-1549)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 542.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 476.

Amend sec. 2, page 1, line 5, by deleting:

"*subsection 3 or 4 of*".

Amend sec. 2, page 1, line 6, by deleting "*1 year*" and inserting "*30 days*".

Amend sec. 2, page 2, between lines 4 and 5, by inserting:

"*5. The suspension of the registration of a motor vehicle pursuant to this section does not prevent the owner of the motor vehicle from selling or otherwise transferring an interest in the motor vehicle.*".

Amend sec. 4, page 3, line 42, by deleting "*$65.*" and inserting "*$33.*".

Amend sec. 5, page 5, lines 6 and 7, by deleting:

"*or section 7 of this act*".

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

"~~[which he owns or operates]~~ pursuant to NRS 484.3943:".

Amend sec. 6, page 6, by deleting lines 8 through 10 and inserting:

"the order was issued; and".

Amend sec. 6, page 6, line 16, after "third" by inserting "*or subsequent*".

Amend sec. 6, page 6, by deleting line 26 and inserting:

"to NRS 484.3943, the department shall not issue".

Amend sec. 7, pages 7 and 8, by deleting lines 21 through 43 on page 7 and lines 1 through 11 on page 8, and inserting:

"*1. If a person is convicted of a second or subsequent violation of NRS 484.379 or 484.3795 within 7 years, the court shall issue an order directing the department to suspend the registration of each motor vehicle that is registered to or owned by the person for 30 days.*".

Amend sec. 7, page 8, line 12, by deleting "*5.*" and inserting "*2.*".

Amend sec. 7, page 8, line 13, by deleting:

"*3 or 4,*" and inserting "*1,*".

Amend sec. 7, page 8, line 19, by deleting "*6.*" and inserting "*3.*".

Amend sec. 7, page 8, by deleting lines 20 through 25 and inserting:

"*subsection 1 on an individual basis to avoid undue hardship to a person other than the person to whom that provision applies. In determining whether to provide for such an exception, the court shall consider:*

(a) Whether a member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his employment;

(2) To obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) To transport himself or another member of his immediate family to or from school; and

(b) The availability of alternative means of transportation for a member of the immediate family of the person whose registration is suspended.".

Amend sec. 8, page 8, line 41, by deleting "$200" and inserting "$400".

Amend sec. 8, page 9, line 7, by deleting "$500" and inserting "$750".

Amend sec. 9, pages 10 and 11, by deleting lines 38 through 43 on page 10 and lines 1 through 6 on page 11, and inserting:

"484.3943 1. Except as otherwise provided in subsection 5, a court:

(a) May order a person convicted of a first violation of NRS 484.379, for a period of not less than 3 months nor more than 6 months; *and*

(b) ~~[Shall order a person convicted of a second violation of NRS 484.379, for a period of not less than 6 months nor more than 12 months; and~~

~~(c)~~] Shall order a person convicted of a third or subsequent violation of NRS 484.379 or a violation of NRS 484.3795, for a period of not less than 12 months nor more than 36 months,

to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to subsection 3 of NRS 483.490.".

Amend sec. 9, page 11, line 7, by deleting "~~2.~~]" and inserting "2.".

Amend sec. 9, page 11, line 11, by deleting "~~[3.]~~ *2.*" and inserting "3.".

Amend sec. 9, page 11, by deleting line 12 and inserting:

"subsection 1 or 2:".

Amend sec. 9, page 11, line 23, by deleting "~~[4.]~~ *3.*" and inserting "4.".

Amend sec. 9, page 11, by deleting lines 24 through 26 and inserting:

"section shall:

(a) If he was ordered to install a device pursuant to paragraph (a) of subsection 1, have the device inspected by the".

Amend sec. 9, page 11, by deleting lines 29 and 30 and inserting:

"(b) If he was ordered to install a device pursuant to paragraph (b) ~~[or (c)]~~ of subsection 1, have the".

Amend sec. 9, page 11, line 40, by deleting "~~[5.]~~ *4.*" and inserting "5.".

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 through 15 as sections 10 through 14.

Amend sec. 14, page 17, line 2, by deleting "*$65.*" and inserting "*$33.*".

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

"Sec. 15. 1. This section and sections 1 to 7, inclusive, and 9 to 14, inclusive, of this act become effective on October 1, 1999.

2. Section 8 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 566.

Bill read second time.

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

Amendment No. 547.

Amend section 1, page 1, by deleting lines 3 through 15 and inserting:

"*"Traditional neighborhood development" means a type of development that is designed to include a variety of types and values of housing, commercial uses, services, schools, public facilities, open space, places for the public to gather and places that provide occupational opportunities, and to encourage pedestrian traffic, reduce vehicular traffic and provide access to public transit. The development must include, without limitation:*

1. Areas that contain single-family residences that have reduced setbacks and a garage or carport which is located at the rear of the residence;

2. Areas that integrate residential, commercial and service uses within one or a series of structures and which have reduced setbacks;

3. A transportation system that integrates pedestrians, bicycles, motor vehicles and public transit; and

4. Civic buildings, open space and other visual features that serve as focal points.".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as *otherwise* provided in subsection 3, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is 100,000 or more, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion a conservation plan, a housing plan , *a land use plan* and a population plan as provided in NRS 278.160.".

Amend sec. 3, page 3, line 8, by deleting "may" and inserting:

"~~[may]~~ *:*

(1) Must include a provision that allows for a mixture of at least residential and commercial land uses such as is characterized in a traditional neighborhood development.

(2) May".

Amend sec. 3, page 4, by deleting lines 1 through 3.

Amend sec. 3, page 4, line 4, by deleting "*(p)*" and inserting "(o)".

Amend sec. 3, page 4, line 7, by deleting "~~[(p)]~~ *(q)*" and inserting "(p)".

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. NRS 278.170 is hereby amended to read as follows:

278.170 1. The commission may prepare and adopt all or any part of the master plan or any subject thereof, except as *otherwise* provided in subsection 2, for all or any part of the city, county or region. Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is 100,000 or more, if the commission prepares and adopts less than all subjects of the master plan, as outlined in NRS 278.160, it shall include, in its preparation and adoption, the conservation, housing , *land use* and population plans described in that section.".

Amend sec. 4, page 5, by deleting lines 3 and 4.

Amend sec. 4, page 5, line 5, after "3." by inserting:

"*The zoning regulations must include a provision that allows for a mixture of at least residential and commercial land uses such as is characterized in a traditional neighborhood development.*

4.".

Amend the bill as a whole by deleting sections 5 and 6 and adding a new section designated sec. 7, following sec. 4, to read as follows:

"Sec. 7. This act becomes effective on January 1, 2001.".

Amend the title of the bill to read as follows:

"AN ACT relating to land use planning; requiring certain governing bodies adopting any part of the master plan to adopt a land use plan; requiring the inclusion of a provision in the master plan and zoning regulations that allows the mixture of certain land uses; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning land use planning. (BDR 22-1336)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 573.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 658.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. NRS 449.179 is hereby amended to read as follows:

449.179 1. Except as otherwise provided in subsection ~~[4,]~~ *2,* within 10 days after hiring an employee ~~[,]~~ *or entering into a contract with an independent contractor,* the administrator of, or the person licensed to operate, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups shall:

(a) Obtain a written statement from the employee *or independent contractor* stating whether he has been convicted of any crime listed in NRS 449.188;

(b) Obtain ~~[a verbal]~~ *an oral* and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain from the employee *or independent contractor* two sets of fingerprints and a written authorization to forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and

(d) Submit to the central repository for Nevada records of criminal history the fingerprints obtained pursuant to paragraph (c).

2. The *administrator of, or the person licensed to operate, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups is not required to obtain the information described in subsection 1 from an employee or independent contractor who provides proof that an investigation of his criminal history*

has been conducted by the central repository for Nevada records of criminal history within the immediately preceding 6 months and the investigation did not indicate that the employee or independent contractor had been convicted of any crime set forth in NRS 449.188.

3. The administrator of, or the person licensed to operate, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups shall ensure that the criminal history of each employee or independent contractor who works at the agency or facility is investigated at least once every 5 years. The administrator or person shall:

(a) If the agency or facility does not have the fingerprints of the employee or independent contractor on file, obtain two sets of fingerprints from the employee or independent contractor;

(b) Obtain written authorization from the employee or independent contractor to forward the fingerprints on file or obtained pursuant to paragraph (a) to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the central repository for Nevada records of criminal history.

4. Upon receiving fingerprints submitted pursuant to this section, the central repository for Nevada records of criminal history shall determine whether the employee *or independent contractor* has been convicted of a crime listed in NRS 449.188 and immediately inform the health division ~~[,]~~ *and* the administrator of, ~~[and]~~ *or* the person licensed to operate, the agency or facility at which the person ~~[is employed of whether or not]~~ *works whether* the employee *or independent contractor* has been convicted of such a crime.

~~[3.]~~ *5.* The central repository for Nevada records of criminal history may impose a fee upon an agency or a facility that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The agency or facility may recover from the employee *or independent contractor* not more than one-half of the fee imposed by the central repository. If the agency or facility requires the employee *or independent contractor* to pay for any part of the fee imposed by the central repository, it shall allow the employee *or independent contractor* to pay the amount through periodic payments.

~~[4. The provisions of this section do not apply to an employee who has undergone an investigation of his criminal background as a condition to receiving a professional license in this state.]~~

Sec. 2. NRS 449.182 is hereby amended to read as follows:

449.182 Each agency to provide nursing in the home, facility for intermediate care, facility for skilled nursing and residential facility for groups shall maintain accurate records of the information concerning its employees *and independent contractors* collected pursuant to NRS 449.179, and shall maintain a copy of the fingerprints submitted to the central repository for Nevada records of criminal history and proof *that* it submitted

two sets of fingerprints to the central repository for its report. These records must be made available for inspection by the health division at any reasonable time and copies thereof must be furnished to the health division upon request.

Sec. 3. NRS 449.185 is hereby amended to read as follows:

449.185 1. Upon receiving information from the central repository for Nevada records of criminal history pursuant to NRS 449.179, or evidence from any other source, that ~~[a person who is employed at]~~ *an employee or independent contractor of* an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188, the administrator of, or the person licensed to operate, the agency or facility shall , *except as otherwise provided in subsection 4,* terminate the employment *or contract* of that person after allowing him time to correct the information as required pursuant to subsection 2.

2. If an employee *or independent contractor* believes that the information provided by the central repository is incorrect, he may immediately inform the agency or facility. An agency or facility that is so informed shall give ~~[an]~~ *the* employee *or independent contractor* a reasonable amount of time of not less than 30 days to correct the information received from the central repository before terminating the employment *or contract* of the person pursuant to subsection 1.

3. An agency or facility that has complied with NRS 449.179 may not be held civilly or criminally liable based solely upon the ground that the agency or facility allowed an employee *or independent contractor* to work:

(a) Before it received the information concerning the employee *or independent contractor* from the central repository;

(b) During any period required pursuant to subsection 2 to allow the employee *or independent contractor* to correct ~~[such]~~ *that* information;

(c) Based on the information received from the central repository, if the information received from the central repository was inaccurate; or

(d) Any combination thereof.

An agency or facility may be held liable for any other conduct determined to be negligent or unlawful.

4. The administrator of, or the person licensed to operate, the agency or facility is not required to terminate the employment or contract of a convicted person pursuant to subsection 1 if:

(a) The convicted person holds a license or certificate issued by the state board of nursing; and

(b) The state board of nursing was knowledgeable of the convicting at the time the license or certificate was issued or renewed.

Sec. 4. NRS 449.188 is hereby amended to read as follows:

449.188 1. In addition to the grounds listed in NRS 449.160, the health division may deny a license to operate a facility for intermediate care, facility

for skilled nursing or residential facility for groups to an applicant or may suspend or revoke the license of a licensee to operate such a facility if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(4) Abuse or neglect of a child or contributory delinquency;

(5) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(6) *A violation of any provision of NRS 200.5099 or 200.50955;*

(7) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

~~[(7)]~~ *(8)* Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

(b) The licensee has , *except as otherwise provided in subsection 4 of NRS 449.185,* continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in NRS 449.160, the health division may deny a license to operate an agency to provide nursing in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if , *except as otherwise provided in subsection 4 of NRS 449.185,* the licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

Sec. 5. Each employee or independent contractor of an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing or a residential facility for groups who:

1. Is working at such an agency or facility on July 1, 1999, shall, not later than July 15, 1999, submit to the administrator of, or the person licensed to operate, that agency or facility a statement, signed under penalty of perjury, that indicates whether the person has been convicted of a violation of any provision of NRS 200.5099 or 200.50955. The statement must include the date and place of each such conviction.

2. Begins work at such an agency or facility after July 1, 1999, but before January 1, 2000, and has had an investigation of his criminal history conducted by the central repository for Nevada records of criminal history within the immediately preceding 6 months, shall, not later than 10 days after he begins work at the agency or facility, submit the statement required by subsection 1 to the administrator of, or the person licensed to operate, that agency or facility.

Sec. 6. This act becomes effective on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to health care facilities; requiring the periodic investigation of the criminal histories of employees and independent contractors of certain health care facilities; authorizing the retention of certain employees with criminal histories under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing criminal histories of employees and independent contractors of certain health care facilities. (BDR 40-1539)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 590.

Bill read second time.

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

Amendment No. 554.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. The charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at 1210, is hereby amended by adding thereto a new section to be designated as section 1.045, immediately following section 1.040, to read as follows:

Sec. 1.045 Wards: Creation; Boundaries.

1. The city must be divided into four wards which must be as nearly equal in population as practicable, and each of which must be composed entirely of contiguous territory.

2. The boundaries of the wards must be established and changed by ordinance. Except as otherwise provided in subsection 3, the boundaries of the wards must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.

3. The boundaries of the wards must not be changed, except to accommodate an annexation of territory to the city, during the period beginning 30 days immediately preceding the last day for filing a declaration of candidacy for a municipal election and ending on the date of the election.".

Amend section 1, page 1, by deleting lines 9 through 13 and inserting:

"2. The mayor ~~[and councilmen]~~ must be:

(a) ~~[Bona fide residents]~~ *A bona fide resident* of the city for at least 6 months immediately preceding ~~[their election.~~

~~(b) Qualified electors]~~ *his election.*

(b) A qualified elector within the city.

3. *Each councilman:*

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 of this charter will not affect the right of any elected councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly".

Amend section 1, pages 1 and 2, by deleting lines 16 through 19 on page 1 and lines 1 through 4 on page 2, and inserting:

"provided in subsection 2 ~~[.~~

~~4.]~~ *or 3, whichever is applicable.*

5. All councilmen, including the mayor, must be voted upon by the registered voters of the city at large, and their terms of office are 4 years.".

Amend sec. 2, page 2, line 5, by deleting "*6.*" and inserting "~~[5.]~~ *6.*".

Amend sec. 2, page 2, by deleting lines 15 and 16, and inserting:

"documents. *The seats for city councilmen must be designated by the numbers one through four which number must correspond with the wards the candidates for city councilmen will seek to represent.*".

Amend sec. 2, page 2, by deleting lines 18 and 19, and inserting:

"*candidacy the number of the ward which he seeks to represent. Each candidate for city council must be designated as a candidate for the city council seat that corresponds with the ward that he seeks to represent.*".

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. The city council shall, on or before January 1, 2000, establish the boundaries of the wards pursuant to the amendatory provisions of section 1 of this act. The amendatory provisions of sections 2 and 3 of this act apply initially to the candidates for city council seats in the municipal election held in 2001.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 616.

Bill read second time.

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

Amendment No. 496.

Amend section 1, page 2, between lines 20 and 21, by inserting:

"*5. As used in this section, "retail value" means:*

(a) If the item that is identified by a label, trade-mark, term, design, device or form of advertisement in violation of subsection 1 is a component of a finished product with multiple components, the price at which the person in violation of subsection 1 regularly sells the finished product; or

(b) For any other item that is identified by a label, trade-mark, term, design, device or form of advertisement in violation of subsection 1, the price at which the person in violation of subsection 1 regularly sells the item.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 627.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 506.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, or 268.081 and 268.083, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) ~~[Be]~~ *Except as otherwise provided in subsection 3, be* placed upon or over any state highway.

(b) ~~[Be]~~ *Except as otherwise provided in subsection 3, be* placed within the highway right of way.

(c) ~~[Be]~~ *Except as otherwise provided in subsection 3, be* placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the department of transportation, counties, towns or cities of this state may place at such points as are designated by the director of the department of transportation suitable signboards advertising the counties, towns or municipalities.

3. *A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:*

(a) The department of transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the

airspace, services rendered or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the department of transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least one acre of the property for the construction or maintenance, or both, of the highway over which he is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. If any such sign is placed in violation of this section it is thereby declared a public nuisance and may be removed forthwith by the department of transportation or its employees.

~~[4.]~~ *5.* Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than $250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.".

Amend section 1, page 2, line 2, by deleting "*sign;*" and inserting:
"*sign in a county whose population is 100,000 or more;*".

Amend sec. 2, page 2, line 13, by deleting "*sign;*" and inserting:
"*sign in a county whose population is 100,000 or more;*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. NRS 484.287 is hereby amended to read as follows:

484.287 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and *except as otherwise provided in subsection 4,* a person shall not place or maintain nor may any

public authority permit upon any highway any sign, signal or marking bearing thereon any commercial advertising except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, or 268.081 and 268.083.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.".

Amend the title of the bill, by deleting the first line and inserting:

"AN ACT relating to transportation; authorizing certain advertising in airspace over highways; requiring the department of transportation to establish".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning advertising signs and certain directional and informational signs. (BDR 35-1611)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 628.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 672.

Amend section 1, page 1, line 9, by deleting "*or*".

Amend section 1, page 1, by deleting line 13 inserting:

"*schedules; or*

(c) Transportation of elderly or physically or mentally handicapped persons without regard to regular routes or fixed schedules.".

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

"4. ~~[An incorporated city, county or]~~ *A* regional transportation commission *, a county whose population is less than 100,000 or an incorporated city within such a county* is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation ~~[.]~~ *by itself or through an independent contractor.*".

Amend the bill as a whole by renumbering sections 2 through 5 as sections 3 through 6 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 277.180 is hereby amended to read as follows:

277.180 1. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform. Such *a* contract ~~[shall]~~ *must* be ratified by appropriate official action of the governing body of each party to the contract as a condition precedent to its entry into force. Such *a* contract ~~[shall]~~ *must* set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.

2. The authorized purposes of agreements made pursuant to subsection 1 include , but are not limited to:

(a) The joint use of hospitals, road construction and repair equipment, and such other facilities or services as may and can be reasonably used for the promotion and protection of the health and welfare of the inhabitants of this state.

(b) The joint use of county and city personnel, equipment and facilities, including sewer systems, drainage systems, street lighting systems, fire alarm systems, sewage disposal plants, playgrounds, parks and recreational facilities, and public buildings constructed by or under the supervision of the board of county commissioners or the city council of the county and city concerned, upon such terms and agreements, and within such areas within the county as may be determined, for the promotion and protection of health, comfort, safety, life, welfare and property of the inhabitants of the counties and cities.

(c) The joint employment of clerks, stenographers and other employees in the offices of the city and county auditor, city and county assessor, city and county treasurer, or any other joint city and county office existing or hereafter established in the several counties, upon such terms and conditions as may be determined for the equitable apportionment of the expenses of the joint city and county office.

(d) The joint and cooperative use of fire-fighting and fire-protection equipment for the protection of property and the prevention and suppression of fire.

(e) The joint use of county and city personnel, equipment and facilities, upon such terms and conditions, and within such areas within the county as may be determined, for the promotion and protection of the health of the inhabitants of the county and city through the regulation, control and prohibition of the excessive emission of dense smoke and air pollution.

(f) The joint and cooperative use of law enforcement agencies.

(g) The joint use or operation of a system of public transportation.

3. Each public agency which has entered into an agreement pursuant to this section shall annually at the time of preparing its budget include an

estimate of the expenses necessary to carry out such agreement, the funds for which are not made available through grant, gift or other source, and provide for such expense as other items are provided in its budget. Each such public agency may furnish property, personnel or services as necessary to carry out the agreement.".

Amend sec. 2, page 2, line 10, after "commission" by inserting:

"*, a county whose population is less than 100,000 or an incorporated city within such a county*".

Amend sec. 2, page 2, line 12, by deleting "*or*".

Amend sec. 2, page 2, by deleting line 16 and inserting:

"*schedules; or*

(c) Other routes to serve the public.".

Amend sec. 3, page 3, line 38, by deleting "and" and inserting "~~[and]~~".

Amend sec. 3, page 3, line 40, by deleting "passengers." and inserting:

"passengers ~~[.]~~ *; and*

5. Transportation that is available without regard to regular routes or fixed schedules, if the public transit system is operated by a regional transportation commission, a county whose population is less than 100,000 or an incorporated city within such a county.".

Amend the title of the bill to read as follows:

"AN ACT relating to public transit; exempting a common motor carrier that operates a public transit system which provides certain transportation services from the requirement of obtaining a certificate of public convenience and necessity under certain circumstances; providing that a regional transportation commission, certain less populous counties and incorporated cities within such counties are not required to obtain such a certificate to operate a system of public transportation under certain circumstances; expanding the authorized purposes of interlocal contracts to include the joint use or operation of a system of public transportation; authorizing a regional transportation commission, certain less populous counties and incorporated cities within such counties to establish or operate a public transit system that provides certain services to serve certain specified persons and the public; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved that Assembly Bill No. 628 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Assembly Bill No. 632.

Bill read second time.

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

Amendment No. 624.

Amend sec. 7, pages 4 and 5, by deleting lines 41 and 42 on page 4 and lines 1 through 3 on page 5, and inserting:

"~~(b) An oral interview of the applicant by the board upon the successful completion of the written portion of the examination.~~]

7. *An applicant for registration as an architect or residential designer must personally appear before the board for the granting of a certificate of registration.*

8. Any application to the board may be denied for any violation of".

Amend sec. 8, page 5, by deleting lines 38 and 39 and inserting:

"*registered interior designer must personally appear before the board for the granting of the certificate.*".

Amend sec. 17, page 11, by deleting lines 21 and 22 and inserting:

"registered interior designer must personally appear before the board for the granting of the certificate.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 635.

Bill read second time.

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

Amendment No. 608.

Amend sec. 19, page 4, line 14, by deleting:

"*qualified, experienced, registered or*" and inserting:

"*qualified and experienced*".

Amend sec. 21, page 5, by deleting lines 5 through 7 and inserting:

"*examination of the applicant. The cost of those services*".

Amend sec. 25, page 6, by deleting line 7 and inserting:

"*automatically renewable each year, unless the issuer gives written notice to the commissioner and the captive insurer at least 90 days before the expiration date.*".

Amend sec. 27, page 6, by deleting line 43 and inserting:

"*automatically renewable each year, unless the issuer gives written notice to the commissioner and the captive insurer at least 90 days before the expiration date.*".

Amend the bill as a whole by adding a new section designated sec. 34.5, following sec. 34, to read as follows:

"Sec. 34.5. *Insurance provided by a captive insurer in accordance with this chapter may not be used to satisfy the requirements set forth in chapter 706 of NRS relating to the insurance required to be maintained by vehicles subject to the jurisdiction of the transportation services authority or taxicab authority, unless the transportation services authority or taxicab authority, as appropriate, specifically approves the use of insurance provided by a captive insurer for that purpose.*".

Amend sec. 39, page 12, line 41, before "*The*" by inserting "*1.*".

Amend sec. 39, page 12, after line 43, by inserting:

"*2. An agency captive insurer, a rental captive insurer and an association captive insurer are subject to those provisions of chapter 686A of NRS which are applicable to insurers.*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 651.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 566.

Amend section 1, page 1, line 3, before "*If*" by inserting "*1.*".

Amend section 1, page 1, line 4, after "*licensee,*" by inserting:

"*other than during a trial period,*".

Amend section 1, page 1, line 6, by deleting:

"*on similar terms and conditions*".

Amend section 1, page 1, line 7, by deleting the italicized period and inserting:

"*and reasonable production and delivery schedules.*".

Amend section 1, page 1, between lines 12 and 13, by inserting:

"*2. The provisions of subsection 1 do not prevent the imposition by an operator of an inter-casino linked system of different terms and conditions, including prices, based on:*

(a) The quantity or volume of gaming devices connected to an inter-casino linked system that are sold or leased to a licensee or to affiliated licensees by the operator; or

(b) Credit considerations.".

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 463.120 is hereby amended to read as follows:

463.120 1. The board and the commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the board and the commission. These records are open to public inspection.

2. The board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The board and the commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this subsection and subsection 5, all information and data:

(a) Required by the board or commission to be furnished to it under this chapter or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's criminal record, antecedents and background which have been furnished to or obtained by the board or commission from any source;

(c) Provided to the members, agents or employees of the board or commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the board from a manufacturer, distributor or operator , *or from an operator of an inter-casino linked system,* relating to the manufacturing of gaming devices [,] *or the operation of an inter-casino linked system;* or

(e) Prepared or obtained by an agent or employee of the board or commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of this chapter,

are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The board and commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the board or commission.

5. Before the beginning of each legislative session, the board shall submit to the legislative commission for its review and for the use of the legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

6. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the commission.

7. The files, records and reports of the board are open at all times to inspection by the commission and its authorized agents.

8. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada tax commission must be made available to the board and the Nevada gaming commission as is necessary to the administration of this chapter.

9. The Nevada gaming commission, by the affirmative vote of a majority of its members, may remove from its records the name of a debtor and the amount of tax, penalty and interest, or any of them, owed by him, if after 5 years it remains impossible or impracticable to collect such amounts. The commission shall establish a master file containing the information removed from its official records by this section.".

Amend sec. 4, page 3, line 13, by deleting "*licensees*" and inserting:
"*the board, the commission and licensees on a confidential basis*".

Amend sec. 4, page 3, line 15, by deleting
"*Approval of a change in the*" and inserting:
"*Establishment of a minimum*".

Amend sec. 4, page 3, lines 19 and 20, by deleting:
"*financial practices and*".

Amend sec. 4, page 3, by deleting lines 22 through 33.

Amend sec. 5, pages 3 and 4, by deleting sec. 5 and inserting:

"Sec. 5. (Deleted by amendment.)".

Amend sec. 7, page 6, by deleting lines 30 through 32 and inserting:
"premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games [.] *in accordance with the provisions of this chapter and the regulations adopted by the commission.*".

Amend sec. 9, page 8, line 7, after the italicized period by inserting:
"*The proportionate share of an operator of an inter-casino linked system must be based on all compensation and other consideration received by the operator of the inter-casino linked system, including, without limitation, amounts that accrue to the meter of the primary progressive jackpot of the inter-casino linked system and amounts that fund the reserves of such a jackpot, subject to all appropriate adjustments for deductions, credits, offsets and exclusions that the licensee is entitled to take or receive pursuant to the provisions of this chapter.*".

Amend sec. 9, page 8, line 11, after "*licensee*" by inserting:
"*by that person*".

Amend sec. 10, page 10, line 3, after "*licensee*" by inserting:
"*by that person*".

Amend sec. 11, page 10, line 30, after "*licensee*" by inserting:
"*by that person*".

Amend sec. 12, page 12, by deleting lines 17 through 19 and inserting:
"the provisions of this act until the earlier or July 1, 2000, or the date on which the inter-casino linked system is separately approved by the".

Amend sec. 12, page 12, lines 21 and 22, by deleting:
"December 31, 1999," and inserting:
"July 1, 2000,".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblyman Dini.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 651 be placed on the Chief Clerk's desk.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 665.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 386.595 is hereby amended to read as follows:

386.595 1. Except as otherwise provided in this subsection and ~~[subsection 2,]~~ *subsections 2 and 3,* the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school. If a written charter is renewed, the employees of the charter school may, at the time of renewal, apply for recognition as a bargaining unit pursuant to NRS 288.160.

2. *A charter school is exempt from the specific provisions of the collective bargaining agreement that controls the:*

(a) Times of day that a teacher may work;

(b) Number of hours that a teacher may work in 1 day;

(c) Number of hours and days that a teacher may work in 1 week; and

(d) Number of hours and days that a teacher may work in 1 year.

If a teacher works more than the number of hours or days prescribed in the collective bargaining agreement, the teacher must be compensated for the additional hours or days in an amount calculated by prorating the salary for the teacher that is set forth in the collective bargaining agreement.

3. A teacher or a governing body of a charter school may request that the board of trustees of the school district and other persons who entered into the collective bargaining agreement grant a waiver from specific provisions of the collective bargaining agreement for the teacher or governing body.

~~[3.]~~ *4.* All employees of a charter school shall be deemed public employees.

~~[4.]~~ *5.* The governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless the applicable collective bargaining agreement contains separate provisions relating to the discipline of licensed employees of a school.

~~[5.]~~ *6.* If the written charter of a charter school is revoked, the employees of the charter school must be reassigned to employment within the school district in accordance with the collective bargaining agreement.

~~[6.]~~ *7.* The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school

year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~[7.]~~ *8.* An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~[8.]~~ *9.* Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

~~[9.]~~ *10.* An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

~~[10.]~~ *11.* For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the public employees' retirement system.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

Sec. 2. This act becomes effective on July 1, 1999.".

Amend the bill as whole by deleting the preamble.

Amend the title of the bill to read as follows:

"AN ACT relating to charter schools; revising provisions governing the compensation of certain employees of charter schools; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing compensation of certain employees of charter schools. (BDR 34-1410)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 306, 569, 604, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 42.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 44.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 45.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 55.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 75.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 132.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 210.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 216.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 334.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 336.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 365.

Assemblywoman Buckley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 374.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 379.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 387.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 403.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 418.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 431.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 435.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 437.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 484.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 522.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 535.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 542.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Price moved that the vote whereby Assembly Bill No. 517 was passed be reconsidered.

Remarks by Assemblyman Price.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6 determined the exemption of Assembly Bills Nos. 348, 562, 581 and 584.

Assemblyman Goldwater moved that Assembly Bill No. 567 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Goldwater moved that Assembly Bill No. 562 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Goldwater moved that Assembly Bills Nos. 581, 584 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 217 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblywomen Giunchigliani, Angle and Freeman.

Roll call on Assembly Bill No. 60:

YEAS—38.

NAYS—Angle, Carpenter, Gustavson, Von Tobel—4.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

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

Amendment No. 660.

Amend section 1, page 2, by deleting lines 15 and 16 and inserting:

"~~[owner,]~~ *of the owners,* as listed on the county assessor's records, of at least *the* 30 parcels nearest to the property in question. The".

Amend section 1, page 2, by deleting lines 20 through 25 and inserting:

"4. *If an application is for the issuance of a variance or special use permit with regard to property that is located within an unincorporated town, the applicant shall present the information contained in the application at a meeting of the town board, citizens' advisory council or town advisory board, whichever is applicable, before a hearing is held on the application*

pursuant to subsection 2. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations for consideration at the hearing held pursuant to subsection 2. The governing body or other person or entity that is authorized to take action on the application at the hearing held pursuant to subsection 2 shall not take action on the application until it receives recommendations from the town board, citizens' advisory council or town advisory board regarding the application or evidence from the applicant that he presented the information contained in the application at a meeting of the town board, citizens' advisory council or town advisory board. The governing body or other authorized person or entity shall consider any recommendations made by the town board, citizens' advisory council or town advisory board regarding the application. If the governing body or other authorized person or entity does not accept any such recommendation, the governing body or other authorized person or entity shall make a written finding specifying the reasons for its refusal to accept the recommendation.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 194:

YEAS—37.

NAYS—Angle, Beers, Cegavske, Hettrick, Tiffany—5.

Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblywomen Evans and Freeman.

Roll call on Assembly Bill No. 204:

YEAS—40.

NAYS—Gibbons, Gustavson—2.

Assembly Bill No. 204 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblymen Chowning and Bache.

Roll call on Assembly Bill No. 258:

YEAS—38.

NAYS—Bache, Gibbons, Marvel, Parnell—4.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblymen Hettrick and Goldwater.

Roll call on Assembly Bill No. 334:

YEAS—29.

NAYS—Anderson, Angle, Bache, Buckley, Claborn, Collins, Giunchigliani, Goldwater, Koivisto, Manendo, Ohrenschall, Parnell, Price—13.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 376:

YEAS—41.

NAYS—Gustavson.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 434:

YEAS—41.

NAYS—Gustavson.

Assembly Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblymen Beers and Brower.

Potential conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 451:

YEAS—42.

NAYS—None.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblymen Cegavske, Perkins and Carpenter.

Roll call on Assembly Bill No. 478:

YEAS—19.

NAYS—Arberry, Bache, Beers, Buckley, Carpenter, Claborn, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Koivisto, McClain, Mortenson, Neighbors, Ohrenschall, Parnell, Perkins, Price, Segerblom, Thomas, Williams—22.

NOT VOTING—Dini.

Assembly Bill No. 478 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:28 p.m.

ASSEMBLY IN SESSION

At 1:29 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblymen Parks, Koivisto, Humke and Evans.

Potential conflict of interest declared by Assemblymen Koivisto, Humke and Evans.

Roll call on Assembly Bill No. 527:

YEAS—42.

NAYS—None.

Assembly Bill No. 527 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblymen Arberry and Brower.

Potential conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 535:

YEAS—42.

NAYS—None.

Assembly Bill No. 535 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 536.

Bill read third time.

Remarks by Assemblymen Hettrick, Brower and Goldwater.

Potential conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 536:

YEAS—42.

NAYS—None.

Assembly Bill No. 536 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblymen Cegavske, Dini, Segerblom, Freeman, Arberry, Nolan, Collins, Anderson and Hettrick.

Roll call on Assembly Bill No. 552:

YEAS—24.

NAYS—Anderson, Arberry, Bache, Buckley, de Braga, Dini, Evans, Freeman, Goldwater, Koivisto, Manendo, Mortenson, Neighbors, Ohrenschall, Perkins, Price, Von Tobel, Williams—18.

Assembly Bill No. 552 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 555:

YEAS—42.

NAYS—None.

Assembly Bill No. 555 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 576.

Bill read third time.

Remarks by Assemblymen Williams and Giunchigliani.

Roll call on Assembly Bill No. 576:

YEAS—32.

NAYS—Anderson, Bache, Carpenter, Claborn, Evans, Freeman, Giunchigliani, Leslie, Neighbors, Price—10.

Assembly Bill No. 576 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 603.

Bill read third time.

Remarks by Assemblymen Segerblom and Brower.

Potential conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 603:

YEAS—42.

NAYS—None.

Assembly Bill No. 603 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 610.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 610:
YEAS—42.
NAYS—None.
Assembly Bill No. 610 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 465 be taken from the Chief Clerk's desk and placed at the bottom of the General File.
Remarks by Assemblywoman Giunchigliani.
Motion carried.

Assemblyman Beers gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 478 was this day refused passage.

GENERAL FILE AND THIRD READING

Assembly Bill No. 615.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 615:
YEAS—42.
NAYS—None.
Assembly Bill No. 615 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 621.
Bill read third time.
Remarks by Assemblyman Gustavson.
Roll call on Assembly Bill No. 621:
YEAS—41.
NAYS—None.
EXCUSED—McClain.
Assembly Bill No. 621 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 636.
Bill read third time.
Remarks by Assemblymen Buckley, Collins and Lee.
Potential conflict of interest declared by Assemblymen Collins and Lee.
Roll call on Assembly Bill No. 636:

YEAS—42.
NAYS—None.

Assembly Bill No. 636 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 669.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 669:

YEAS—41.
NAYS—None.
NOT VOTING—Dini.

Assembly Bill No. 669 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 677.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 677:

YEAS—42.
NAYS—None.

Assembly Bill No. 677 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

The following amendment was proposed by Assemblyman Price:

Amendment No. 674.

Amend sec. 9, page 5, by deleting line 17 and inserting:

"*6. Has been convicted of a gross misdemeanor or misdemeanor for battery that constitutes domestic violence pursuant to NRS 33.018 or for any other crime relating to the abuse, neglect*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Anderson, de Braga, Giunchigliani, Buckley, Freeman and Brower.

Amendment lost.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 517:

YEAS—42.
NAYS—None.

Assembly Bill No. 517 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 567.

Bill read third time.

Remarks by Assemblymen Thomas, Tiffany and Goldwater.

Roll call on Assembly Bill No. 567:

YEAS—27.

NAYS—Beers, Brower, Carpenter, Cegavske, Collins, Dini, Evans, Gustavson, Hettrick, Humke, Neighbors, Price, Tiffany, Von Tobel—14.

NOT VOTING—Nolan.

Assembly Bill No. 567 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

The following amendment was proposed by Assemblymen Buckley, Giunchigliani and Tiffany:

Amendment No. 670.

Amend section 1, page 2, lines 27 and 28, by deleting:

"*NRS 244.183 or other legally acceptable enumeration of population.*" and inserting "*NRS 244.183.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 14, 15, 37, 43, 47, 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 471, 506, 667, 668, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:53 p.m.

ASSEMBLY IN SESSION

At 3:09 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 484, 493, 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 14, 15, 37, 43, 47, 306, 313, 471, 484, 493, 506, 563, 569, 604, 667, 668 and Assembly Joint Resolution No. 7 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 486.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

A school shall enter into the record of a pupil a suspension of the pupil if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and

2. Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.".

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. Except as otherwise provided in this section, a principal of a school shall, upon the written request of at least one teacher of a pupil enrolled in elementary school or at least two teachers of a pupil enrolled in junior high, middle school or high school, deem the pupil* a habitual disciplinary problem if the".

Amend section 1, page 2, by deleting lines 3 and 4 and inserting:

"*during that school year, or if a pupil receives one suspension on his record, the school in which the pupil is enrolled shall*".

Amend section 1, page 2, by deleting lines 9 and 10 and inserting:

"*(b) An explanation that if the pupil is suspended for initiating one additional fight on school property or if the pupil receives five suspensions on his record during the current school year, he will be deemed a habitual*".

Amend section 1, page 2, between lines 21 and 22 by inserting:

"*A school shall provide the notice required by this subsection for each suspension on the record of a pupil during a school year. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.*".

Amend section 1, page 2, by deleting lines 33 through 35 and inserting:

"*(c) The pupil and his parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.*".

Amend section 1, page 3, line 14, after "*problem.*" by inserting:

"*A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.*".

Amend section 1, page 3, by deleting lines 24 through 26 and inserting:

"*(c) The pupil and his parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.*".

Amend section 1, page 3, by deleting lines 33 through 40.

Amend the title of the bill, first line, after:

"relating to pupils;" by inserting:

"requiring schools to enter suspensions into the records of pupils under certain circumstances;".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 487.

Amend section 1, page 3, line 3, by deleting "whole." and inserting:

"whole ~~[.]~~ , *excluding pupils who:*

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.".

Amend section 1, page 3, between lines 36 and 37 by inserting:

"*(s) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2*

of section 3 of this act and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of section 3 of this act, for each school in the district and for the district as a whole.".

Amend the bill as a whole by deleting sections 2 through 19 and the text of the repealed section and adding new sections designated sections 2 through 18, following section 1, to read as follows:

"Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *1. If a pupil has three or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.*

2. If a pupil is a habitual truant pursuant to NRS 392.140, the principal of the school shall:

(a) Report the pupil to a school police officer or to the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.142; or

(b) Submit a written referral of the pupil to the advisory board to review school attendance in the county in accordance with section 4 of this act.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall report a pupil to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 or refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2.

Sec. 4. *A written referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written referral or any additional information that the advisory board considers necessary. The school shall provide written notice of the referral to the parents or legal guardian of the pupil. The written notice must include, without limitation:*

1. The name and address of the pupil referred;

2. A written explanation of the reason for the referral;

3. A summary of the provisions of section 5 of this act; and

4. The address and telephone number of the advisory board to review school attendance.

Sec. 5. *1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to section 4 of this act, the advisory board shall set a date, time and place for a hearing. The pupil and his parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chairman of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:*

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and his parents or legal guardian do not attend the hearing, the chairman of the advisory board shall report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.142.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chairman of the advisory board shall report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.142. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and his parents or legal guardian that if the pupil or his parents or legal guardian do not comply with the terms of the written agreement, the chairman of the advisory board is legally obligated to report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.142.

The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chairman of an advisory board to review school attendance shall report a pupil to a school police officer or to the appropriate local law enforcement agency if:

(a) The pupil and his parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or his parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.

5. If a chairman of an advisory board makes such a report to a school police officer or local law enforcement agency, the chairman shall:

(a) Submit to the school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

Sec. 6. NRS 392.126 is hereby amended to read as follows:

392.126 1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, *or his designee or alternate,* appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the local office of the division of child and family services of the department of human resources, appointed by the executive head of that office.

2. The members of each such board shall elect a chairman from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

Sec. 7. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to ~~[the]~~ *each* advisory board to review school attendance created ~~[for]~~ *in* its county pursuant to NRS 392.126.

Sec. 8. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the ~~[rate of]~~ attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection 4 of NRS 385.347;

(b) Identify factors that contribute to the ~~[rate of]~~ truancy of pupils in the school district;

(c) Establish programs to reduce the ~~[rate of]~~ truancy of pupils in the school district;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants *;* and ~~[the issuance of citations pursuant to NRS 392.142; and]~~

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. *The chairman of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to section 5 of this act.*

3. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the ~~[rate of]~~ truancy of pupils in the school district.

Sec. 9. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. Absence for ~~[any part]~~ *at least one period, or the equivalent of one period for the school,* of a *school* day shall be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing , *in accordance with the policy established by the board of trustees of the school district,* within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 10. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant ~~[three]~~ *five* or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

may again be declared a habitual truant.

Sec. 11. NRS 392.142 is hereby amended to read as follows:

392.142 1. ~~[The principal of a school shall report to the appropriate local law enforcement agency the name of any pupil enrolled in that school who is a habitual truant.~~

~~2.]~~ Upon receipt of ~~[such]~~ a report ~~[,]~~ *pursuant to section 3 or 5 of this act,* if it appears after investigation that ~~[the]~~ *a* pupil is a habitual truant, the *school police officer or* law enforcement agency *to whom the report is made* shall prepare a written citation directing the pupil to appear in the proper juvenile court.

~~[3.]~~ *2.* A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

~~[4.]~~ *3.* The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

Sec. 12. NRS 62.090 is hereby amended to read as follows:

62.090 1. The judge, in his discretion, may appoint any person qualified by previous experience, training and demonstrated interest in the welfare of children as master. The master, upon the order of the judge in proceedings arising under the provisions of this chapter, may swear witnesses and take evidence. No probation officer may act as master unless the proceeding concerns ~~[only a minor]~~ *a:*

(a) Minor traffic offense ~~[.]~~ *; or*

(b) Child who is alleged to be a habitual truant.

2. Each master who is first appointed after July 1, 1981, shall attend instruction at the National College of Juvenile and Family Law in Reno, Nevada, in a course designed for the training of new judges of the juvenile courts on the first occasion when such instruction is offered after he is appointed.

3. The compensation of a master in juvenile sessions may not be taxed against the parties, but when fixed by the judge must be paid out of appropriations made for the expenses of the district court.

4. The judge may direct that the facts in any juvenile court proceeding, from the inception of the matter, be found by the master in the same manner as in the district court. Within 10 days after the evidence before him is closed, the master shall file with the judge all papers relating to the case, written findings of fact and recommendations.

5. Notice in writing of the master's findings and recommendations, together with the notice of right of appeal as provided in this section, must be given by the master, or someone designated by him, to the parent, guardian or custodian, if any, of the child, to the child's attorney, to the district attorney, and to any other person concerned. A hearing by the court must be allowed if a person entitled to notice files with the court a request for a hearing and the request is filed within 5 days after the giving of the notice. The findings and recommendations of the master, upon approval by the court evidenced by signature, constitute a decree of the court.

Sec. 13. NRS 62.130 is hereby amended to read as follows:

62.130 1. A petition alleging that a child is delinquent or a petition for revocation may be signed by any person, including the district attorney, who has knowledge of the facts alleged, or is informed of them and believes that they are true.

2. A petition alleging that a child is in need of supervision may be signed only by:

(a) A representative of a public or private agency licensed or authorized to provide care or supervision of children;

(b) A representative of a public or private agency providing social service for families; or

(c) A school *police* officer ~~[,]~~ *or other school officer,* law enforcement officer or probation officer.

3. The district attorney shall prepare and sign every petition alleging delinquency or need of supervision, and shall represent the petitioner in all proceedings.

4. The petition must be entitled, "In the Matter of ....., a child," and must be verified by the person who signs it.

5. The petition must set forth specifically:

(a) The facts which bring the child within the jurisdiction of the court as indicated in NRS 62.040, and the date when delinquency occurred or need of supervision arose . ~~[;]~~

(b) The name, date of birth and address of the residence of the child . ~~[;]~~

(c) The names and address of the residence of his parents, guardian or custodian, and spouse if any. If neither of his parents, guardian or custodian resides or can be found within the state, or if their addresses are unknown, the petition must state the name of any known adult relative residing within the state, or if there is none, the known adult relative residing nearest to the court . ~~[; and]~~

(d) Whether the child is in custody, and if so, the place of detention and the time he was taken into custody.

6. When any of the facts required by subsection 5 are not known, the petition must so state.

Sec. 14. NRS 62.224 is hereby amended to read as follows:

62.224 1. In addition to any other action authorized pursuant to the provisions of this chapter, if a child is found to be in need of supervision because he is a habitual truant, the court shall:

(a) The first time the child is found to be in need of supervision because he is a habitual truant:

(1) Order the child to ~~[pay]~~ *:*

(I) Pay a fine of not more than $100 pursuant to paragraph (l) of subsection 1 of NRS 62.211 and the administrative assessment required by NRS 62.223; ~~[and]~~

(II) Perform not less than 8 hours but not more than 16 hours of community service in compliance with the provisions of subsection 3; or

(III) Comply with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for *at least* 30 days ~~[.]~~ *but not more than 2 years.* If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for *at least* 30 days ~~[.]~~ *but not more than 2 years:*

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is found to be in need of supervision because he is a habitual truant:

(1) Order the child to:

(I) Pay a fine of not more than $200 pursuant to paragraph (l) of subsection 1 of NRS 62.211 and the administrative assessment required by NRS 62.223;

(II) Perform *not less than 16 hours but* not more than ~~[10]~~ *32* hours of community service in compliance with the provisions of subsection 3; or

(III) Comply with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for ~~[60 days.]~~ *at least 90 days but not more than 2 years.* If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for ~~[60 days:]~~ *at least 90 days but not more than 2 years:*

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The ~~[juvenile]~~ court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days after the imposition of the fine, or has a valid excuse acceptable to his teacher or the principal for any absence from school within that period.

3. The community service ordered pursuant to *paragraph (a) or (b) of* subsection 1 must be performed:

(a) For and under the supervising authority of a county, city, town or other political subdivision or agency of this state or a charitable organization that renders service to the community or its residents; and

(b) At the child's school of attendance, if practicable.

4. If the court issues an order suspending a child's driver's license pursuant to subsection 1, the ~~[judge]~~ *court* shall require the child to surrender to the court all driver's licenses then held by the child.

Sec. 15. NRS 483.495 is hereby amended to read as follows:

483.495 The department shall by regulation:

1. Except as otherwise provided in *NRS 62.2263 and 62.227 and* paragraph (h) of subsection 1 of NRS 62.211, ~~[subsection 7 of NRS 62.224, NRS 62.2263 and 62.227,]~~ set forth any tests and other requirements which are a condition for the reinstatement of a license after any suspension, revocation, cancellation or voluntary surrender of the license. The tests and requirements:

(a) Must provide for a fair evaluation of a person's ability to operate a motor vehicle; and

(b) May allow for the waiver of certain tests or requirements as the department deems necessary.

2. Set forth the circumstances under which the administrator may, for good cause shown, rescind the revocation, suspension or cancellation of a license, or shorten the period for the suspension of a license.

Sec. 16. The amendatory provisions of section 10 of this act apply to pupils who have not been found, before July 1, 1999, to be in need of supervision because they are habitual truants.

Sec. 17. The amendatory provisions of section 14 of this act do not apply to children who are found in need of supervision because they are habitual truants, if all acts of truancy were committed before July 1, 1999.

Sec. 18. This act becomes effective on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to education; revising provisions governing the programs of accountability of school districts; making various changes regarding truancy and the discipline of pupils who are habitual truants; expanding the circumstances under which probation officers may serve as juvenile court masters; revising the actions that a juvenile court must take against a pupil who is found to be a habitual truant; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 37.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 488.

Amend section 1, page 1, by deleting lines 8 and 9 and inserting:

"*state. If the state board adopts regulations to carry out these codified statutes or if* additions or amendments are made to ~~[the school law, he]~~ *these codified statutes, the superintendent* shall have ~~[them]~~ *the regulations, additions or*".

Amend section 1, page 1, by deleting line 13 and inserting:

"*regulations, additions or amendments in the school library.*".

Amend section 1, page 2, by deleting lines 1 through 22 and inserting:

"3. *In addition to the requirements set forth in subsection 2, the superintendent shall, not later than July 1 of each year, provide to the board of trustees of each school district a memorandum that describes each statute newly enacted by the legislature which affects the public schools in this state and the pupils who are enrolled in the public schools in this state. The memorandum may compile all the statutes into one document. If a statute requires the state board to take action to carry out the statute, the memorandum must include a brief plan for carrying out the statute by the state board. In addition, the memorandum must include the date on which the*

statute becomes effective and the date by which it must be carried into effect by a school district or public school.

4. Not later than 60 days after receipt of such a memorandum from the superintendent, the board of trustees of a school district shall determine which statutes directly affect pupils, parents, teachers, administrators or other educational personnel and require a plan for implementation. If the board of trustees determines that a statute requires a plan for implementation, the board of trustees shall prepare a brief plan, which must ensure that the school district and the public schools within the school district will comply with the statute on the date on which the statute becomes effective and thereafter. The board of trustees shall provide written notice of the information contained in the memorandum provided pursuant to subsection 3 that directly affects pupils, parents, teachers, administrators or other educational personnel and a brief plan for implementation of the statutes, if any, to the parents and legal guardians of pupils who are enrolled in public schools within the school district and all teachers, administrators and other educational personnel who are employed by the board of trustees. The written notice to the parents and legal guardians may be:

(a) Included in other notices that the board of trustees provides to parents and legal guardians.

(b) Provided in a language other than English if the board of trustees determines that it is necessary for the parent or legal guardian to understand the notice.".

Amend section 1, page 2, line 23, by deleting "*4.*" and inserting "*5.*".

Amend sec. 2, page 2, by deleting lines 27 through 33 and inserting:

"*that all teachers, administrators and other educational personnel who are employed by the board of trustees receive information concerning the statutes that directly affect the duties and responsibilities of the teachers, administrators and other educational personnel in accordance with the provisions of subsection 4 of NRS 385.210.*".

Amend sec. 3, page 3, line 3, by deleting "subsection 3" and inserting: "subsections 3 and 4".

Amend sec. 4, page 3, line 6, by deleting "July" and inserting "August".

Amend the title of the bill, fourth line, after "information" by inserting "concerning statutes".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 416.

Amend sec. 3, page 3, by deleting lines 20 through 33 and inserting:

"*2.* An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed *immediately* from the records of the employee together with all notations and indications of its having been issued. ~~[The admonition must be removed from the records of the employee not later than 3 years after it is issued.~~

~~2. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment]~~".

Amend sec. 3, page 4, line 6, by deleting "*feasible,*" and inserting: "*feasible and the employee does not object,*".

Amend sec. 4, page 4, by deleting lines 10 through 42 and inserting:

"the opinion that the immediate suspension of the employee is necessary ~~[in the best interests of]~~ *to protect* the pupils in the *school* district ~~[,]~~ *or the employees of the school district from harm,* the superintendent may suspend the employee without *prior* notice and without a hearing. *The superintendent shall notify the employee in writing of the suspension. The notice must set forth the factual basis for the superintendent's determination that the immediate suspension of the employee is necessary to protect the pupils or employees from harm. If the dismissal of the employee is upheld but the hearing officer determines that sufficient grounds for the immediate suspension of the employee did not exist at the time of the suspension, the employee is entitled to back pay and benefits, plus interest, for the period during which he would have been employed if the superintendent had not caused his immediate suspension.*

2. Notwithstanding the provisions of NRS 391.312, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, he must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

~~[2.]~~ *3.* Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.312 to ~~[391.3196,]~~ *391.3197,* inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.312.

~~[3.]~~ *4.* If sufficient grounds for dismissal do not exist, the employee must be reinstated ~~[with]~~ *:*

(a) With full compensation, plus interest ~~[.~~

~~4.]~~ *;*

(b) To the position he held before his suspension; and

(c) If feasible and the employee does not object, to the school in which he held that position.

5. A licensed employee who furnishes to the school district a bond or other security which is acceptable to the board as a guarantee that he will repay any amounts paid to him pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept security other than a bond. An employee who receives salary pursuant to this subsection shall repay it if he is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

~~[5.]~~ *6.*".

Amend sec. 4, page 5, line 1, by deleting "*4.*".

Amend sec. 4, page 5, line 6, by deleting "*5.*" and inserting "*7.*".

Amend sec. 4, page 5, line 10, by deleting "*6.*" and inserting "*8.*".

Amend sec. 4, page 5, line 16, by deleting "*7.*" and inserting "*9.*".

Amend sec. 4, page 5, line 25, by deleting "*8.*" and inserting "*10.*".

Amend the title of the bill by deleting the fifth through ninth lines and inserting:

"admonishment of licensed educational personnel; revising the provisions governing the immediate suspension of licensed educational personnel under certain circumstances; providing that certain employees who have been suspended, dismissed or not reemployed are entitled to compensation and reinstatement; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 489.

Amend the bill as a whole by deleting sections 1 through 20 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. 1. The Department of Education shall, in cooperation with the Board of Regents, adopt a plan for the establishment of a program for the professional development of teachers.

2. The plan adopted by the Department of Education must provide for the establishment of a program for the professional development of teachers that is designed to:

(a) Encourage licensed teachers to teach in areas of this state in which a shortage of teachers exists.

(b) Encourage licensed teachers to obtain an endorsement in a field of specialization where a shortage of teachers exists.

(c) Offer an equitable opportunity for all teachers to participate in the program.

(d) Recruit teachers for participation in the program. The recruitment must include, without limitation, publication of the information regarding the program to:

(1) Students who are enrolled in institutions of higher education;

(2) Organizations that represent licensed educational personnel; and

(3) The licensed educational personnel in the public schools in this state.

3. The Department of Education shall work in cooperation with the boards of trustees of the school districts to designate areas in this state where a shortage of teachers exists and identify fields of specialization where a shortage of teachers exists.

4. The Department of Education may apply for federal grants of money available for the development of the program, if any.

5. On or before February 5, 2001, the Department of Education shall submit the plan adopted pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the 71st session of the Nevada Legislature.

Sec. 2. 1. The Board of Regents shall, in cooperation with the Department of Education, adopt a plan for the establishment of a program for the recruitment of teachers.

2. The plan adopted by the Board of Regents must provide for the establishment of a program for the recruitment of teachers that is designed to recruit pupils enrolled in the high schools in this state and students enrolled in a community college or university of the University and Community College System of Nevada for participation in the program. The recruitment must include, without limitation:

(a) Publication of the information regarding the program to organizations that include students who wish to become teachers.

(b) Methods to encourage pupils who are enrolled in high schools to enter the field of teaching, including, without limitation, pupils with disabilities and pupils who are of diverse racial, ethnic and cultural backgrounds. The Board of Regents shall work in cooperation with the boards of trustees of the school districts to determine the most effective methods to identify such pupils.

3. The Board of Regents may apply for federal grants of money available for the development of the program, if any.

4. On or before February 5, 2001, the Board of Regents shall submit the plan adopted pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the 71st session of the Nevada Legislature.

Sec. 3. This act becomes effective on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring the Department of Education to adopt a plan for the establishment of a program for the professional development of teachers; requiring the Board of Regents of the University of

Nevada to adopt a plan for the establishment of a program for the recruitment of teachers; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for establishment of plans for professional development and recruitment of teachers. (BDR S-325)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 306.

Bill read second time.

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

Amendment No. 551.

Amend section 1, page 1, by deleting line 2 and inserting:

"a new section to read as follows:

1. In a county whose population is 100,000 or more, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if:

(a) The property sought to be acquired is necessary to carry out the redevelopment plan;

(b) The agency has adopted a resolution of necessity that complies with the requirements set forth in subsection 2; and

(c) The agency has made every reasonable effort to negotiate the purchase of the property.

2. A resolution of necessity required pursuant to paragraph (b) of subsection 1 must set forth:

(a) A statement that the property will be acquired for purposes of redevelopment as authorized pursuant to subsection 17 of NRS 37.010 and subsection 2 of NRS 279.470;

(b) A reasonably detailed description of the property to be acquired;

(c) A finding by the agency that the public interest and necessity require the acquisition of the property;

(d) A finding by the agency that acquisition of the property will be the option for redevelopment that is most compatible with the greatest public good and the least private injury; and

(e) A finding by the agency that acquisition of the property is necessary for purposes of redevelopment.

3. After an agency adopts a resolution of necessity, the resolution so adopted and the findings set forth in the resolution are final and conclusive and are not subject to judicial review unless credible evidence is adduced to suggest that the resolution or the findings set forth therein were procured through bribery or fraud.".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend sec. 4, page 2, line 16, by deleting:

"*sections 2 and 3*" and inserting "*section 1*".

Amend sec. 5, page 2, lines 26 and 27, by deleting:

"*and are a menace to the public health, safety or welfare*".

Amend the bill as a whole by deleting sections 6 and 7, renumbering sec. 8 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 5, to read as follows:

"Sec. 4. NRS 279.438 is hereby amended to read as follows:

279.438 A redevelopment plan adopted before July 1, 1987, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date are fully paid or ~~[at the time provided in NRS 279.439,]~~ *45 years after the date on which the original redevelopment plan was adopted,* whichever is later.

Sec. 5. NRS 279.468 is hereby amended to read as follows:

279.468 An agency may:

1. From time to time prepare plans for the improvement, rehabilitation and redevelopment of blighted areas.

2. Disseminate redevelopment information.

3. Accept financial or other assistance from any public or private source, for the agency's activities, powers and duties, and expend any funds so received for any of the purposes of NRS 279.382 to 279.685, inclusive.

4. For each neighborhood within the redevelopment area, create a residential plan for the neighborhood or appoint an advisory council for redevelopment and delegate the authority to create the residential plan to the advisory council. A residential plan created by an advisory council must be approved by the agency, and each residential plan created pursuant to this subsection must include a financing plan.

5. Include in its budget all money received from any source, including, without limitation, money received from a local government for use by an advisory council in carrying out a residential plan approved by the agency.".

Amend sec. 8, page 4, line 22, by deleting "*section 2*" and inserting "*section 1*".

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 15 as sections 7 through 12.

Amend sec. 12, page 6, line 5, after "participation" by inserting "*and assistance*".

Amend sec. 12, page 6, line 6, by deleting:

". ~~[if]~~ *If*" and inserting "*if*".

Amend sec. 12, page 6, by deleting lines 8 through 10 and inserting:

"legislative body for the area.".

Amend sec. 14, page 6, by deleting lines 28 through 35 and inserting:

"279.685 1. Except as otherwise provided in ~~[subsection 2 or 3,]~~ *this section,* an agency of a city whose population is 200,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than 15 percent of that revenue *received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999,* to".

Amend sec. 14, page 7, by deleting lines 6 through 11 and inserting:

"3. *The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations'"*".

Amend sec. 14, page 7, line 14, by deleting "*July*" and inserting "*October*".

Amend sec. 14, page 7, line 16, by deleting "*July*" and inserting "*October*".

Amend sec. 15, page 7, line 32, after "thereto." by inserting:

"*Nothing in this section prohibits the payment of relocation benefits to a renter or lessee of real property whose tenancy is from month to month.*".

Amend the bill as a whole by deleting sections 16 and 17.

Amend the title of the bill by deleting the first through seventh lines and inserting:

"AN ACT relating to community redevelopment; restricting the power of eminent domain of a redevelopment agency in certain counties; revising the definition of a blighted area; authorizing the creation of advisory councils for redevelopment within redevelopment areas; authorizing the funding of such councils; revising the provisions governing the setting aside".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 596.

Amend the bill as a whole by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 6, page 5, line 29, by deleting "*Automobile*" and inserting:

"*If the high school has at least 200 pupils enrolled in the school, automobile*".

Amend sec. 8, page 6, line 36, after "~~[may]~~" by inserting:

"*that includes at least one high school which has at least 200 pupils enrolled in the school*".

Amend sec.10, page 8, by deleting lines 7 through 34 and inserting:

"*1. A school district may include in a written contract or notice of reemployment of a special education teacher a provision that the teacher will be granted two class periods per day, or the equivalent, to prepare for the instruction of pupils and develop individualized education programs. If two such class periods are provided, one*".

Amend sec. 10, page 8, line 40, by deleting "*required*" and inserting "*authorized*".

Amend sec. 10, page 8, line 41, by deleting "*must*" and inserting "*may*".

Amend sec. 10, page 8, line 42, by deleting "*4.*" and inserting "*2.*".

Amend the title of the bill to read as follows:

"AN ACT relating to education; clarifying the provisions governing the discipline of pupils with disabilities; prohibiting the placement of a child in a program for pupils with disabilities solely because the child has a disciplinary problem or social maladjustment; requiring schools to provide certain courses of study; authorizing employment contracts of special education teachers to include certain provisions; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 619.

Amend section 1, pages 1 and 2, by deleting lines 13 through 16 on page 1 and lines 1 and 2 on page 2, and inserting:

"3. *The board of county commissioners of Washoe County shall reduce the rate of the special privilege tax imposed pursuant to section 30 of this act to the amounts shown for each $1 of valuation for the respective fiscal years:*

2001-2002	*0.8 cents*
2002-2003	*0.6 cents*
2003-2004	*0.4 cents*
2004-2005	*0.2 cents*

The board of county commissioners of Washoe County shall not impose or levy that special privilege tax for any fiscal year after June 30, 2005.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 484.

Bill read second time.

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

Amendment No. 559.

Amend sec. 18, page 3, line 21, by deleting "*1.*".

Amend sec. 18, page 3, line 24, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 18, page 3, line 26, by deleting "*(b)*" and inserting "*2.*".

Amend sec. 18, page 3, by deleting lines 29 through 34.

Amend sec. 19, page 3, line 35, by deleting "*For*" and inserting:

"*Except as otherwise provided in subsection 4, for*".

Amend sec. 19, page 4, between lines 25 and 26, by inserting:

"*4. An authority may not finance mortgages on owner-occupied, single-family residences with bonds or other obligations that require an allocation of the volume caps on the issuance of private activity bonds pursuant to chapter 348A of NRS.*".

Amend sec. 24, page 5, by deleting lines 21 through 24.

Amend sec. 24, page 5, line 25, by deleting "*3.*" and inserting "*2.*".

Amend sec. 24, page 5, line 26, by deleting:

"*to 26, inclusive,*" and inserting "*and 25*".

Amend sec. 25, page 5, by deleting lines 32 through 37 and inserting:

"*the proceeds of the bonds.*

2. A note in anticipation may be issued for not more than 5 years, and except as otherwise provided in this subsection, may be renewed for not more than 1 year, but each note must be paid not later than 5 years after the note was originally issued. A note may not be renewed if such renewal would extend the time for payment of the note beyond 5 years after the note was originally issued.".

Amend sec. 25, page 6, line 5, by deleting the period and inserting:

"*if:*

(a) The bonds issued by an authority on behalf of others are special, limited obligations of the authority and the principal of and interest on such bonds are payable, subject to the security provisions herein, solely out of the revenues derived from the financing, leasing or sale of the development to be financed by the bonds;

(b) The bonds and any interest thereon will never constitute the debt or indebtedness of the authority within the meaning of any provision or limitation of the constitution or statutes of the State of Nevada, and will not constitute or give rise to a pecuniary liability of the authority or a charge against its general credit; and

(c) The limitations contained in paragraph (b) stated plainly on the face of each such bond.".

Amend sec. 26, page 6, by deleting sec. 26 and inserting:

"Sec. 26. (Deleted by amendment.)".

Amend sec. 27, page 6, by deleting lines 19 through 21 and inserting:

"Sec. 27. *A guaranty or other instrument may not be given that provides for*".

Amend sec. 27, page 6, by deleting lines 24 through 32 and inserting:

"*resolution finding that:*

1. Giving the guaranty or instrument will result in lower financing costs to the authority; and

2. The value of all property which is pledged or mortgaged does not, at the time the pledge or mortgage is given or entered into, exceed an amount equal to 1 1/2 times the value of the property being acquired.

The finding and determination of values by the commissioners are conclusive in the absence of fraud or gross abuse of discretion.".

Amend the bill as a whole by adding a new section designated sec. 29.5, following sec. 29, to read as follows:

"Sec. 29.5. NRS 315.180 is hereby amended to read as follows:

315.180 "Bonds" means any bonds, notes, interim certificates, *certificates of participation,* debentures or other obligations issued by an authority pursuant to NRS 315.140 to 315.780, inclusive ~~[.]~~ *, and sections 2 to 27, inclusive, of this act.*".

Amend sec. 34, page 9, by deleting lines 30 through 32 and inserting "*appropriate.*".

Amend sec. 35, page 9, line 36, by deleting "*26,*" and inserting "*25,*".

Amend sec. 41, page 14, line 6, by deleting:

"*to 26, inclusive,*" and inserting "*and 25*".

Amend sec. 42, page 14, by deleting lines 12 through 25 and inserting:

"315.610 1. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable ~~[:~~

~~(a) Exclusively from the income and]~~ *with any one or both of the following:*

(a) Income or revenues of the ~~[housing project]~~ *authority or loan repayments of the development whether or not* financed with the proceeds of such bonds ~~[.~~

~~(b) Exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds.~~

~~(c) From its]~~ *, or with a grant from the Federal Government, or this state, or any public agency thereof, in aid of such development or to carry out any purpose authorized by NRS 315.140 to 315.780, inclusive, and sections 2 to 27, inclusive, of this act.*

(b) Its revenues generally.

2. Any of the bonds may be additionally secured by a pledge of any grant or contributions from the Federal Government or other source, or a pledge of any income or revenues of the authority, or a mortgage of any housing project, projects or other property of the authority.

3. Bonds may be issued in one or more series and, subject to the provisions of subsection 4, must:".

Amend sec. 42, page 14, by deleting lines 38 and 39 and inserting:

"*4. The bonds may designate an agent and procedure for establishing the interest rate. If the bonds designate such an agent and procedure, the interest*

rate on such bonds must be the interest rate established by the agent. If the bonds do not designate an agent and procedure, the interest on such bonds must not exceed by more than 3 percent the Index of Revenue Bonds that was most recently published before the bids are received or a negotiated offer is accepted.

5. The resolution may provide for the issuance of zero-coupon bonds or bonds subject to federal taxation of interest.

6. The authority may issue bonds or other obligations to which the volume caps on the issuance of private activity bonds is allocated pursuant to chapter 348A of NRS only if the issuance of the bonds or other obligations is approved by the state board of finance before the issuance of such bonds or other obligations.".

Amend sec. 43, page 15, line 4, by deleting the comma and inserting:

"*or other obligations,*".

Amend sec. 44, page 15, by deleting lines 14 through 16 and inserting:

"315.640 *1.* The bonds *or other obligations* may be sold ~~[at public or private sale.]~~ *as follows:*

(a) If the bonds or other obligations have received on the date of issuance a rating within one of the top four rating categories of Moody's Investors Service, Inc., or Standard and Poor's Ratings Services, the bonds or other obligations may be offered publicly, through a public sale after such prior notice as the resolution may provide, or at private sale by negotiation without prior notice.

(b) If the bonds or other obligations have not received on the date of issuance a rating within one of the top four rating categories of Moody's Investors Service, Inc., or Standard and Poor's Rating Services, the bonds or other obligations must not be sold to more than 10 investors and each of those investors must certify that he:

(1) Has a net worth of $500,000 or more; and

(2) Is purchasing the bonds or other obligations for investment and not for resale.".

Amend sec. 44, page 15, between lines 20 and 21, by inserting:

"*4. The commissioners may, before any sale of bonds, whether by competitive bid or negotiated sale, authorize the chief administrative officer or chief financial officer of the authority to sign a contract of the purchase of the bonds or to accept a binding bid for the bonds subject to the requirements specified by the commissioners concerning:*

(a) The rate of interest and the dates for the payment of interest on the bonds;

(b) The dates on which and the prices at which the bonds may be called for redemption before maturity;

(c) The price at which the bonds will be sold; and

(d) The principal amount of the bonds, the amount of principal maturing in any particular year and the dates for the payment of principal on the bonds.

5. All terms of the bonds other than:

(a) The rate of interest and the dates for the payment of interest on the bonds;

(b) The dates and prices for the redemption of the bonds;

(c) The price for the sale of the bonds; and

(d) The principal amount of the bonds, the amount of principal maturing in any year and the dates for the payment of principal on the bonds,

must be approved by the commissioners of the authority before the bonds are delivered.

6. The final rate of interest, dates for the payment of interest, dates and prices of redemption, price for the sale of bonds, principal amount, dates for the payment of principal and requirements for the principal amount maturing in particular years are not required to be approved by the commissioners of the authority if each of those terms complies with the requirements specified by the commissioners before the contract for the purchase of the bonds is signed or the bid for the bonds is accepted.".

Amend sec. 46, page 15, lines 38 and 39, by deleting:

"*to 26, inclusive,*" and inserting "*and 25*".

Amend sec. 49, page 16, line 31, by deleting "*trustees,*" and inserting "*obligees,*".

Amend sec. 49, page 16, by deleting lines 34 and 35 and inserting:

"2. Vest in an obligee or obligees ~~[holding a specified amount in bonds]~~ the right, in the event of a default by the authority, to".

Amend sec. 49, page 16, by deleting lines 40 and 41 and inserting:

"authority with ~~[such]~~ *the* obligees.

3. Provide for the powers and duties of ~~[such]~~ *the* obligees and".

Amend sec. 49, page 17, by deleting lines 1 and 2 and inserting:

"4. Provide the terms and conditions upon which ~~[such]~~ *the* obligees *or the holders of a specified proportion of its bonds* may enforce".

Amend sec. 52, page 18, by deleting line 21 and inserting:

"315.450, 315.460 and 315.470 *and section 16 of this act* in connection".

Amend sec. 52, page 18, line 24, by deleting "*26,*" and inserting "*25,*".

Amend sec. 54, page 18, line 41, by deleting "315.460,".

Amend the leadlines of repealed sections by deleting the leadline of NRS 315.460.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 493.

Bill read second time.

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

Amendment No. 550.

Amend section 1, page 1, line 2, by deleting "11," and inserting "12,".

Amend sec. 2, page 1, line 3, by deleting:

"*2, 4, 5 and 7 to 11,*" and inserting:

"*2 and 4 to 12,*".

Amend sec. 3, page 2, line 9, before "*plan*" by inserting "*policy*".

Amend sec. 4, page 2, line 38, by deleting "*the four*" and inserting:

"*at least the three*".

Amend the bill as a whole by deleting sections 5 through 15 and adding new sections designated sections 5 through 16, following sec. 4, to read as follows:

"Sec. 5. *1. The regional planning coalition shall develop a comprehensive regional policy plan for the balanced economic, social, physical, environmental and fiscal development and orderly management of the growth of the region for a period of at least 20 years. The comprehensive regional policy plan must contain recommendations of policy to carry out each part of the plan.*

2. In developing the plan, the coalition:

(a) May consult with other entities that are interested or involved in regional planning within the county.

(b) Shall ensure that the comprehensive regional policy plan includes goals, policies, maps and other documents relating to:

(1) Conservation, including, without limitation, policies relating to the use and protection of natural resources.

(2) Population, including, without limitation, a projection of population growth in the region.

(3) Land use and development, including, without limitation, a map of land use plans that have been adopted by local governmental entities within the region.

(4) Transportation.

(5) Public facilities and services.

(6) Air quality.

(7) Strategies to promote and encourage:

(I) The interspersion of new housing and businesses in established neighborhoods; and

(II) Development in areas in which public services are available.

3. The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition: (a) Carried by the affirmative votes of not less than two-thirds of its total membership; and

(b) Ratified by the board of county commissioners of the county and the city council of each city that jointly established the regional planning coalition pursuant to section 4 of this act.

Sec. 6. *1. The regional planning coalition shall study and develop methods to provide incentives for the interspersion of new housing and businesses in established neighborhoods, including, without limitation, the:*

(a) Creation of an expedited process for granting necessary permits for a development that features such interspersion; and

(b) Imposition of a fee for the extension of infrastructure to encourage such interspersion.

2. As used in this section, "infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, community centers, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 7. *1. The regional planning coalition may:*

(a) Coordinate sources of information;

(b) Recommend measures to increase the efficiency of governmental entities and services;

(c) Make recommendations regarding the disposal of federal land;

(d) Establish methods for resolving issues related to boundaries and other matters that arise between jurisdictions;

(e) Review:

(1) Master plans, facilities plans and other similar plans, and amendments thereto, adopted by a governing body, regional agency, state agency or public utility that is located in whole or in part within the region; and

(2) The annual plan for capital improvements that is prepared by each local government in the region pursuant to NRS 278.0226;

(f) Develop and recommend, to the extent practicable, standardized classifications for land use for the region;

(g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance;

(h) Review, consider and make recommendations regarding applications submitted to agencies of the Federal Government and applications for federal assistance for federally-assisted programs or projects; and

(i) Designate allowable future land uses for each part of the county, including, without limitation, the identification of each category of land use in which the construction and operation of a public school is permissible. The identification of a category of land use in which the construction and operation of a public school is permissible must be carried out in consultation with the county school district and include a determination of whether there is sufficient land in the proximity of a residential development to meet projected needs for public schools.

2. The regional planning coalition shall establish a definition for the term "project of regional significance." In establishing the definition, the regional planning coalition shall consider:

(a) Existing definitions of the term within the Nevada Revised Statutes; and

(b) That a project may have regional significance for several reasons, including, without limitation, the potential impact that the project may have on historic, archaeological, cultural, scenic and natural resources, public facilities and public services within the region.

Sec. 8. *Each governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall, not more than once every 2 years, submit to the regional planning coalition for its review all master plans, facilities plans and other similar plans of the governing body, regional agency, state agency or public utility.*

Sec. 9. *Except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in paragraph (f) of subsection 1 of NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.*

Sec. 10. *The regional planning coalition shall, on or before July 1 of each year, prepare and adopt a budget for the immediately succeeding fiscal year and shall submit that budget to each of the local governments within the region as a recommendation for funding.*

Sec. 11. *The regional planning coalition may employ persons or contract for services necessary to carry out:*

1. The provisions of sections 2 and 4 to 12, inclusive, of this act; and

2. Other responsibilities set forth in the cooperative agreement pursuant to which the regional planning coalition was established pursuant to section 4 of this act.

Sec. 12. *1. Not more than once every 2 years, the regional planning coalition shall review the master plans, facilities plans and other similar plans that it receives pursuant to section 8 of this act, and determine whether those plans are in substantial conformance with the comprehensive regional policy plan.*

2. If the regional planning coalition determines that a plan reviewed pursuant to subsection 1 is not in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall return the plan to the submitting entity accompanied by recommendations regarding the manner in which the submitting entity may bring the plan into substantial conformance with the comprehensive regional policy plan.

3. Within 90 days after the date on which a submitting entity receives the plan and recommendations from the regional planning coalition pursuant to subsection 2, the submitting entity shall provide to the regional planning coalition a written response setting forth the:

(a) Manner in which the submitting entity changed the plan to be in substantial conformance with the comprehensive regional policy plan; or

(b) Reasons of the submitting entity for not bringing the plan into substantial conformance.

4. If the regional planning coalition determines that all the plans that a city or county is required to submit pursuant to section 8 of this act are in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall issue to the city or county a certificate or other indicia of that determination. Upon receipt of such a certificate or other indicia, the city or county, until the next time the regional planning coalition reviews the plans of the city or county pursuant to subsection 1, is entitled to establish its own policies and procedures with respect to regional planning, to the extent that those policies and procedures do not conflict with federal or state law.

Sec. 13. Each governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall, on or before May 1, 2000, submit to the regional planning coalition for its review all existing master plans, facilities plans and other similar plans of the governing body, regional agency, state agency or public utility.

Sec. 14. The regional planning coalition:

1. Shall:

(a) On or before March 1, 2001:

(1) Adopt a comprehensive regional policy plan in accordance with section 5 of this act. Before approving the plan, the regional planning coalition shall hold public hearings on the proposed plan in the cities and unincorporated areas within the county.

(2) In cooperation with local governmental entities within the county, develop guidelines to determine whether master plans, facilities plans and other similar plans established by those entities would conform with the comprehensive regional policy plan.

(b) On or before July 1, 2001, establish a preliminary definition for the term "project of regional significance." In establishing the definition, the regional planning commission shall consider the factors set forth in paragraphs (a) and (b) of subsection 2 of section 7 of this act.

(c) On or before July 1, 2002, review the master plans, facilities plans and other similar plans that it receives pursuant to section 8 of this act, and determine whether those plans are in conformance with the comprehensive regional policy plan.

2. May, on or before February 1, 2001, submit three requests for proposed legislation to the legislature if the regional planning coalition determines that the proposed legislation is necessary to:

(a) Ensure the adequacy and consistency of activities within the region that are related to regional planning; or

(b) Enable local governmental entities within the region to carry out their authority to govern in a more efficient manner.

Sec. 15. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. This act becomes effective on January 1, 2000.".

Amend the title of the bill to read as follows:

"AN ACT relating to regional planning; providing for the establishment of a regional planning coalition in certain counties; setting forth the powers and duties of the regional planning coalition; requiring certain entities to submit certain plans to the regional planning coalition for review and recommendations; authorizing a city or county to establish its own policies and procedures with respect to regional planning in certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 620.

Amend section 1, page 1, line 10, by deleting "*45*" and inserting "*30*".

Amend sec. 4, page 3, line 21, after "for" by inserting "*one-half of*".

Amend sec. 4, page 3, by deleting lines 22 and 23 and inserting:

"through June 30 of that year; *and*".

Amend sec. 4, page 3, by deleting lines 26 through 29 and inserting:

"~~(c) On or before February 1~~] *February 16 for the remaining one-half of the net proceeds extracted from January 1 through June 30 and* for the net proceeds extracted from ~~[October~~] *July* 1 through December 31 of the preceding year.".

Amend sec. 4, page 4, line 5, by deleting:

"~~before~~] February 1" and inserting:

"~~before February 1~~] *February 16*".

Amend sec. 4, page 4, line 14, by deleting "March" and inserting "~~[March~~] *April*".

Amend sec. 5, page 4, line 33, by deleting "February 20," and inserting:

"~~[February 20,~~] *March 5,*".

Amend sec. 5, page 5, line 13, after "on" by inserting "*or before*".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; revising the schedule for payment and refunds of the tax on the net proceeds of minerals; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes regarding tax on net proceeds of minerals. (BDR 32-953)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 563.

Bill read second time.

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

Amendment No. 548.

Amend section 1, page 1, line 2, by deleting "and 3" and inserting "to 5, inclusive,".

Amend the bill as a whole by deleting sections 2 through 4, renumbering sections 5 through 7 as sections 7 through 9 and adding new sections designated sections 2 through 6, following section 1, to read as follows:

"Sec. 2. *"Infill development" means development that fills in an existing pattern of development on land that is:*

1. Improved or unimproved; and

2. Surrounded completely by infrastructure and other development.

Sec. 3. *"Infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, police stations, fire stations, community centers, sanitary sewers, facilities for mass transit and facilities for the conveyance of power, water and the treatment of wastewater.*

Sec. 4. *"Smart growth zone" means an area designated pursuant to section 5 of this act.*

Sec. 5. *1. In a county whose population is 100,000 or more, the governing body of the county and each city in the county shall designate as a smart growth zone each area within its jurisdiction that is likely to benefit from infill development. The governing body shall review such zones periodically and adjust the zones as it deems necessary.*

2. In a county whose population is less than 100,000, the governing body of the county and each city in the county may designate as a smart growth zone each area within its jurisdiction that is likely to benefit from infill development. The governing body may review and adjust such zones periodically as it deems necessary.

Sec. 6. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 to 5, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, *and sections 2, 3 and 4 of this act,* have the meanings ascribed to them in those sections.".

Amend sec. 6, page 4, by deleting lines 1 through 4 and inserting:

"(1) Must show each smart growth zone that has been designated pursuant to section 5 of this act;

(2) Must identify policies that would assist in promoting infill development in such zones; and

(3) May include a provision concerning the acquisition and use of".

Amend the bill as a whole by deleting sec. 8 and renumbering sec. 9 as sec. 10.

Amend sec. 9, page 6, by deleting lines 19 through 23 and inserting:

"*The state plan must include a provision that promotes infill development in smart growth zones designated pursuant to section 5 of this act.*".

Amend the bill as a whole by adding new sections designated sections 11 through 13, following sec. 9, to read as follows:

"Sec. 11. NRS 319.160 is hereby amended to read as follows:

319.160 *1.* The division may provide advice, technical information, training and educational services, conduct research and promote the development of housing, building technology and related fields.

2. The division shall develop and carry out policies to promote infill development in smart growth zones designated pursuant to section 5 of this act.

Sec. 12. On or before January 1, 2001:

1. The governing body of a county whose population is 100,000 or more shall designate initial smart growth zones as required pursuant to subsection 1 of section 5 of this act.

2. The commission on economic development shall amend the state plan for industrial development and diversification to include a provision that promotes infill development in smart growth zones as required pursuant to NRS 231.067, as amended by section 10 of this act.

3. The housing division of the department of business and industry shall develop the policies to promote infill development in smart growth zones as required pursuant to subsection 2 of NRS 319.160, as amended by section 11 of this act.

Sec. 13. This act becomes effective upon passage and approval for the purposes of preparations relating to the designation of smart growth zones pursuant to subsection 1 of section 5 of this act, the amendment of the state plan for industrial development and diversification pursuant to section 10 of this act and the development of policies to promote infill development pursuant to section 11 of this act and on January 1, 2001, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to land use planning; requiring certain governing bodies adopting any part of the master plan to adopt a land use plan; establishing provisions to promote infill development in smart growth zones; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes provisions to promote infill development in smart growth zones. (BDR 22-1337)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 569.

Bill read second time.

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

Amendment No. 553.

Amend the bill as a whole by deleting sections 1 and 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 278.260 is hereby amended to read as follows:

278.260 1. The governing body shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts are determined, established, enforced and amended.

2. A zoning regulation, restriction or boundary must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region; and

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question,

at least 10 days before the hearing.

3. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 400,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 300 feet of the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change. *If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to*

the governing body to indicate his approval of or opposition to the proposed amendment.

4. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 500 feet from the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change. *If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment.*

5. The exterior of the notice mailed pursuant to subsection 4 must bear a statement printed in at least 10-point bold type in substantially the following form:

OFFICIAL NOTICE OF PUBLIC HEARING

6. In addition to mailing the notice required pursuant to subsection 4, in a county whose population is 400,000 or more, the governing body shall, no later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(a) The existing zoning designation of the property in question;

(b) The proposed zoning designation of the property in question;

(c) The date, time and place of the public hearing;

(d) A telephone number which may be used by interested persons to obtain additional information; and

(e) A statement which indicates whether the proposed zoning designation of the property in question complies with the requirements of the master plan of the city or county in which the property is located.

7. A sign required pursuant to subsection 6 is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

8. A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the actual costs resulting from the mailed notice required by this section and the erection of not more than one of the signs required by subsection 6, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

9. The governing body shall remove or cause to be removed any sign required by subsection 6 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

10. If a proposed amendment involves a change in the boundary of a zoning district that would reduce the density or intensity with which a parcel of land may be used and at least 20 percent of the property owners to whom notices were sent pursuant to subsections 3 and 4 indicate in their responses opposition to the proposed amendment, the governing body shall not approve the proposed amendment unless the governing body:

(a) Considers separately the merits of each aspect of the proposed amendment to which the owners expressed opposition; and

(b) Makes a written finding that the public interest and necessity will be promoted by the approval of the proposed amendment.

11. The governing body of the county shall not approve a zoning regulation, restriction or boundary, or amendment thereof, that affects any unincorporated area of the county that is surrounded completely by the territory of an incorporated city without the approval of the governing body of the city.".

Amend the title of the bill to read as follows:

"AN ACT relating to zoning; revising the type of notice that a governing body must provide for certain proposed amendments to the boundary of a zoning district; revising the requirements for the approval of an amendment of the boundary of a zoning district in certain circumstances; requiring the approval by the governing body of a city of zoning regulations, restrictions or boundaries or amendments thereof in certain unincorporated areas; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to zoning regulations, restrictions or boundaries in certain circumstances. (BDR 22-151)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 604.

Bill read second time.

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

Amendment No. 556.

Amend sec. 6, page 1, line 16, after the semicolon by inserting "*and*".

Amend sec. 6, page 1, line 17, by deleting "*; and*" and inserting an italicized period.

Amend sec. 6, page 2, by deleting lines 1 and 2.

Amend sec. 7, page 2, line 4, after "*county*" by inserting:

"*whose population is less than 100,000*".

Amend sec. 7, page 2, line 5, by deleting "*50*" and inserting "*66 2/3*".

Amend sec. 7, page 2, line 13, by deleting "*and*".

Amend sec. 7, page 2, by deleting line 14 and inserting:

"*(d) A detailed map of that area;*

(e) A description of any proposed contract for the maintenance of roads in the district; and

(f) The estimated annual cost to perform the proposed contracts to maintain roads in the district.".

Amend sec. 7, page 2, line 25, by deleting "*10*" and inserting "*51*".

Amend sec. 7, page 2, between lines 27 and 28, by inserting:

"*5. A resolution adopted pursuant to subsection 4 must include a procedure to allow a person who owns real property within the district to apply for a hardship determination that would exempt him from paying the fees assessed pursuant to this chapter. The procedure must include, without limitation:*

(a) A method for allowing a person who owns real property within the district to submit to the board a written application for a hardship determination at least 90 days before the due date of an assessment;

(b) A method for determining whether such a person qualifies for a hardship exemption;

(c) A requirement for the periodic renewal of the hardship determination;

(d) A requirement that the board make a decision on the application within 30 days after the filing of the application;

(e) A requirement that the board notify the board of county commissioners in writing of the denial of an application and the reason for denying the application; and

(f) A procedure for appealing the denial of an application by the board to the board of county commissioners.".

Amend sec. 10, page 3, line 32, by deleting "*and*".

Amend sec. 10, page 3, by deleting line 33 and inserting:

"*(b) Adopt bylaws prescribing its management and government; and*

(c) Comply with the provisions of chapter 241 of NRS.".

Amend sec. 12, page 4, line 17, by deleting "*and*".

Amend sec. 12, page 4, by deleting line 21 and inserting:

"*to paragraph (b); and*

(d) Submit a written report to the board of county commissioners:

(1) Specifying the total cost for performing contracts for the maintenance of roads in the district for the preceding year; and

(2) Addressing whether the goals and objectives of the district relating to the maintenance of such roads have been accomplished.".

Amend sec. 13, page 4, by deleting lines 29 through 32 and inserting:

"Sec. 13. *1. The board of county commissioners shall establish, with the county treasurer, a special account in the general fund of the county for money collected pursuant to section 12 of this act. The account is a separate and continuing account and no money in the account reverts to the general fund of the county at any time. Any money collected by the board of county commissioners pursuant to section 12 of this act must be deposited in the account. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.*".

Amend sec. 14, page 5, by deleting lines 1 through 3 and inserting:

"Sec. 14. *1. A district may be dissolved:*

(a) If 51 percent or more of the owners of real property within the district file a petition with the board of county commissioners requesting the dissolution of the district; or

(b) If the board of county commissioners adopts a resolution on its own motion dissolving the district.

If a".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 667.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 396.

Amend the bill as a whole by deleting sections 1 through 18 and adding new sections designated sections 1 through 19, following the enacting clause, to read as follows:

"Section 1. 1. Cigarette smoking presents serious public health concerns to the state and to the citizens of the state. The Surgeon General has determined that smoking causes lung cancer, heart disease and other serious diseases, and that there are hundreds of thousands of tobacco-related deaths in the United States each year. These diseases most often do not appear until many years after the person in question begins smoking.

2. Cigarette smoking also presents serious financial concerns for the state. Under certain health-care programs, the state may have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette smoking, and those persons may have a legal entitlement to receive such medical assistance.

3. Under these programs, the state pays millions of dollars each year to provide medical assistance for these persons for health conditions associated with cigarette smoking.

4. It is the policy of the state that financial burdens imposed on the state by cigarette smoking be borne by tobacco product manufacturers rather than by the state to the extent that such manufacturers either determine to enter into a settlement with the state or are found culpable by the courts.

5. On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement," with the state. The Master Settlement Agreement obligates these manufacturers, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to the state (tied in part to their volume of sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

6. It would be contrary to the policy of the state if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the state will have an eventual source of recovery from them if they are proven to have acted culpably. It is thus in the interest of the state to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment-proof before liability may arise.

Sec. 2. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 3 to 18, inclusive, of this act.

Sec. 3. *As used in sections 3 to 18, inclusive, of this act, the words and terms defined in sections 4 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement.*

Sec. 5. *"Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for the purposes of this definition, the terms "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of ten percent or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.*

Sec. 6. *"Allocable share" has the meaning ascribed to it in section II(f) of the Master Settlement Agreement.*

Sec. 7. *"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:*

1. Any roll of tobacco wrapped in paper or in any other substance not containing tobacco;

2. Tobacco, in any form, that is functional in the product, which because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette; or

3. Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette described in subsection 1.

The term includes "roll-your-own" tobacco, that is, any tobacco which because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to or purchased by consumers as tobacco for making cigarettes. For the purposes of this section, 0.09 ounces of "roll-your-own" tobacco constitutes one individual cigarette.

Sec. 8. *"Manufacturer of tobacco products" means an entity that, after the effective date of this act, directly, and not exclusively through an affiliate:*

1. Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

2. Is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

3. Becomes a successor of an entity described in subsection 1 or 2.

The term does not include an affiliate of a manufacturer of tobacco products unless the affiliate itself is an entity described in subsection 1, 2 or 3.

Sec. 9. *"Master Settlement Agreement" means the settlement agreement, and related documents, entered into on November 23, 1998, by this state and leading United States manufacturers of tobacco products.*

Sec. 10. *"Participating manufacturer" has the meaning ascribed to it in section II(jj) of the Master Settlement Agreement.*

Sec. 11. *"Qualified escrow fund" means an escrow arrangement with a federally or state-chartered financial institution, that has no affiliation with any manufacturer of tobacco products and has assets of at least $1 billion where the arrangement requires the financial institution to hold the principal*

of the amount deposited in escrow for the benefit of releasing parties and prohibits the manufacturer of tobacco products which deposits the money from using, having access to or directing the use of the principal of the amount deposited except as permitted under section 17 of this act.

Sec. 12. *"Released claims" has the meaning ascribed to it in section II(nn) of the Master Settlement Agreement.*

Sec. 13. *"Releasing parties" has the meaning ascribed to it in section II(pp) of the Master Settlement Agreement.*

Sec. 14. *"Units sold" means, with respect to a particular manufacturer of tobacco products for a particular year, the number of individual cigarettes sold in this state by the manufacturer directly or through a distributor, retailer or similar intermediary or intermediaries during that year, as measured by excise taxes collected by the state on packs, or containers of "roll-your-own" tobacco, bearing the excise stamp of this state.*

Sec. 15. *The department of taxation shall adopt such regulations as are necessary to ascertain the amount of excise tax collected by the state on the cigarettes of each manufacturer of tobacco products for each year.*

Sec. 16. *A manufacturer of tobacco products that sells cigarettes to consumers in this state, directly or through a distributor, retailer or similar intermediary or intermediaries, after the effective date of this act shall do one of the following:*

1. Become a participating manufacturer and generally perform its financial obligations under the Master Settlement Agreement; or

2. Deposit into a qualified escrow fund, on or before April 15 of the year following the year in question, the following amounts as such amounts are adjusted for inflation:

(a) For the year 1999, $0.0094241 for each unit sold after the effective date of this act;

(b) For the year 2000, $0.0104712 for each unit sold;

(c) For each of the years 2001 and 2002, $0.0136125 for each unit sold;

(d) For each of the years 2003 through 2006, $0.0167539 for each unit sold; and

(e) For each of the year 2007 and each year thereafter, $0.0188482 for each unit sold.

Sec. 17. *A manufacturer of tobacco products that deposits money into escrow pursuant to subsection 2 of section 16 of this act shall receive the interest or other appreciation on the deposit as earned. The principal of the deposit may be released from escrow only under the following circumstances:*

1. To pay a judgment or settlement on a released claim brought against that manufacturer by this state or by a releasing party located or residing in this state. Money may be released from escrow under this subsection only in the order in which it was deposited into escrow and only to the extent and at the time necessary to make payments required under the judgment or settlement.

2. To the extent that the manufacturer establishes that the amount it was required to deposit into escrow in a particular year was greater than this state's allocable share of the total payments that the manufacturer would have been required to make in that year under the Master Settlement Agreement if the manufacturer had been a participating manufacturer, as such payments are determined pursuant to section IX(i)(2) of that agreement and before any of the adjustments or offsets described in section IX(i)(3) of that agreement other than the inflation adjustment, the excess must be released from escrow and revert to the manufacturer.

3. To the extent not released from escrow under subsection 1 or 2, deposits must be released from escrow and revert to the manufacturer 25 years after the date on which they were deposited.

Sec. 18. *1. A manufacturer of tobacco products that elects to deposit money into escrow pursuant to subsection 2 of section 16 of this act shall annually certify to the attorney general that it is in compliance with that subsection and with section 17 of this act. If the attorney general does not receive the annual certification, he shall mail a notice to the manufacturer. The attorney general may maintain a civil action of behalf of this state against any manufacturer of tobacco products which fails to deposit into escrow the amount required by section 16 of this act.*

2. A manufacturer of tobacco products that fails in any year to place into escrow the money required under section 16 of this act shall:

(a) Be required within 15 days to place such money into escrow as shall bring it into compliance with section 16 of this act. The court, upon a finding of a violation of subsection 2 of section 16 or section 17 of this act, may impose a civil penalty to be paid to the state general fund in an amount not to exceed 5 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100 percent of the original amount improperly withheld from escrow.

(b) In the case of a knowing violation, be required within 15 days to place such money into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of subsection 2 of section 16 or section 17 of this act, may impose a civil penalty to be paid to the state general fund in an amount not to exceed 15 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300 percent of the original amount improperly withheld from escrow.

(c) In the case of a second knowing violation, shall be prohibited from selling cigarettes to consumers in this state, directly or through a distributor, retailer or similar intermediary, for a period to be fixed by the court not to exceed 2 years.

3. Each failure to make an annual deposit required by section 16 of this act constitutes a separate violation.

Sec. 19. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"AN ACT relating to tobacco; requiring all manufacturers of tobacco products sold in this state to participate in the settlement made between certain manufacturers and this and other states or to place money in escrow; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires all manufacturers of tobacco products to participate in settlement with this state or to place money in escrow. (BDR 32-1371)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 668.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 417.

Amend the bill as a whole by deleting sections 3 through 6 and inserting:

"Secs. 3-6. (Deleted by amendment.)".

Amend sec. 9, page 8, line 7, by deleting "within" and inserting "~~[within]~~ *in*".

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. NRS 361.1565 is hereby amended to read as follows:

361.1565 The personal property tax exemption to which a ~~[widow, orphan child,]~~ *surviving spouse,* blind person, veteran or surviving spouse of a disabled veteran is entitled under NRS 361.080, 361.085, 361.090 or 361.091 is reduced to the extent that he is allowed an exemption from the vehicle privilege tax under chapter 371 of NRS.".

Amend sec. 13, page 12, by deleting sec. 13 and inserting:

"Sec. 13. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sections 16.3, 16.5 and 16.7, following sec. 16, to read as follows:

"Sec. 16.3. NRS 371.101 is hereby amended to read as follows:

371.101 1. Vehicles registered by ~~[widows and orphan children,]~~ *surviving spouses,* not to exceed the amount of $1,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but actual bona fide residents of this state, and must be filed in but one county in this state to the same ~~[family.]~~ *surviving spouse.*

2. For the purpose of this section, vehicles in which ~~[the widow or orphan child]~~ *a surviving spouse* has any interest shall be deemed to belong entirely to that ~~[widow or orphan child.]~~ *surviving spouse.*

3. The person claiming the exemption shall file with the department in the county where the exemption is claimed an affidavit declaring his residency and that the exemption has been claimed in no other county in this state for that year. *The affidavit must be made before the county assessor or a*

notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after his remarriage, even if the remarriage is later annulled.

Sec. 16.5. NRS 371.102 is hereby amended to read as follows:

371.102 1. Vehicles registered by a blind person, not to exceed the amount of $3,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but bona fide residents of this state, and must be filed in but one county in this state ~~[to the same family.]~~ *on account of the same blind person.*

2. The person claiming the exemption shall file with the department in the county where the exemption is claimed an affidavit declaring his residency and that the exemption has been claimed in no other county in this state for that year. *The affidavit must be made before the county assessor or a notary public.* After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming ~~[such]~~ *the* exemption in a county the claimant shall furnish to the department a certificate of a physician licensed under the laws of this state setting forth that he has examined the claimant and has found him to be a blind person.

4. As used in this section, "blind person" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

Sec. 16.7. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $1,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and January 31, 1955;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975; or

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1,

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section the first $1,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the department in the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1, and that the exemption is claimed in no other county ~~[within]~~ *in* this state. *The affidavit must be made before the county assessor or a notary public.* After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the veterans' home account,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

6. If any person files a false affidavit or produces false proof to the department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.".

Amend sec. 18, page 16, line 16, by deleting "*manufactured,*" and inserting "*manufactured home,*".

Amend sec. 23, pages 18 and 19, by deleting lines 41 and 42 on page 18 and lines 1 and 2 on page 19, and inserting:

"*3. In other counties, the division shall mail the declaration directly to each owner of livestock or sheep.*".

Amend sec. 30, page 20, by deleting sec. 30 and inserting:

"Sec. 30. (Deleted by amendment.)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 7.

Resolution read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 507.

Amend the resolution, page 2, by deleting lines 3 through 13 and inserting: "necessary, expedient or advisable for ~~[the]~~ *:*

(a) The protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof ~~[,]~~ *; and*

(b) The improvement, acquisition and construction of facilities for schools,

however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise.".

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Constitution of the State of Nevada to exempt state contracts for the improvement, acquisition and construction of facilities for schools from the limit on general borrowing by the state.".

Amend the summary of the resolution to read as follows:

"SUMMARY—Proposes to amend Nevada Constitution to exempt state contracts for improvement, acquisition and construction of facilities for schools from state debt limit. (BDR C-1402)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 304 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Giunchigliani moved that upon return from the printer Assembly Bill No. 373 be placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Tiffany requested that her remarks be entered in the Journal.

Mr. Speaker, my colleague, Mr. Perkins, and I would like to have entered in the Assembly Journal the transcript of a conversation that took place just before Ben Stepman was admitted through the Pearly Gates:

Mr. Stepman:	Who are you? What is this place?
God:	This is Heaven, Mr. Stepman.
Mr. Stepman:	No. I don't think we've ever had a car dealer.
Mr. Stepman:	Do you have any high school athletic teams I can promote and support?
God:	No.
Mr. Stepman:	Do you have a lot of parks and community centers I can support?
God:	No, we don't.
Mr. Stepman:	Do you have a children's parade that I can help develop and support?
God:	Not exactly.
Mr. Stepman:	Do you even have a DMV office?
God:	I don't think so.
Mr. Stepman:	Well tell me, are there people like my beloved wife, Billie, and my beautiful children and grandchildren up here?
God:	Not for a long time to come.
Mr. Stepman:	And what about television? Do you have TV advertising?
God:	Not so far.
Mr. Stepman:	Well, I come from a place that has such wonderful people and wonderful things.
God:	And where is this place, may I ask?
Mr. Stepman:	In Henderson, of course.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly Bissett Kauffman and Carolyn (Coni) Johnson.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Beatrice Eichbaum and Ann Thompson.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Nell Kubly.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Crystal Vanderlinden, Hillary Whitney, cortni Greenwell, Heather Burnworth, Shannah Sharifali, Erin Gillies, Amanda Collins, Joniann Martin, Ashley Skinner, Jordan Alfort, Morgan Alford, Cameron Gillies, Sheilagh Gillies, Laurs Piffero, Ursula Stanton, Nelsene Alford, Dean Alford and Cheyenne Alford.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth LaPorte.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Combs.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Helen R. Dobrow.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Connie S. Fent, Mrs. Hewitt G. Wells and Colton Fent.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Rita Sipalia, Mary Katherine Hill and Patricia Pachert.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to David Lueck and Crystal Lee Lueck.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Mannion.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew L. Morris.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Brandi Stankovic.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, April, 17, 1999, at 9:00 a.m.

Motion carried.

Assembly adjourned at 3:42 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-SIXTH DAY

CARSON CITY (Saturday), April 17, 1999

Assembly called to order at 9:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Almighty God, the source of all that is good: for the mistakes we have made, we pray that You will forgive us; for those things we have done that are right, we pray that You will uphold us; and for those decisions we have yet to make, we pray that You will direct us. We ask this for the sake of the people of Nevada and for Your Holy Presence in our lives. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 431, 477, 486, 492, 633, 673, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 577, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 453, 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 179, 192, 267, 407, 408, 433, 455, 475, 481, 501, 521; Senate Joint Resolution No. 8.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 8.

Assemblyman Perkins moved that the resolution be referred to the Committee on Constitutional Amendments.

Motion carried.

Assemblywoman Chowning moved that Assembly Bill No. 628 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption for Assembly Bill No. 373.

Assemblyman Perkins moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 179.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 192.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 267.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 407.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 408.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 433.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 455.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 475.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 481.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 501.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 521.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 651 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Beers moved that the vote whereby Assembly Bill No. 478 was refused passage be reconsidered.

Remarks by Assemblyman Beers.

Motion lost.

Assemblyman Bache moved that Assembly Bill No. 160 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman de Braga moved that Assembly Bill No. 380 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman de Braga.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 373 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the vote whereby Senate Bill No. 192 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 192 be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 13, 431, 453, 470, 477, 486, 492, 553, 577, 633 and 673 be placed on the Second Reading File.

Assemblyman Hettrick moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:32 a.m.

ASSEMBLY IN SESSION

At 10:10 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 380.

Bill read third time.

The following amendment was proposed by Assemblyman de Braga:

Amendment No. 638.

Amend sec. 2, page 2, by deleting lines 23 through 28 and inserting:

"*4. For the purposes of this section, a surface water right acquired by a water user in a federal reclamation project may be considered appurtenant to an entire farm, instead of specifically identifiable land within that farm, upon the granting of a permit for the change of place of use by the state engineer which designates the place of use as the entire farm. The quantity of water available for use on that farm cannot exceed the total amount as designated in the permit granted by the state engineer.*

5. As used in this section, "farm" means a tract of land under the same ownership that is primarily used for raising crops or livestock.".

Amend sec. 3, page 3, line 27, after "*3.*" by inserting:

"*Notwithstanding any specific statute to the contrary, a surface water right is not subject to a determination of abandonment if the surface water right:*

(a) Is appurtenant to land which has been converted from agricultural use to urban use; or

(b) Has been dedicated to or acquired by a water purveyor, public utility or public body.

4.".

Amend sec. 3, page 3, line 34, by deleting "4." and inserting "~~[4.]~~ *5.*".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. The amendatory provisions of section 3 of this act do not apply to water rights that are under challenge in any legal or administrative proceeding on or before April 1, 1999.".

Amend the title of the bill, third line, by deleting:

"has been beneficially used;" and inserting:

"right has been abandoned; declaring the certain water rights are not subject to a determination of abandonment;".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 14:

YEAS—42.

NAYS—None.

Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 15:

YEAS—42.

NAYS—None.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 37.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 37:

YEAS—42.

NAYS—None.

Assembly Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblywomen Segerblom and Giunchigliani.

Potential conflict of interest declared by Assemblymen Bache, Anderson and Giunchigliani.

Roll call on Assembly Bill No. 43:

YEAS—30.

NAYS—Angle, Beers, Brower, Cegavske, Gustavson, Hettrick, Humke, Marvel, Nolan, Parnell, Tiffany, Von Tobel—12.

Assembly Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 47.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 47:

YEAS—41.

NAYS—Gustavson.

Assembly Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Tiffany and Humke.

Roll call on Assembly Bill No. 62:

YEAS—36.

NAYS—Angle, Buckley, Dini, Goldwater, Lee, Von Tobel—6.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblywoman Von Tobel.

Roll call on Assembly Bill No. 142:

YEAS—40.

NAYS—Koivisto, McClain—2.

Assembly Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Assembly Bill No. 193:

YEAS—42.

NAYS—None.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 214:

YEAS—41.

NAYS—Gustavson.

Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 236:

YEAS—42.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 249:

YEAS—42.
NAYS—None.
Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 259.
Bill read third time.
Remarks by Assemblyman Lee.
Potential conflict of interest declared by Assemblymen Lee and Collins.
Roll call on Assembly Bill No. 259:
YEAS—41.
NAYS—Collins.
Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 272.
Bill read third time.
Remarks by Assemblymen Gustavson, Perkins and Collins.
Roll call on Assembly Bill No. 272:
YEAS—36.
NAYS—Anderson, Arberry, Dini, Goldwater, Neighbors, Perkins—6.
Assembly Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 280.
Bill read third time.
Remarks by Assemblymen Buckley and Von Tobel.
Assemblywoman Buckley moved that Assembly Bill No. 280 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblywoman Buckley.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 149 be taken from the General File and re-referred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 298.
Bill read third time.
Remarks by Assemblymen Bache and Collins.
Potential conflict of interest declared by Assemblymen Collins and Lee.
Roll call on Assembly Bill No. 298:
YEAS—42.
NAYS—None.

Assembly Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Remarks by Assemblymen Anderson and Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Assembly Bill No. 304:

YEAS—42.

NAYS—None.

Assembly Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 306:

YEAS—42.

NAYS—None.

Assembly Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 313:

YEAS—36.

NAYS—Angle, Carpenter, Evans, Gustavson, Marvel, Parnell—6.

Assembly Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 326:

YEAS—29.

NAYS—Angle, Beers, Berman, Brower, Carpenter, Cegavske, Gibbons, Gustavson, Hettrick, Humke, Marvel, Nolan, Von Tobel—13.

Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblymen Freeman and Anderson.

Roll call on Assembly Bill No. 424:
YEAS—40.
NAYS—Anderson, Marvel—2.
Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 465.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 465:
YEAS—41.
NAYS—None.
EXCUSED—Arberry.
Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 471.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 471:
YEAS—42.
NAYS—None.
Assembly Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 484.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 484:
YEAS—42.
NAYS—None.
Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 490.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 490:
YEAS—42.
NAYS—None.
Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 493.
Bill read third time.
Remarks by Assemblymen Bache, Carpenter and Giunchigliani.
Roll call on Assembly Bill No. 493:
YEAS—42.
NAYS—None.
Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 506.
Bill read third time.
Remarks by Assemblymen Marvel and de Braga.
Potential conflict of interest declared by Assemblyman de Braga.
Roll call on Assembly Bill No. 506:
YEAS—42.
NAYS—None.
Assembly Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 509.
Bill read third time.
Remarks by Assemblymen Carpenter, Bache, Hettrick and Collins.
Roll call on Assembly Bill No. 509:
YEAS—34.
NAYS—Bache, Evans, Giunchigliani, Humke, Leslie, Parnell—6.
NOT VOTING—Angle, Gibbons—2.
Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 515 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblywoman Buckley.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 533.
Bill read third time.
Remarks by Assemblywoman Berman.
Roll call on Assembly Bill No. 533:
YEAS—42.
NAYS—None.
Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblymen Carpenter, Goldwater, Gustavson, Buckley, Neighbors, Anderson, Bache and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Assemblyman Anderson moved that Assembly Bill No. 542 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assembly Bill No. 563.

Bill read third time.

Remarks by Assemblyman Thomas.

Roll call on Assembly Bill No. 563:

YEAS—32.

NAYS—Angle, Berman, Cegavske, Gibbons, Gustavson, Hettrick, Humke, Marvel, Tiffany, Von Tobel—10.

Assembly Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 566.

Bill read third time.

Remarks by Assemblyman Thomas.

Roll call on Assembly Bill No. 566:

YEAS—31.

NAYS—Angle, Beers, Berman, Cegavske, Gustavson, Hettrick, Humke, Marvel, Nolan, Tiffany, Von Tobel—11.

Assembly Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 569.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 569:

YEAS—42.

NAYS—None.

Assembly Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 573.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Assembly Bill No. 573:

YEAS—42.
NAYS—None.
Assembly Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 590.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 590:
YEAS—42.
NAYS—None.
Assembly Bill No. 590 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 604.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Assembly Bill No. 604:
YEAS—42.
NAYS—None.
Assembly Bill No. 604 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 616.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Assembly Bill No. 616:
YEAS—42.
NAYS—None.
Assembly Bill No. 616 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 627.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Assembly Bill No. 627:
YEAS—40.
NAYS—Evans.
EXCUSED—Williams.
Assembly Bill No. 627 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 632.
Bill read third time.

Remarks by Assemblyman Nolan.
Roll call on Assembly Bill No. 632:
YEAS—41.
NAYS—None.
EXCUSED—Williams.
Assembly Bill No. 632 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 280 be taken from the Chief Clerk's desk and placed at the bottom of the General File.
Remarks by Assemblywoman Buckley.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 635.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 635:
YEAS—41.
NAYS—None.
EXCUSED—Williams.
Assembly Bill No. 635 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 667.
Bill read third time.
Remarks by Assemblymen Goldwater and Ohrenschall.
Conflict of interest declared by Assemblywoman Ohrenschall.
Roll call on Assembly Bill No. 667:
YEAS—40.
NAYS—None.
NOT VOTING—Ohrenschall.
EXCUSED—Williams.
Assembly Bill No. 667 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 668.
Bill read third time.
Remarks by Assemblymen Goldwater, Buckley, Segerblom and Giunchigliani.
Assemblyman Goldwater moved that Assembly Bill No. 668 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Joint Resolution No. 7:

YEAS—30.

NAYS—Angle, Beers, Berman, Brower, Carpenter, Dini, Evans, Gibbons, Gustavson, Hettrick, Marvel—11.

EXCUSED—Williams.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 651.

Bill read third time.

Remarks by Assemblymen Manendo and Von Tobel.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Conflicts of interest declared by Assemblymen Von Tobel and Dini.

Roll call on Assembly Bill No. 651:

YEAS—35.

NAYS—None.

NOT VOTING—Dini, Evans, Freeman, Gibbons, Mortenson, Von Tobel—6.

EXCUSED—Williams.

Assembly Bill No. 651 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblymen Buckley and Von Tobel.

Roll call on Assembly Bill No. 280:

YEAS—41.

NAYS—None.

EXCUSED—Williams.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 634, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 634 be placed on the Second Reading File.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 160 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 12:55 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 628.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 672.

Amend section 1, page 1, line 9, by deleting "*or*".

Amend section 1, page 1, by deleting line 13 inserting:

"*schedules; or*

(c) Transportation of elderly or physically or mentally handicapped persons without regard to regular routes or fixed schedules.".

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

"4. ~~[An incorporated city, county or]~~ *A* regional transportation commission *, a county whose population is less than 100,000 or an incorporated city within such a county* is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation ~~[.]~~ *by itself or through an independent contractor.*".

Amend the bill as a whole by renumbering sections 2 through 5 as sections 3 through 6 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 277.180 is hereby amended to read as follows:

277.180 1. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform. Such *a* contract ~~[shall]~~ *must* be ratified by appropriate official action of the governing body of each party to the contract as a condition precedent to its entry into force. Such *a* contract ~~[shall]~~ *must* set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.

2. The authorized purposes of agreements made pursuant to subsection 1 include , but are not limited to:

(a) The joint use of hospitals, road construction and repair equipment, and such other facilities or services as may and can be reasonably used for the promotion and protection of the health and welfare of the inhabitants of this state.

(b) The joint use of county and city personnel, equipment and facilities, including sewer systems, drainage systems, street lighting systems, fire alarm systems, sewage disposal plants, playgrounds, parks and recreational facilities, and public buildings constructed by or under the supervision of the board of county commissioners or the city council of the county and city concerned, upon such terms and agreements, and within such areas within the county as may be determined, for the promotion and protection of health, comfort, safety, life, welfare and property of the inhabitants of the counties and cities.

(c) The joint employment of clerks, stenographers and other employees in the offices of the city and county auditor, city and county assessor, city and county treasurer, or any other joint city and county office existing or hereafter established in the several counties, upon such terms and conditions as may be determined for the equitable apportionment of the expenses of the joint city and county office.

(d) The joint and cooperative use of fire-fighting and fire-protection equipment for the protection of property and the prevention and suppression of fire.

(e) The joint use of county and city personnel, equipment and facilities, upon such terms and conditions, and within such areas within the county as may be determined, for the promotion and protection of the health of the inhabitants of the county and city through the regulation, control and prohibition of the excessive emission of dense smoke and air pollution.

(f) The joint and cooperative use of law enforcement agencies.

(g) The joint use or operation of a system of public transportation.

3. Each public agency which has entered into an agreement pursuant to this section shall annually at the time of preparing its budget include an estimate of the expenses necessary to carry out such agreement, the funds for which are not made available through grant, gift or other source, and provide for such expense as other items are provided in its budget. Each such public agency may furnish property, personnel or services as necessary to carry out the agreement.".

Amend sec. 2, page 2, line 10, after "commission" by inserting:

"*, a county whose population is less than 100,000 or an incorporated city within such a county*".

Amend sec. 2, page 2, line 12, by deleting "*or*".

Amend sec. 2, page 2, by deleting line 16 and inserting:

"*schedules; or*

(c) Other routes to serve the public.".

Amend sec. 3, page 3, line 38, by deleting "and" and inserting "~~[and]~~".

Amend sec. 3, page 3, line 40, by deleting "passengers." and inserting: "passengers ~~[.]~~ *; and*

5. Transportation that is available without regard to regular routes or fixed schedules, if the public transit system is operated by a regional transportation commission, a county whose population is less than 100,000 or an incorporated city within such a county.".

Amend the title of the bill to read as follows:

"AN ACT relating to public transit; exempting a common motor carrier that operates a public transit system which provides certain transportation services from the requirement of obtaining a certificate of public convenience and necessity under certain circumstances; providing that a regional transportation commission, certain less populous counties and incorporated cities within such counties are not required to obtain such a certificate to operate a system of public transportation under certain circumstances; expanding the authorized purposes of interlocal contracts to include the joint use or operation of a system of public transportation; authorizing a regional transportation commission, certain less populous counties and incorporated cities within such counties to establish or operate a public transit system that provides certain services to serve certain specified persons and the public; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 627.

Amend section 1, page 1, line 2, by deleting "10" and inserting "9,".

Amend sec. 2, page 1, line 3, by deleting "*10,*" and inserting "*9,*".

Amend sec. 4, page 1, by deleting lines 9 through 11 and inserting:

"Sec. 4. *"Program" means the program for the financial support of intersession school and summer school.*".

Amend sec. 6, page 2, by deleting lines 5 and 6 and inserting:

"Sec. 6. *1. The program for the financial support of intersession school and summer school is hereby established*".

Amend sec. 6, page 2, by deleting lines 9 through 20 and inserting:

"2. The department shall:

(a) Prescribe the form for the application for submission by school districts to participate in the program;

(b) Establish criteria for the eligibility of school districts to participate in the program;

(c) Prescribe the annual deadline for submission of an application to the department by a school district that desires to participate in the program; and

(d) Provide for the reversion of any unused portion of an annual allocation.".

Amend sec. 7, page 2, by deleting lines 21 through 39 and inserting:

"Sec. 7. *Annually, the board of trustees of a school district may submit to the department an application, on a form provided by the department, to participate in the program. The application must contain the following information regarding the proposed operation of intersession school or summer school by the board of trustees:*

1. Whether the board of trustees proposes to operate intersession school or summer school, or both;

2. The courses of instruction that will be offered;

3. The projected enrollment of pupils in intersession school or summer school, as applicable, for the year, including the categories of pupils who are expected to participate;

4. The method by which the success of intersession school or summer school, as applicable, will be evaluated;

5. The financial requirements of the school district to operate intersession school or summer school, as applicable; and

6. Such other information as the department requires.".

Amend sec. 8, pages 2 and 3, by deleting lines 40 through 42 on page 2 and lines 1 through 12 on page 3, and inserting:

"Sec. 8. *1. If an application is submitted by the deadline prescribed by the department, the department shall review the application. If the application meets the criteria for eligibility adopted by the department, the department shall approve the application.*

2. The superintendent of public instruction shall, within the limits of money available for the program by legislative appropriation or otherwise, establish annually a basic allocation of $3,000 to each school district whose application to participate in the program is approved.

3. Except as otherwise provided in subsection 4, the superintendent of public instruction shall distribute any money remaining after the basic allocations are made to school districts whose applications are approved. The superintendent shall distribute to each school district a percentage of the available money which is equal to the number obtained by dividing the total count of pupils enrolled in summer school or intersession school in the school district by the total count of pupils enrolled in summer school or intersession school in every school district in this state which is participating in the program.

4. The department may expend not more than 2 percent per year of the money appropriated for the program to pay the costs incurred in administering the program.".

Amend sec. 9, pages 3 and 4, by deleting lines 13 through 43 on page 3 and lines 1 through 7 on page 4, and inserting:

"Sec. 9. *1. If a school district participates in the program, it must provide intersession school or summer school, as applicable, for pupils:*

(a) Who attend schools that have been designated as demonstrating inadequate achievement pursuant to NRS 385.367;

(b) Who attend schools that receive pupils who were previously enrolled in schools that have been designated as demonstrating inadequate achievement pursuant to NRS 387.367;

(c) Whose primary language is not English and whose proficiency in the English language is below the average proficiency of pupils at the same grade level;

(d) Who lack sufficient course work or academic credit to advance to the next grade or to graduate from school;

(e) Who are from families of low income, as determined by the school district using the same criteria for eligibility that the school district uses to determine eligibility for assistance to pupils from families of low income pursuant to Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq.;

(f) Who fail to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015; and

(g) Who desire to obtain additional academic credit or complete additional course work.

2. A school district that participates in the program is not required to furnish transportation for pupils who attend intersession school or summer school.".

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 10.

Amend sec. 11, page 4, by deleting lines 33 and 34 and inserting:

"to the department of education for the program established pursuant to section 6 of this act for the financial support of".

Amend the bill as a whole by deleting sec. 12 and renumbering sec. 13 as sec. 11.

Amend the title of the bill to read as follows:

"AN ACT relating to education; establishing a program for the financial support of intersession school and summer school; authorizing school districts to submit applications for participation in the program; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes program for financial support of intersession school and summer school. (BDR 34-321)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblywoman Giunchigliani moved that upon return from the printer Assembly Bill No. 13 be placed on the Chief Clerk's.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 431.

Bill read second time.

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

Amendment No. 679.

Amend sec. 12, page 6, line 3, after "*of the*" by inserting: "*location where the loan is made, the name of the*".

Amend sec. 12, page 6, by deleting line 13 and inserting: "*signature, in at least 14-point bold type that states: "You may be held liable in a civil action for collection of this deferred deposit. You cannot be*".

Amend sec. 13, page 6, by deleting lines 19 and 20 and inserting:

"*1. Informing borrowers that a borrower may be held liable in a civil action to collect a loan made in the form of a deferred deposit, but that criminal prosecution cannot be used to collect such a loan; and*".

Amend sec. 14, page 6, by deleting lines 28 through 43 and inserting:

"Sec. 14. *If a check is not paid upon presentment because of insufficient funds, the registrant may collect a fee of not more than $25. Only one such fee may be charged, regardless of the number of times the check is presented for payment.*".

Amend the bill as a whole by adding a new section designated sec. 14.5, following sec. 14, to read as follows:

"Sec. 14.5. *1. If a borrower defaults on a loan made in the form of a deferred deposit, the registrant shall, upon default, offer to enter into an agreement with the borrower for repayment of the amount due. The agreement must provide for the repayment of the amount due within 60 days after the default, without any further charges or interest.*

2. If the borrower refuses to enter into such an agreement or defaults on such an agreement, the registrant may convert the debt to a loan for an indefinite term. The amount of the loan for an indefinite term must not exceed the amount previously due, including accrued charges and interest. Interest may be charged on the loan for an indefinite term at a rate equal to or less than the prime rate at the largest bank in the State of Nevada, as ascertained by the commissioner on January 1 or July 1, as the case may be, immediately preceding the date of default, plus 10 percent.".

Amend sec. 15, page 7, line 6, by deleting "*one-fourth*" and inserting "*one-third*".

Amend sec. 15, page 7, by deleting lines 12 through 15 and inserting: "*same borrower at one time or make such a loan to a borrower who has two or more*".

Amend sec. 15, page 7, by deleting lines 17 through 21 and inserting:

"*5. Establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding loan made in the form of a deferred deposit to the same borrower beyond 6 weeks after the expiration of the initial loan period.*".

Amend the bill as a whole by renumbering sections 16 through 20 as sections 17 through 21 and adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. NRS 604.090 is hereby amended to read as follows:

604.090 1. Except as otherwise provided in subsection 2, it is unlawful to operate a check-cashing or deferred deposit service without being registered with the commissioner.

2. The provisions of this chapter do not apply to:

(a) A person doing business pursuant to the authority of any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage companies, thrift companies, pawnbrokers or insurance companies.

(b) ~~[A person licensed to make installment loans pursuant to chapter 675 of NRS.~~

~~(c)]~~ A person who is primarily engaged in the retail sale of goods or services who:

(1) As an incident to or independently of a retail sale or service from time to time cashes checks for a fee or other consideration of not more than $2; and

(2) Does not hold himself out as a check-cashing service.

~~[(d)]~~ *(c)* A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

~~[(e)]~~ *(d)* A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

~~[(f)]~~ *(e)* A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

~~[(g)]~~ *(f)* A corporation organized pursuant to the laws of this state that has been continuously and exclusively engaged in a check-cashing service in this state since July 1, 1973.".

Amend the bill as a whole by adding new sections designated sections 22 through 24, following sec. 20, to read as follows:

"Sec. 22. Chapter 675 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee shall not make a loan in the form of a deferred deposit unless the licensee is registered pursuant to chapter 604 of NRS.

2. As used in this section, "deferred deposit" has the meaning ascribed to it in NRS 604.060.

Sec. 23. NRS 675.470 is hereby amended to read as follows:

675.470 Any person and the several members, officers, directors, agents and employees thereof who violate or participate in the violation of any provision of NRS 675.060 *or section 22 of this act* are guilty of a misdemeanor.

Sec. 24. The amendatory provisions of section 23 of this act do not apply to offenses that were committed before October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to the protection of certain persons in commercial transactions; providing additional deceptive trade practices; revising the provisions regarding loans in the form of deferred deposits; extending the exemption of workers' compensation benefits from creditors; providing a penalty; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 540.

Amend the bill as a whole by deleting sections 1 through 19 and the text of repealed sections and adding new sections designated sections 1 through 14, following the enacting clause, to read as follows:

"Section 1. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the department and contain:

(a) The signature of the owner.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The department shall use this declaration to determine the county to which the privilege tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether *the vehicle is* new or used and the last license number, if known, and the state in which it was issued, and ~~[upon]~~ *for* the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this state for the make to be registered to the person first purchasing or operating the vehicle.

(e) Proof satisfactory to the department or registered dealer that the applicant has provided the insurance required by NRS 485.185 and his signed declaration that he will maintain the insurance during the period of registration.

(f) If the insurance is provided by a contract of insurance, evidence of that insurance provided by the insurer in the form of:

(1) A certificate of insurance on a form approved by the commissioner of insurance; or

(2) A ~~[card]~~ *form* issued pursuant to NRS 690B.023 which identifies the vehicle and indicates, at the time of application for registration, coverage which ~~[meets]~~ *complies with* the requirements of NRS 485.185.

The department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the department or registered dealer, and must be accompanied by proof of ownership satisfactory to the department.

5. For purposes of the proof, declaration and evidence required by paragraphs (e) and (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this state, may be declared as a fleet by the registered owner thereof, on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance ~~[covering]~~ *for* that fleet.

(b) Other fleets composed of 10 or more vehicles based in this state or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance ~~[covering]~~ *for* that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his certificate of self-insurance.

~~[(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.]~~

Sec. 2. Chapter 485 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An operator's policy of liability insurance must state, in addition to the requirements of NRS 485.3091, that:

(a) The insurer is only liable under the policy for liability incurred by the insured while the named insured is the operator of a motor vehicle or while a motor vehicle owned by the insured is not being operated by any person;

(b) The policy does not provide coverage for any vicarious liability imposed on the owner of the motor vehicle as a result of the operation by another person of a motor vehicle owned by the insured or for any liability imposed by NRS 41.440 or 483.300; and

(c) The coverage provided by the policy may not meet the requirements of the financial responsibility laws of other states,

unless such extended coverage is expressly included in the policy. No operator's policy of liability insurance may be delivered or issued for delivery in this state unless the insured has signed an endorsement stating that he has read and understood the policy and its limitations.

2. An operator's policy of liability insurance must not provide coverage for damages incurred while a person other than the named insured is operating a motor vehicle.

3. An operator's policy of liability insurance must provide coverage for liability incurred by the insured while a motor vehicle owned by the insured is not being operated by any person.

Sec. 3. NRS 485.0335 is hereby amended to read as follows:

485.0335 "Dormant vehicle" means a motor vehicle:

1. For which ~~[a]~~ *an owner's* policy of liability insurance is required pursuant to this chapter; and

2. That will not be operated for an extended period because of mechanical or seasonal circumstances.

Sec. 4. NRS 485.034 is hereby amended to read as follows:

485.034 "Evidence of insurance" means:

1. The form provided by an insurer pursuant to NRS 690B.023 as evidence of ~~[a contract of insurance for a motor vehicle liability policy;]~~ *an owner's policy of liability insurance;* or

2. The certificate of self-insurance issued to a self-insurer by the ~~[department]~~ *division* pursuant to NRS 485.380.

Sec. 5. NRS 485.186 is hereby amended to read as follows:

485.186 ~~[1. Except as otherwise provided in subsection 6, any natural]~~ *A* person may *not* satisfy the requirements of NRS 485.185 by obtaining, in lieu of an owner's policy of liability insurance, an operator's policy of liability insurance . ~~[which meets the requirements of this section and NRS 485.3091.~~

~~2. An operator's policy of liability insurance must state, in addition to the requirements of NRS 485.3091, that:~~

~~(a) The insurer is only liable under the policy for liability incurred by the insured while the named insured is the operator of a motor vehicle or while a motor vehicle owned by the insured is not being operated by any person;~~

~~(b) The policy does not provide coverage for any vicarious liability imposed on the owner of the motor vehicle as a result of the operation by another person of a motor vehicle owned by the insured or for any liability imposed by NRS 41.440 or 483.300; and~~

~~(c) The coverage provided by the policy may not meet the requirements of the financial responsibility laws of other states,~~
~~unless such extended coverage is expressly included in the policy. No operator's policy of liability insurance may be delivered or issued for delivery in this state unless the insured has signed an endorsement stating that he has read and understood the policy and its limitations.~~

~~3. An owner of a motor vehicle which is registered or required to be registered in this state and who holds an operator's policy of liability insurance shall not permit another person to operate his motor vehicle if the owner knows or should have known that the person does not have liability insurance to cover his own operation of that motor vehicle.~~

~~4. An operator's policy of liability insurance must not provide coverage for damages incurred while a person other than the named insured is operating a motor vehicle.~~

~~5. An operator's policy of liability insurance must provide coverage for liability incurred by the insured while a motor vehicle owned by the insured is not being operated by any person.~~

~~6. This section does not apply to a lessor, dealer, manufacturer, rebuilder or distributor of a motor vehicle, an owner of a fleet, a common, contract or private motor carrier or any other employer who owns a motor vehicle for use in his business.]~~

Sec. 6. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 5, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this state, without having insurance as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the department the evidence of insurance.

~~[(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.]~~

2. A person shall not operate the motor vehicle of another person unless:

(a) He first ensures that the required evidence of insurance is present in the motor vehicle; or

(b) He has his own evidence of insurance which ~~[covers]~~ *provides coverage for* him as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 shall be punished by a fine of not less than $600 ~~[nor]~~ *and not* more than $1,000 for each violation. The fine must be reduced to $100 for the first violation if the person obtains ~~[a motor vehicle liability]~~ *an owner's* policy *of liability insurance* not later than 30 days after the fine is imposed, unless:

(a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or

(b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.

4. A court:

(a) Shall not fine a person for a violation of ~~[paragraph (a), (b) or (c) of]~~ subsection 1 or ~~[for a violation of subsection]~~ 2 if he presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a fine of $1,000 for a violation of ~~[paragraph (a), (b) or (c) of]~~ subsection 1, and suspend the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is ~~[currently]~~ in effect.

5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a ~~[valid]~~ permit issued by the department pursuant to subsection 1 or 2 of NRS 482.3955, or NRS 482.396, 482.3965, 482.423 or 482.424 authorizing the movement or operation of that vehicle within ~~[the]~~ *this* state for a limited time.

Sec. 7. NRS 485.190 is hereby amended to read as follows:

485.190 1. If 20 days after the receipt of a report of an accident involving a motor vehicle within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of $750, the division does not have on file evidence satisfactory to ~~[it]~~ *the division* that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the division shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The division shall, at any time after a determination adverse to an operator or owner pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this state, and, if the owner is a nonresident, the privilege of the use within this state of any motor vehicle owned by him, unless the operator or owner, or both, deposit security in the sum so determined by the division. Notice of such a suspension must be sent by the division to the operator and owner not less than 10 days before the effective date of the suspension and must state the amount required as security. ~~[Where]~~ *If* erroneous information is given to the division with respect to the matters set forth in ~~[paragraph (a), (b) or (c) of]~~ subsection 1 *, 2 or 3* of NRS 485.200, the division shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

Sec. 8. NRS 485.200 is hereby amended to read as follows:

485.200 [1.] The requirements [as] *relating* to security and suspension in NRS 485.190 to 485.300, inclusive, do not apply:

[(a)] *1.* To the operator or owner if he had in effect at the time of the accident a motor vehicle liability policy with respect to the motor vehicle involved in the accident;

[(b)] *2.* To the operator if there was in effect at the time of the accident a motor vehicle liability policy with respect to his operation of any motor vehicle;

[(c)] *3.* To the operator or owner if his liability for damages resulting from the accident is, in the judgment of the division, covered by any other form of liability insurance policy or a bond;

[(d)] *4.* To any person qualifying as a self-insurer pursuant to NRS 485.380, or to any person operating a motor vehicle for the self-insured;

[(e)] *5.* To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of [anyone] *another person* other than the operator or owner;

[(f)] *6.* To the operator or the owner of a motor vehicle legally parked at the time of the accident;

[(g)] *7.* To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating the motor vehicle without permission; or

[(h)] *8.* If, before the date that the division would otherwise suspend the license and registration or nonresident's operating privilege pursuant to NRS 485.190, there is filed with the division evidence satisfactory to [it] *the division* that the person who would otherwise have to file security has been released from liability or has received a determination in his favor at a hearing conducted pursuant to NRS 485.191, or has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

~~[2. An owner who is not the operator of the motor vehicle is not exempt from the requirements as to security and suspension in NRS 485.190 to 485.300, inclusive, if he holds a motor vehicle liability policy which provides coverage only when he is operating the motor vehicle and, at the time of the accident, another person is operating the motor vehicle with the express or implied permission of the owner.]~~

Sec. 9. NRS 485.280 is hereby amended to read as follows:

485.280 A deposit or any balance thereof must be returned to the depositor or his personal representative:

1. [When] *If* evidence satisfactory to the division has been filed with it that there has been a release from liability, a final adjudication of nonliability or an acknowledged agreement, in accordance with [paragraph (h) of subsection 1] *the provisions of subsection 8* of NRS 485.200; or

2. If 2 years after the date of the accident or 1 year ~~[from]~~ *after* the date of deposit of any security under NRS 485.230, whichever period is longer, the division is given reasonable evidence that there is no action pending and no judgment rendered in such an action left unpaid.

Sec. 10. NRS 485.314 is hereby amended to read as follows:

485.314 1. On or before the 15th calendar day of each month, each insurer that has executed a contract of insurance for ~~[a motor vehicle liability]~~ *an owner's* policy *of liability insurance* which may be used to ~~[meet]~~ *comply with* the requirements of NRS 485.185 shall provide the department with a record of each such policy issued, amended or terminated in the previous month on the date the record is provided. The record must include:

(a) The name or identification number of each insured named in the policy of insurance;

(b) The make, year and vehicle identification number of each motor vehicle included in the policy of insurance;

(c) The number, effective date and expiration date of the policy of insurance; and

(d) Any other information required by the department.

2. The record provided pursuant to subsection 1 must be submitted in a form approved by the department and may include, without limitation, magnetic tape or any other electronic medium deemed acceptable by the department.

3. The department shall notify the commissioner of insurance if an insurer:

(a) Fails to comply with subsection 1 or 2; or

(b) In complying with subsection 1 or 2, provides to the department information that is false, incomplete or misleading.

Sec. 11. NRS 485.317 is hereby amended to read as follows:

485.317 1. The department shall, at least monthly, compare the current registrations of motor vehicles to the information in the data base created pursuant to NRS 485.313 to verify that each motor vehicle:

(a) Which is newly registered in this state; or

(b) For which a policy of liability insurance has been issued, amended or terminated,

is covered by ~~[a policy of liability]~~ insurance as required by NRS 485.185. In identifying a motor vehicle for verification pursuant to this subsection, the department shall, if the motor vehicle was manufactured during or after 1981, use only the vehicle identification number, in whole or in part.

2. The department shall send a form for verification by first-class mail to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the department, including whether he carries an owner's ~~[or operator's]~~ policy of liability insurance or a certificate of self-insurance, and return the completed form within 20 days after the date

on which the form was mailed by the department. If the department does not receive the completed form within 20 days after it mailed the form to the owner, the department shall send to the owner a second form for verification by certified mail. The owner shall complete the form and return it to the department within 15 days after the date on which it was sent by the department. ~~[This subsection does]~~ *The provisions of this subsection do* not prohibit an authorized agent of the owner from providing to the department:

(a) The information requested by the department pursuant to this subsection.

(b) Additional information to amend or correct information already submitted to the department pursuant to this subsection.

3. When the department receives a completed form for verification , it shall verify the information on the form.

4. The department shall suspend the registration and require the return to the department of the license plates of any vehicle for which:

(a) Neither of the forms for verification set forth in subsection 2 is returned to the department by the registered owner or his authorized agent within the period specified in that subsection;

(b) Either of the forms for verification set forth in subsection 2 is returned to the department by the registered owner or his authorized agent and the department is not able to verify the information on the form; or

(c) Either of the forms for verification set forth in subsection 2 is returned by the registered owner or his authorized agent with an admission of having no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self-insurance.

5. If the department suspends a registration pursuant to subsection 4 because:

(a) Neither the owner nor his authorized agent returned a form for verification within the specified period or the owner or his authorized agent returned a form for verification that was not completed sufficiently, and the owner or his authorized agent, thereafter:

(1) Proves to the satisfaction of the department that there was a justifiable cause for his failure to do so;

(2) Submits a completed form regarding his insurance on the date stated in the form mailed by the department pursuant to subsection 2; and

(3) Presents evidence of current insurance; or

(b) The owner or his authorized agent submitted to the department a form for verification containing information that the department was unable to verify and, thereafter, the owner or his authorized agent presents to the department:

(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and

(2) Evidence of current insurance,

the department shall rescind its suspension of the registration if it is able to verify the information on the form or the other evidence presented. The

department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection. For the purposes of this subsection, "justifiable cause" may include, but is not limited to, the fact that the owner did not receive the form mailed by the department pursuant to subsection 2.

6. Except as otherwise provided in subsection 7, if a registered owner whose registration is suspended pursuant to subsection 4, failed to have insurance on the date specified in the form for verification, the department shall reinstate the registration of the vehicle and reissue the license plates only upon filing by the registered owner of evidence of current insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

7. If a registered owner proves to the satisfaction of the department that his vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the department shall reinstate his registration and, if applicable, reissue his license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.

8. For the purposes of verification of insurance by the department pursuant to this section, a registered owner shall not be deemed to have failed to maintain ~~[liability]~~ insurance for a motor vehicle unless the vehicle is without coverage for ~~[a period of]~~ more than 7 days.

Sec. 12. NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by ~~[a contract]~~ *an owner's policy* of *liability* insurance, the insurer shall:

1. Provide evidence of insurance to the insured on a form approved by the commissioner. The evidence of insurance must include:

(a) The name and address of the policyholder;

(b) The name and address of the insurer;

(c) The year, make and complete identification number of the insured vehicle or vehicles;

(d) The term of the insurance, including the day, month and year on which the policy:

(1) Becomes effective; and

(2) Expires;

(e) The number of the policy;

(f) A statement that the coverage ~~[meets]~~ *complies with* the requirements set forth in NRS 485.185; and

(g) The statement "This card must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

Sec. 13. Each insurer who has issued operators' policies of liability insurance pursuant to NRS 485.186 and 485.3091 for the purpose of complying with the requirements of NRS 485.185 which are in effect on July 1, 1999:

1. Shall not renew an operator's policy of liability insurance issued for that purpose; and

2. Shall provide, not later than October 1, 1999, a written notice to each holder of an operator's policy of liability insurance issued by the insurer which states that, after December 31, 1999, the policy will not satisfy the requirements set forth in NRS 485.185 for insurance for the payment of liability arising from the maintenance or use of a motor vehicle that is registered or required to be registered in this state.

Sec. 14. 1. This section and section 13 of this act become effective on July 1, 1999.

2. Sections 1 to 12, inclusive, of this act become effective on January 1, 2000.".

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; providing that an operator's policy of liability insurance does not satisfy the requirements for liability insurance for a motor vehicle that is registered or required to be registered in this state; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides that operator's policy of liability insurance does not satisfy requirements for liability insurance for motor vehicle that is registered or required to be registered in Nevada. (BDR 43-1306)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 470.

Bill read second time.

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

Amendment No. 495.

Amend section 1, page 1, line 2, by deleting:

"2 to 18, inclusive," and inserting:

"2, 3 and 4".

Amend the bill as a whole by deleting sections 2 through 15 and renumbering sections 16 through 20 as sections 2 through 6.

Amend sec. 18, page 8, line 26, by deleting:

"*capitation or other*".

Amend sec. 19, page 9, line 5, by deleting:

"*2 to 18, inclusive,*" and inserting:

"*2, 3 and 4*".

Amend sec. 20, page 9, by deleting lines 29 and 30 and inserting:

"5. Require employees to obtain the approval of the self-insured employer,".

Amend sec. 20, page 9, line 38, by deleting:

"*2 to 18, inclusive,*" and inserting:

"*2, 3 and 4*".

Amend the bill as a whole by renumbering sec. 21 as sec. 9 and adding new sections designated sections 7 and 8, following sec. 20, to read as follows:

"Sec. 7. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer, organization for managed care or third-party administrator shall respond to a written request for prior authorization for:

(a) Treatment;

(b) Diagnostic testing; or

(c) Consultation,

within 5 working days after receiving the written request.

2. If the insurer, organization for managed care or third-party administrator fails to respond to such a request within 5 working days, authorization shall be deemed to be given. The insurer, organization for managed care or third-party administrator may subsequently deny authorization.

3. If the insurer, organization for managed care or third-party administrator subsequently denies a request for authorization submitted by a provider of health care for additional visits or treatments, it shall pay for the additional visits or treatments actually provided to the injured employee, up to the number of treatments for which payment is requested by the provider of health care before the denial of authorization is received by the provider.

Sec. 8. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The administrator shall establish a panel of physicians and chiropractors who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, of NRS. Every employer whose insurer has not entered into a contract with an organization for managed care *or with providers of health care services* pursuant to NRS 616B.515 *or 616B.527* shall maintain a list of those physicians and chiropractors on the panel who are reasonably accessible to his employees.

2. An injured employee whose *employer's* insurer has not entered into a contract with an organization for managed care *or with providers of health care services pursuant to NRS 616B.515 or 616B.527* may choose his treating physician or chiropractor from the panel of physicians and chiropractors. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor from the panel if the choice is made within 90 days after his injury. The insurer shall notify the first physician or chiropractor in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractor must be reimbursed only for the services he rendered to the injured employee up to and including the date of notification. Any further change is subject to the approval of the insurer, which must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractor must include the name of the new physician or chiropractor chosen by the injured employee.

3. An injured employee ~~[employed or residing in any county in this state]~~ whose *employer's* insurer has entered into a contract with an organization for managed care *or with providers of health care services pursuant to NRS 616B.515 or 616B.527* must choose his treating physician or chiropractor pursuant to the terms of that contract. *If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor pursuant to the terms of the contract if the choice is made within 90 days after his injury.* If the *injured* employee, after choosing his treating physician or chiropractor, moves to a county which is not served by the organization for managed care *or providers of health care named in the contract* and the insurer determines that it is impractical for the *injured* employee to continue treatment with the physician or chiropractor, the *injured* employee must choose a treating physician or chiropractor who has agreed to the terms of that contract unless the insurer authorizes the *injured* employee to choose another physician or chiropractor.

4. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor or other person selected by the *injured* employee in disregard of the provisions of this section or for any compensation for any aggravation of the *injured* employee's injury attributable to improper treatments by such physician, chiropractor or other person.

5. The administrator may order necessary changes in a panel of physicians and chiropractors and shall suspend or remove any physician or chiropractor from a panel for good cause shown.

6. An injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization for such treatment.".

Amend sec. 21, page 9, line 40, by deleting:

"~~[3.]~~ *2.*" and inserting "3,".

Amend sec. 21, page 10, by deleting lines 4 through 14 and inserting:

"established by the organization for managed care.

2. The procedure for resolving complaints established by the organization for managed care must be informal and must include, but is not limited to, a review of the appeal by a qualified physician or chiropractor who did not make or otherwise participate in making the ~~[decision.]~~ *determination.*

3. If a person appeals a final determination pursuant to a procedure for".

Amend sec. 21, page 10, by deleting lines 16 through 19 and inserting:

"the dispute is not resolved within 14 days after it is submitted, he may request a resolution of the dispute pursuant to NRS".

Amend the bill as a whole by renumbering sec. 22 as sec. 11 and adding a new section designated sec. 10, following sec. 21, to read as follows:

"Sec. 10. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada attorney for injured workers.

3. If necessary to resolve a medical question concerning an injured employee's condition ~~[.]~~ *or to determine the necessity of treatment for which authorization for payment has been denied,* the hearing officer may refer the employee to a physician or chiropractor chosen by the hearing officer. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

5. The hearing officer shall render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

6. The hearing officer shall render his decision in the most efficient format developed by the chief of the hearings division of the department of administration.

7. The hearing officer shall give notice of his decision to each party by mail. He shall include with the notice of his decision the necessary forms for appealing from the decision.

8. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.".

Amend sec. 22, page 10, by deleting lines 30 through 33 and inserting:

"(b) The dispute was not resolved pursuant to that procedure within 14 days after it was submitted,".

Amend sec. 22, page 10, by deleting lines 38 and 39 and inserting:

"days after receipt of such a request".

Amend the bill as a whole by deleting sec. 23 and adding a new section designated sec. 12, following sec. 22, to read as follows:

"Sec. 12. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If necessary to resolve a medical question concerning an injured employee's condition ~~[.]~~ *or to determine the necessity of treatment for which authorization for payment has been denied,* the appeals officer may refer the employee to a physician or chiropractor chosen by the appeals officer. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

4. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

5. The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

6. The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision.".

Amend the title of the bill to read as follows:

"AN ACT relating to workers' compensation; prohibiting organizations for managed care that provide medical and health care services to injured employees from engaging in certain practices that restrict the actions of a provider of health care; requiring a response to a request for prior authorization for medical treatment to be issued within a certain number of days; allowing an injured employee whose employer's insurer has entered into a contract with an organization for managed care or providers of health care to change treating physicians or chiropractors under certain circumstances; allowing hearing officers and appeals officers to refer an injured employee to a physician or chiropractor to determine the necessity of certain medical treatment; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provision of benefits for workers' compensation. (BDR 53-1298)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 477.

Bill read second time.

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

Amendment No. 312.

Amend the bill as a whole by renumbering sections 5 and 6 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 118B.170 is hereby amended to read as follows:

118B.170 1. The landlord may require approval of a prospective buyer and tenant before the sale of a tenant's mobile home or recreational vehicle, if the mobile home or vehicle will remain in the park. *The landlord shall consider the record, if any, of the prospective buyer and tenant concerning the payment of rent.* The landlord shall not unreasonably withhold his consent.

2. If a tenant sells his mobile home or recreational vehicle, the landlord may require that the mobile home or recreational vehicle be removed from

the park if it is deemed by the park's written rules or regulations in the possession of the tenants to be in a run-down condition or in disrepair or does not meet the safety standards set forth in NRS 461A.120. If the mobile home must be inspected to determine compliance with the standards, the person requesting the inspection shall pay for it.

3. If the landlord requires *the* approval of a prospective buyer and tenant, he shall post and maintain a sign which is clearly readable at the entrance to the park which advises the reader that before a mobile home in the park is sold, the prospective buyer must be approved by the landlord.

4. If the landlord requires the approval of a prospective buyer and tenant of a mobile home or recreational vehicle and the mobile home or recreational vehicle is sold without the approval of the landlord, the landlord may:

(a) After providing at least 10 days' written notice to the buyer and tenant, bring an action for an unlawful detainer in the manner prescribed in chapter 40 of NRS; or

(b) Require the buyer and tenant to sign a rental agreement. If the buyer and tenant refuse to sign the rental agreement within 5 days after such a request, the landlord may, after providing at least 10 days' written notice to the buyer and tenant, bring an action for an unlawful detainer in the manner provided in chapter 40 of NRS.

5. For the purposes of NRS 40.251, a person who:

(a) Purchases a mobile home or recreational vehicle from a tenant of a mobile home park which will remain in the park;

(b) Was required to be approved by the landlord of the mobile home park before the sale of the mobile home or recreational vehicle; and

(c) Was not approved by the landlord before he purchased that mobile home or recreational vehicle,

shall be deemed a tenant at will and a lessee of the mobile home park.".

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 6, to read as follows:

"Sec. 8. NRS 40.251 is hereby amended to read as follows:

40.251 A tenant of real property, a recreational vehicle or a mobile home for a term less than life is guilty of an unlawful detainer when having leased:

1. Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved, he continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice of:

(a) For tenancies from week to week, at least 7 days;

(b) For all other periodic tenancies, at least 30 days; or

(c) For tenancies at will, at least 5 days.

2. A dwelling unit subject to the provisions of chapter 118A of NRS, he continues in possession, in person or by subtenant, without the landlord's consent after expiration of:

(a) The term of the rental agreement or its termination and, except as otherwise provided in paragraph (b), the expiration of a notice of at least 7 days for tenancies from week to week and 30 days for all other periodic tenancies; or

(b) A notice of at least 5 days where the tenant has failed to perform his basic or contractual obligations under chapter 118A of NRS.

3. A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215, he continues in possession, in person or by subtenant, without the landlord's consent, after notice has been given pursuant to NRS *118B.170 or* 118B.190 and the period of the notice has expired.

4. A recreational vehicle lot, he continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.".

Amend the title of the bill, eighth line, after "landlord;" by inserting: "providing remedies for failure of the buyer and tenant of a mobile home to gain prior approval of landlord where requires;"

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 486.

Bill read second time.

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

Amendment No. 683.

Amend sec. 5, page 3, line 4, by deleting "*regulation.*" and inserting: "*regulation within 90 days after the date on which the regulation was adopted.*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. *The provisions of sections 8 to 14, inclusive, of this act do not apply with respect to a rule for which a local government does not have the authority to consider less stringent alternatives, including, without limitation, a rule that the local government is required to adopt pursuant to a federal statute or regulation.*".

Amend sec. 14, page 5, line 4, by deleting "*rule.*" and inserting: "*rule within 90 days after the date on which the rule was adopted.*".

Amend the title of the bill, first and second lines, by deleting: "in skeleton form".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 492.

Bill read second time.

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

Amendment No. 497.

Amend the bill as a whole by deleting sections 1 through 29, and the leadlines of repealed sections, and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. NRS 483.710 is hereby amended to read as follows:

483.710 An applicant for a license to operate a school for training drivers must:

1. Be of good moral character.

2. Maintain an established place of business *:*

(a) That is open to the public ~~[which]~~ *;*

(b) That is not within 200 feet of any building used by the department as an office ~~[.]~~ *; and*

(c) Where the records of the school are maintained.

3. Have the equipment necessary to give proper instruction in the operation of motor vehicles.

4. Be 21 years of age or older.

5. Hold a valid driving instructor's certificate issued by the state department of education in accordance with regulations prescribed by the state board of education governing the qualifications of instructors in privately owned schools for training drivers.

6. *Have at least 1,000 hours of experience as an instructor operating vehicles with pupils at a school for training drivers, if the school for which the applicant is applying for a license will provide that training to pupils enrolled at the school.*

7. File with the department a surety bond in the amount of $10,000 to the department, executed by the applicant as principal with a corporation authorized to transact surety business in this state as surety. The bond must be continuous in form and conditioned that the operator conduct the business of the school as an instructional institution without fraud or fraudulent representation. Upon application by an operator, the department may reduce the amount of the bond required to an amount not less than $5,000 if the operator has satisfactorily conducted his school for the 5 years immediately preceding the application for reduction.

Sec. 2. NRS 483.723 is hereby amended to read as follows:

483.723 ~~[No]~~ *A* school for training drivers may *not* offer *or provide* training ~~[or allow training to be provided by the school]~~ to a person whose age is less than 15 years ~~[.]~~ *unless the person has been issued:*

1. A restricted license pursuant to the provisions of NRS 483.267 or 483.270; or

2. A restricted instruction permit pursuant to the provisions of subsection 3 of NRS 483.280.

Sec. 3. NRS 483.730 is hereby amended to read as follows:

483.730 1. The department shall issue a license to operate a school for training drivers or to act as an instructor for such a school, if it is satisfied that the applicant has met the qualifications required by NRS 483.700 to 483.780, inclusive.

2. The license is valid for ~~[2]~~ *5* years after the date of issuance, unless canceled, suspended or revoked by the department and *, except as otherwise provided in subsection 3,* may be renewed subject to the same conditions as the original license.

3. The department may renew the license of an instructor of a school for training drivers if, when he submits his application for the renewal of his license, he provides evidence satisfactory to the department that, during the period of the license, he completed at least six credits of continuing education by attending:

(a) A course of instruction relating to the training of drivers approved by the department; or

(b) A state or national conference approved by the department of education for credit for continuing education.

4. In determining whether an instructor has complied with the provisions of subsection 3, the department shall award one credit of continuing education for the completion of each 15 hours of:

(a) Classroom instruction in a course specified in paragraph (a) of subsection 3; or

(b) Attendance at a conference specified in paragraph (b) of subsection 3.

Sec. 4. NRS 483.740 is hereby amended to read as follows:

483.740 1. A person operating a school for training drivers shall maintain liability insurance on motor vehicles used in driving instruction, insuring the liability of the driving school, the driving instructor ~~[,]~~ and any person taking instruction, in at least the following amounts:

(a) For bodily injury to or death of one person in any one accident, ~~[$20,000;]~~ *$100,000;*

(b) For bodily injury to or death of two or more persons in any one accident, ~~[$40,000;]~~ *$300,000;* and

(c) For damage to property of others in any one accident, ~~[$10,000.]~~ *$50,000.*

2. Evidence of the insurance coverage in the form of a certificate from the insurance carrier must be filed with the department . ~~[and the]~~ *The* certificate must stipulate that the insurance may not be canceled except upon 10 days' written notice to the department.

Sec. 5. The requirements for continuing education set forth in NRS 483.730 do not apply to the renewal of a license of an instructor for a school for training drivers before October 1, 2001.".

Amend the title of the bill to read as follows:

"AN ACT relating to schools for training drivers; revising the qualifications of an applicant for a license to operate such a school; authorizing the school to offer or provide training to certain minors; increasing the period of a license to operate the school; increasing the amount of liability insurance required for a person who operates the school; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting "(BDR 43-1332)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 515 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 553.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 684.

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

"Section 1. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of an ordinance as authorized in NRS 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from the county motor vehicle fuel tax must first be submitted to the regional transportation commission.

2. Where the project is within the area covered by a regional plan for transportation established pursuant to NRS 373.1161, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of the county motor vehicle fuel tax authorized by this chapter, except to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred hereunder, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.130. ~~[If]~~ *Except as otherwise provided in subsection 3, if* the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 373.1161.

3. *In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.*

4. Where the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 373.1161 if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

~~[4.]~~ *5.* In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and ~~[3.]~~ *4.*".

Amend the title of the bill to read as follows:

"AN ACT relating to transportation; authorizing the governing bodies of certain governmental entities to create and use an expedited process for

executing certain written agreements relating to certain highway projects in certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes governing bodies of certain governmental entities to use expedited process for executing certain written agreements relating to certain highway projects in certain circumstances. (BDR 32-1572)".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 577.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 568.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local authority may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 453.336 for similar offenses under a local ordinance. The ordinance must set forth the manner in which money collected from fines imposed by a court for a violation of the ordinance must be disbursed in accordance with subsection 2.

2. Money collected from fines imposed by a court for a violation of an ordinance enacted pursuant to subsection 1 must be evenly allocated among:

(a) Facilities for the treatment of abuse of alcohol or drugs established by a local government, if any;

(b) A program of treatment and rehabilitation established by a court pursuant to NRS 453.580, if any; and

(c) Local law enforcement agencies,

in a manner determined by the court.

3. As used in this section, "local authority" means the governing board of a county, city or other political subdivision having authority to enact laws or ordinances.".

Amend section 1, page 1, line 7, by deleting "inclusive." and inserting: "inclusive ~~[.]~~ *, and section 1 of this act.*".

Amend section 1, pages 2 and 3, by deleting lines 28 through 42 on page 2 and lines 1 through 11 on page 3 and inserting:

"~~possibility of rehabilitation and any other relevant information.]~~ *Unless a greater penalty is provided pursuant to NRS 212.160, a person 18 years of age or older who is convicted of the possession of less than 1 ounce of marihuana:*

(a) For the first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $500; or

(b) For the second or subsequent offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a child under 18 years of age who possesses less than 1 ounce of marihuana in violation of the provisions of subsection 1 commits a delinquent act and the court shall order the child:

(a) For the first offense, to pay a fine of not more than $300, and require the child to undergo an evaluation pursuant to NRS 62.2275; or

(b) For the second or subsequent offense, to pay a fine of not more than $500, or to be detained in a facility for the detention of children for not more than 10 days, or both to pay a fine and be detained, and assign the child to an appropriate program of treatment for the treatment of abuse of alcohol or drugs.".

Amend sec. 2, page 3, by deleting line 21 and inserting:

"charge pursuant to *subsection 2 or 3 of* NRS 453.336, *NRS* 453.411 or 454.351, or is found guilty of".

Amend sec. 2, page 3, line 24, by deleting:

"*or suspend his sentence*".

Amend sec. 2, page 3, by deleting lines 31 and 32 and inserting:

"paragraph (c) of subsection 2 of NRS 193.130, upon".

Amend the bill as a whole by deleting sec. 3.

Amend sec. 4, page 5, by deleting lines 5 and 6 and inserting:

"453.401 1. Except as otherwise provided in subsections 3 and 4, if two or more persons conspire to commit an offense which".

Amend sec. 4, page 5, by deleting line 31 and inserting:

"2. Except as otherwise provided in subsection 3, if two or more".

Amend sec. 4, page 5, by deleting lines 38 through 41 and inserting:

"3. If two or more persons conspire to possess *one ounce or more of* marihuana unlawfully, except for the purpose of sale, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator is guilty of a gross misdemeanor.".

Amend sec. 4, page 6, line 1, by deleting "~~4.~~]" and inserting "4.".

Amend sec. 4, page 6, line 4, by deleting "~~[5.]~~ *4.*" and inserting "5.".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to *subsection 4 of NRS 453.336,* NRS 453.3363 or 458.300 or it may assign such a person to an appropriate facility for the treatment of abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation. The assignment must include the

terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress towards completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program the court must also require frequent urinalysis to determine that the person is not using a controlled substance. The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which he is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of his financial resources. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

Sec. 6. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, 62.224 ~~[and 62.2245,]~~ *, 62.2245 and 453.336,* if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female

child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction,

to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of

motor vehicles and public safety shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

(m) If the child has not previously been found to be within the purview of this chapter and if the act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence, order the child to participate in a publicly or privately operated program of sports or physical fitness that is adequately supervised or a publicly or privately operated program for the arts that is adequately supervised. A program for the arts may include, but is not limited to, drawing, painting, photography or other visual arts, musical, dance or theatrical performance, writing or any other structured activity that involves creative or artistic expression. If the court orders the child to participate in a program of sports or physical fitness or a program for the arts, the court may order any or all of the following, in the following order of priority if practicable:

(1) The parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and

damage to property during those periods in which the child participates in the program;

(2) The child to work on projects or perform public service pursuant to paragraph (i) for a period that reflects the costs associated with the participation of the child in the program; or

(3) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. Except as otherwise provided in NRS 62.455 and 62.570, at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.".

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 5, to read as follows:

"Sec. 8. 1. This section and sections 1 to 5, inclusive, and 7 of this act become effective on October 1, 1999.

2. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 633.

Bill read second time.

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

Amendment No. 628.

Amend the bill as a whole by renumbering sec. 5 as sec. 9 and adding new sections designated sections 5 through 8, following sec. 4, to read as follows:

"Sec. 5. NRS 624.120 is hereby amended to read as follows:

624.120 The board shall adopt a seal for its own use. The seal must have imprinted thereon the words "State Contractors' Board, State of Nevada." The executive officer has the care and custody of the seal. *A person shall not use, copy or reproduce the seal in any way not authorized by this chapter or the regulations of the board.*

Sec. 6. NRS 624.220 is hereby amended to read as follows:

624.220 1. The board may adopt regulations necessary to effect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage as defined by NRS 624.215 and the regulations of the board.

2. The board ~~[may]~~ *shall* limit the field and scope of the operations of a licensed contractor by establishing a monetary limit on a contractor's license, and the limit must be the maximum contract a licensed contractor may undertake on one or more construction contracts on a single construction site or subdivision site for a single client. The board may take any other action designed to limit the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public. The limit ~~[, if any,]~~ must be determined after consideration of the factors set forth in NRS 624.260, 624.263 and 624.265 ~~[.]~~ *and any other factors that the board determines are necessary to assess or project the future financial solvency of the contractor.*

3. *A licensed contractor may request that the board increase the monetary limit on his license, either on a permanent basis or for a single construction project. A request submitted to the board pursuant to this subsection must be in writing on a form prescribed by the board and accompanied by such supporting documentation as the board may require. If*

a request submitted pursuant to this section is for a single construction project, the request must be submitted to the board at least 2 working days before the date on which the contractor intends to submit his bid for the project.

4. Nothing contained in this section prohibits a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in which he is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

Sec. 7. NRS 624.260 is hereby amended to read as follows:

624.260 1. The board shall require an applicant *or licensed contractor* to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the ~~[rudimentary]~~ *administrative* principles of the contracting business as the board deems necessary for the safety and protection of the public.

2. An applicant *or licensed contractor* may qualify in regard to his experience and knowledge in the following ways:

(a) If a natural person, he may qualify by personal appearance or by the appearance of his responsible managing employee.

(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.

If an applicant or licensed contractor intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensed contractor shall submit to the board such information as the board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant relating to construction.

3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he is a bona fide member or employee of that person or firm and when his principal or employer is actively engaged as a contractor shall exercise authority in connection with his principal or employer's contracting business in the following manner:

(a) To make technical and administrative decisions;

(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or through others, or effectively to recommend such action on behalf of his principal or employer; and

(c) To devote himself solely to his principal or employer's business and not to take any other employment which would conflict with his duties under this subsection.

4. A natural person may not qualify on behalf of another for more than one active license unless:

(a) One person owns at least 25 percent of each licensee for which he qualifies; or

(b) One licensee owns at least 25 percent of the other licensee.

5. Except as otherwise provided in subsection 6, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the 10 years immediately preceding the filing of his application for licensure, at least 4 years of experience as a journeyman, foreman, supervising employee or contractor in the specific classification in which he is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program approved by the board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.

6. If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which he is applying for licensure, the experience required pursuant to subsection 5 need not be accrued within the 10 years immediately preceding the application.

7. As used in this section, "journeyman" means a person who:

(a) Is fully qualified to perform, without supervision, work in the classification in which he is applying for licensure; or

(b) Has successfully completed:

(1) A program of apprenticeship for the classification in which he is applying for licensure that has been approved by the state apprenticeship council; or

(2) An equivalent program approved by the board.

Sec. 8. NRS 624.265 is hereby amended to read as follows:

624.265 An applicant for a contractor's license *or a licensed contractor* and each officer, director, partner and associate thereof ~~[shall]~~ *must* possess good character. Lack of character may be established by showing that the applicant *or licensed contractor,* or any officer, director, partner or associate thereof, has:

1. Committed any act which ~~[, if committed by any licensed contractor,]~~ would be grounds for the *denial,* suspension or revocation of a contractor's license;

2. A bad reputation for honesty and integrity;

3. Entered a plea of *nolo contendere,* guilty or guilty but mentally ill to, been found guilty of or been convicted of a *misdemeanor,* felony or crime involving moral turpitude arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

4. Had a license revoked *or suspended* for reasons that would preclude the granting *or renewal* of a license for which the application has been made.".

Amend the bill as a whole by renumbering sections 6 through 9 as sections 11 through 14 and adding a new section designated sec. 10, following sec. 5, to read as follows:

"Sec. 10. NRS 624.275 is hereby amended to read as follows:

624.275 1. ~~[The]~~ *With respect to a surety bond that a licensed contractor maintains in accordance with NRS 624.270:*

(a) The surety shall give prompt notice to the board of any claims paid against the bond of the licensed contractor.

(b) The surety may cancel the bond upon giving 60 days' notice to the board and to the contractor by certified mail.

2. Upon receipt by the board of the notice described in paragraph (a) of subsection 1, the board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he furnishes an equivalent bond or establishes an equivalent cash deposit before a date set by the board.

3. Upon receipt by the board of the notice ~~[,]~~ *described in paragraph (b) of subsection 1,* the board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he furnishes an equivalent bond or establishes an equivalent cash deposit before the effective date of the cancellation.

4. The notice mailed to the contractor by the board *pursuant to subsection 2 or 3* must be ~~[by certified mail]~~ addressed to his latest address of record in the office of the board.

~~[2.]~~ *5.* If the contractor does not comply with the requirements of the notice from the board, his license must be suspended or revoked on the date ~~[the]~~ *:*

(a) Set by the board, if the notice was provided to the contractor pursuant to subsection 2; or

(b) The bond is canceled ~~[.]~~ *, if the notice was provided to the contractor pursuant to subsection 3.*".

Amend sec. 6, page 4, line 5, by deleting "*$700.*" and inserting "*$550.*".

Amend sec. 6, page 4, line 6, by deleting "*$500*" and inserting "*$450*".

Amend the title of the bill by deleting the fourth through ninth lines and inserting:

"prohibiting the unauthorized use, copying or reproduction of the seal of the state contractors' board; making various changes with respect to a monetary limit on a contractor's license; expanding certain requirements concerning experience, knowledge, financial responsibility and good character with respect to applicants and licensed contractors; providing for notification to the board by a surety within a certain time after an action is commenced by or against the surety; establishing provisions relating to the suspension or revocation of the license of a contractor if a surety pays a claim against the bond of the licensed contractor; increasing the amount of certain fees that the board may charge; amending certain requirements for a hearing if the board

summarily suspends the license of a contractor; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 673.

Bill read second time.

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

Amendment No. 630.

Amend section 1, page 1, line 2, by deleting "26," and inserting "25,".

Amend sec. 2, page 1, line 5, by deleting "*10,*" and inserting "*9,*".

Amend sec. 3, page 1, by deleting lines 7 through 11 and inserting:

"Sec. 3. *"Administrator" means a person who is responsible for administering a service contract that is issued, sold or offered for sale by a provider.*".

Amend the bill as a whole by renumbering sections 5 and 6 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. *"Contractual liability insurance policy" means a policy of insurance that is issued to a provider to either:*

1. Reimburse the provider under the terms of a service contract issued or sold by the provider; or

2. If the provider does not satisfy his obligation under a service contract, pay on behalf of the provider any money the provider has an obligation to pay under the service contract.".

Amend the bill as a whole by deleting sections 7 and 8 and renumbering sections 9 through 29 as sections 8 through 28.

Amend sec. 9, page 2, line 13, by deleting:

"*goods owned by the holder.*" and inserting "*goods.*".

Amend sec. 10, page 2, line 15, after "*exchange for*" by inserting "*separately stated*".

Amend sec. 10, page 2, by deleting line 19 and inserting:

"*contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation:*

1. A contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service; and

2. A contract that provides for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling.".

Amend sec. 11, page 2, line 20, by deleting "*chapter*" and inserting "*Title*".

Amend sec. 11, page 2, line 23, after "*utility*" by inserting: "*on its transmission device*".

Amend sec. 11, page 2, line 35, after "*provided*" by inserting "*solely*".

Amend sec. 12, page 3, line 1, after "*issue*" by inserting: "*, sell or offer for sale*".

Amend sec. 13, page 3, line 4, after "*issue*" by inserting: "*, sell or offer for sale*".

Amend sec. 13, page 3, line 6, by deleting "*An*" and inserting "*A registration*".

Amend sec. 13, page 3, line 8, by deleting "*14*" and inserting "*13*".

Amend sec. 13, page 3, line 9, by deleting "*issue;*" and inserting: "*issue, sell or offer for sale;*".

Amend sec. 13, page 3, by deleting line 15 and inserting "*commissioner.*".

Amend sec. 14, page 3, by deleting lines 23 and 24 and inserting:

"*1. Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must be issued by an*".

Amend sec. 14, page 4, line 16, after "*issued*" by inserting "*or sold*".

Amend sec. 16, page 4, by deleting lines 19 and 20 and inserting:

"Sec. 15. *1. Except as otherwise provided in this chapter, the marketing, issuance, sale, offering for sale, making, proposing to make and administration of service contracts are not subject to the provisions of Title*".

Amend sec. 16, page 4, by deleting line 29 and inserting:

"*2. A provider, person who sells service contracts, administrator or any other person is not required to obtain a certificate*".

Amend sec. 16, page 4, line 31, after "*issue*" by inserting: "*, sell, offer for sale*".

Amend sec. 18, page 5, line 9, after "*A*" by inserting "*contractual*".

Amend sec. 18, page 5, line 18, before "*liability*" by inserting "*contractual*".

Amend sec. 19, page 5, line 23, after "*a*" by inserting "*contractual*".

Amend sec. 19, page 5, line 24, by deleting "*policy.*" and inserting: "*policy or that it is backed by the full faith and credit of the provider if the service contract is not insured by a contractual liability insurance policy.*".

Amend sec. 19, page 5, by deleting lines 27 and 28, and inserting:

"*(d) Include the name and address of the provider, the holder, if provided by the holder and, if applicable, the administrator. The names and addresses of such persons are not required to be preprinted on the service contract and may be added to the service contract at the time of the sale.*".

Amend sec. 19, page 5, line 29, after "*contract.*" by inserting: "*The purchase price must be determined pursuant to a schedule of fees established by the provider.*".

Amend sec. 19, page 5, by deleting lines 30 and 31 and inserting:

"*(f) Include a description of the goods covered by the service contract.*".

Amend sec. 19, page 5, line 34, by deleting:

"*is issued for*" and inserting "*covers*".

Amend sec. 19, pages 5 and 6, by deleting lines 42 and 43 on page 5 and lines 1 through 7 on page 6, and inserting:

"*service contract. The conditions for canceling the service contract must include, without limitation, the provisions of NRS 687B.320.*".

Amend sec. 19, page 6, line 14, by deleting "*for which*" and inserting "*covered by*".

Amend sec. 19, page 6, line 15, by deleting "*is issued*".

Amend sec. 20, page 6, by deleting lines 22 through 24 and inserting:

"Sec. 19. *1. A provider shall provide a receipt for, or other written evidence of, the purchase of a service contract.*".

Amend sec. 20, page 6, line 26, by deleting "*15 days*" and inserting: "*a reasonable time*".

Amend sec. 21, page 6, line 39, after "*issues*" by inserting: "*, sells or offers for sale*".

Amend sec. 23, page 7, line 3, by deleting "*issues;*" and inserting: "*issues, sells or offers for sale;*".

Amend sec. 23, page 7, line 7, after "*issues*" by inserting: "*, sells or offers for sale*".

Amend sec. 24, page 7, by deleting lines 21 through 26 and inserting:

"Sec. 23. *1. Except as otherwise provided in this subsection, the commissioner may conduct examinations to enforce the provisions of this chapter pursuant to the provisions of NRS 679B.230 to 679B.300, inclusive, at such times as he deems necessary. The commissioner is not required to comply with the requirement in NRS 679B.230 that insurers be examined not less frequently than every 5 years in the enforcement of this chapter.*

2. A provider shall, upon the request of the commissioner, make available to the commissioner for inspection any accounts, books and records concerning any service contract issued, sold or offered for sale by the provider which are reasonably necessary to enable the commissioner to determine whether the provider is in compliance with the provisions of this chapter.".

Amend sec. 27, page 7, line 39, by deleting "*15*" and inserting "*14*".

Amend sec. 28, page 8, line 8, after "28." by inserting "1.".

Amend sec. 28, page 8, between lines 9 and 10, by inserting:

"2. The failure of a provider or other person to comply with the provisions of this act or to administer a service contract in the manner set forth in this act before January 1, 2000, is not admissible in any court, arbitration or alternative dispute resolution proceeding, and may not otherwise be used to prove that the action of any person or any provision of the service contract was unlawful or otherwise improper.".

Amend sec. 29, page 8, by deleting line 10 and inserting:

"Sec. 28. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2000, for all other purposes.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Assemblywoman Buckley moved that upon return from the printer Assembly Bill No. 673 be placed on the Chief Clerk's desk.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 634.

Bill read second time.

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

Amendment No. 629.

Amend section 1, page 1, line 2, by deleting "8," and inserting "12,".

Amend the bill as a whole by deleting sections 2 and 3, renumbering sections 4 through 6 as sections 5 through 7 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. *1. The board shall:*

(a) Establish a special investigations unit to enforce the provisions of this chapter, consisting of criminal investigators and such other investigators as the board deems appropriate.

(b) Adopt regulations setting forth the qualifications required for investigators employed to carry out this section.

2. As used in this section, "criminal investigator" means a person employed to perform the duties set forth in subsection 2 of NRS 624.115.

Sec. 3. *1. The special investigations unit of the board shall:*

(a) Upon the receipt of a complaint against a licensee, initiate an investigation of the complaint.

(b) Within 10 days after receiving such a complaint, notify the licensee and, if known, the person making the complaint of the initiation of the investigation, and provide a copy of the complaint to the licensee.

(c) Upon the completion of its investigation of a complaint, provide the licensee and, if known, the person making the complaint with written notification of any action taken on the complaint and the reasons for taking that action.

2. The special investigations unit of the board may attempt to resolve the complaint by:

(a) Meeting and conferring with the licensee and the person making the complaint; and

(b) Requesting the licensee to provide appropriate relief.

3. If the subject matter of the complaint is not within the jurisdiction of the board, or if the board or the special investigations unit is unable to resolve the complaint to the satisfaction of the person making the complaint, after exhausting all reasonable remedies and methods of resolution, the board or its designee shall:

(a) Forward the complaint, together with any evidence or other information in the possession of the board concerning the complaint, to any public or private agency which, in the opinion of the board, would be effective in resolving the complaint to the satisfaction of the person making the complaint; and

(b) Notify the person making the complaint of its action pursuant to paragraph (a) and of any other procedures which may be available to resolve the complaint to the satisfaction of that person.

Sec. 4. *1. If the executive officer of the board, based upon a preponderance of the evidence in his possession, has reason to believe that a licensee or applicant for a contractor's license has committed an act which constitutes a cause for disciplinary action pursuant to NRS 624.300, he may issue or authorize the issuance of a written administrative citation to the licensee or applicant. A citation issued pursuant to this section may include, without limitation:*

(a) An order to take action to correct a condition resulting from an act that constitutes a cause for disciplinary action, at the licensee's or applicant's cost;

(b) An order to pay an administrative fine; and

(c) An order to reimburse the board for the amount of the expenses incurred to investigate the licensee or applicant.

2. If a written citation issued pursuant to subsection 1 includes an order to take action to correct a condition resulting from an act that constitutes a cause for disciplinary action, the citation must state the time permitted for compliance, which must be not less than 15 days after the date the licensee or applicant receives the citation, and specifically describe the action required to be taken.".

Amend sec. 4, page 2, by deleting lines 15 and 16 and inserting:

"*1. Form of a written citation issued pursuant to section 4 of this act;*".

Amend sec. 4, page 2, line 19, by deleting "*3*" and inserting "*4*".

Amend sec. 5, page 2, line 27, by deleting "*3*" and inserting "*4*".

Amend sec. 5, page 2, by deleting lines 31 through 39 and inserting:

"*(a) The facts forming the basis for the determination that the licensee or applicant has committed an act which constitutes a cause for disciplinary action;*

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the board for the expenses incurred to investigate the licensee or applicant; and

(e) Whether any corrective action described in the citation is reasonable.

3. If a licensee or applicant for a contractor's license does not contest a citation issued pursuant to section 4 of this act within 15 days after the date that he receives".

Amend sec. 5, page 2, by deleting line 43 and inserting:

"*citation issued pursuant to section 4 of this act.*".

Amend sec. 6, page 3, line 2, after "*citation*" by inserting:
"*issued pursuant to section 4 of this act*".

Amend the bill as a whole by renumbering sections 7 and 8 as section 10 and 11 and adding new sections designated sections 8 and 9, following sec. 6, to read as follows:

"Sec. 8. *1. The board or its designee shall, not less than annually:*

(a) Review the complaints received by the board to ascertain whether there are any similarities or common trends among any of those complaints;

(b) Evaluate any of those complaints for which it is determined that the board does not have jurisdiction or that there is no violation of the provisions of this chapter or the regulations adopted pursuant thereto;

(c) Identify potential difficulties in the regulation of contractors and the protection of the public pursuant to this chapter; and

(d) Report any findings and recommendations for legislation to:

(1) The governor; and

(2) The legislature or, if the legislature is not in session, the legislative commission.

2. The board shall take such action as is necessary to keep the public informed of its activities pursuant to this section.

Sec. 9. *1. A licensee or an applicant for a contractor's license must prove his financial responsibility by demonstrating that his past and current financial solvency and expectations for financial solvency in the future are such as to provide the board with a reasonable expectation that the licensee or applicant can successfully do business as a contractor without jeopardy to the public health, safety and welfare.*

2. An applicant for the issuance or renewal of a contractor's license must provide the board with a financial statement prepared by an independent certified public accountant and such other documentation as the board requires to determine his past and current financial solvency and expectations for financial solvency in the future.".

Amend sec. 7, page 3, by deleting line 11 and inserting:

"*4 of this act within 15 days after the receipt of the citation, or, if a*".

Amend sec. 7, page 3, line 14, after "*3.*" by inserting:

"*Except as otherwise provided in subsection 2, failure to pay an administrative fine imposed pursuant to this chapter within 30 days after:*

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

whichever occurs later.

4.".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 13 and 14 and adding a new section designated sec. 12, following sec. 8, to read as follows:

"Sec. 12. *1. Except as otherwise provided in this chapter, any person other than an applicant for a contractor's license who takes an examination of the board on behalf of the applicant, is guilty of a misdemeanor.*

2. Any person who, without the authorization of the board, provides any portion of an examination of the board to another person, is guilty of a misdemeanor.".

Amend sec. 9, page 3, by deleting line 28 and inserting:

"2. The board may require *criminal* investigators who are employed by the board *pursuant to section 2 of this act*".

Amend sec. 9, page 3, line 31, after "*of*" by inserting:

"*a licensee or*".

Amend sec. 9, page 3, line 36, by deleting "*NRS 624.230;*" and inserting:

"*the provisions of this chapter;*".

Amend sec. 9, page 3, line 39, by deleting "*Violate*" and inserting "*Otherwise violate*".

Amend sec. 9, page 3, by deleting lines 41 and 42 and inserting:

"*(c) Issue a written misdemeanor citation pursuant to NRS 171.1773 to a person who violates a provision of this chapter that is punishable as a misdemeanor. A criminal investigator may request any constable, sheriff or other peace officer to assist him in the issuance of such a citation.*".

Amend sec. 10, page 4, by deleting lines 16 through 25 and inserting:

"*(a) Arrests;*

(b) Guilty pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,".

Amend sec. 10, page 4, by deleting line 28 and inserting:

"person engaged in construction knowingly:".

Amend sec. 10, page 4, line 34, after "name," by inserting:

"*contractor's license number*".

Amend sec. 10, page 4, by deleting lines 36 and 37 and inserting:

"(d) *Commits any act of theft, forgery, fraud or embezzlement, in connection with a construction project, that violates a criminal statute of this state;*".

Amend the bill as a whole by renumbering sections 11 and 12 as sections 24 and 25 and adding new sections designated sections 15 through 23, following sec. 10, to read as follows:

"Sec. 15. NRS 624.170 is hereby amended to read as follows:

624.170 1. Any member of the board or the executive officer may take testimony and proofs concerning all matters within the jurisdiction of the board.

2. The board or any member thereof, or the executive officer, may:

(a) Administer oaths.

(b) Certify to all official acts.

(c) Issue subpoenas for *the* attendance of witnesses and the production of *records,* books and papers in connection with any hearing ~~[before the board or any investigation by the board of an unlicensed contractor.]~~ *, investigation or other proceeding of the board.*

Sec. 16. NRS 624.190 is hereby amended to read as follows:

624.190 1. The district court in and for the county in which any hearing *,* ~~[or]~~ investigation *or other proceeding* is held by the board may compel the attendance of witnesses, the giving of testimony and the production of *records,* books and papers as required by any subpoena issued by the board or the executive officer.

2. In case of the refusal of any witness to attend or testify or produce any ~~[papers]~~ *items* required by the subpoena *,* the board may report to the district court in and for the county in which the hearing *,* ~~[or]~~ investigation *or other proceeding* will be held by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the *records,* books or papers;

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

(c) The witness has failed and refused to attend or produce the ~~[papers]~~ *items* required by subpoena before the board in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him in the course of the hearing ~~[or investigation,]~~ *, investigation or other proceeding,*

and ask an order of the court compelling the witness to attend and testify or produce the *records,* books or papers before the board.

3. The court, upon petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the *records,* books or papers before the board. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the board or the executive officer, the court shall thereupon enter an order that the witness appear before the board at the time and place fixed in the order and testify or produce the required *records,* books or papers. Upon failure to obey the order *,* the witness must be dealt with as for contempt of court.

Sec. 17. NRS 624.200 is hereby amended to read as follows:

624.200 The board may in any hearing *,* ~~[or]~~ investigation *or other proceeding* before it cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by the Nevada Rules of Civil Procedure for like depositions in civil actions in the district courts of this state, and to that end may compel the attendance of witnesses and the production of *records,* books and papers.

Sec. 18. NRS 624.210 is hereby amended to read as follows:

624.210 Any party to any hearing , ~~[or]~~ investigation *or other proceeding* before the board has the right to the attendance of witnesses in his behalf at the hearing , ~~[or]~~ investigation *or other proceeding* or upon deposition as set forth in this chapter upon making a request therefor to the board and designating the person sought to be subpoenaed.

Sec. 19. NRS 624.220 is hereby amended to read as follows:

624.220 1. The board may adopt regulations necessary to effect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage as defined by NRS 624.215 and the regulations of the board.

2. The board may limit the field and scope of the operations of a licensed contractor by establishing a monetary limit on a contractor's license, and the limit must be the maximum contract a licensed contractor may undertake on one or more construction contracts on a single construction site or subdivision site for a single client. The board may take any other action designed to limit the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public. The limit, if any, must be determined after consideration of the factors set forth in NRS 624.260, 624.263 and 624.265 ~~[.~~

~~3. Nothing contained in this section prohibits]~~ *and section 9 of this act.*

3. This section does not prohibit a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in which he is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

Sec. 20. NRS 624.230 is hereby amended to read as follows:

624.230 1. It is unlawful for any person or combination of persons to:

(a) Engage in the business or act in the capacity of a contractor within this state; or

(b) Submit a bid on a job situated within this state,

without having ~~[a]~~ *an active* license therefor as provided in this chapter, unless that person or combination of persons is exempted from licensure ~~[as provided in this chapter.]~~ *pursuant to NRS 624.330.*

2. The district attorneys in this state shall prosecute all violations of this section which occur in their respective counties, unless the violations are prosecuted by the attorney general. Upon the request of the board, the attorney general shall prosecute any violation of this section in lieu of prosecution by the district attorney.

3. In addition to any other penalty imposed pursuant to this chapter, a person who is convicted of violating subsection 1 may be required to pay:

(a) Court costs and the costs of prosecution;

(b) Reasonable costs of the investigation of the violation to the board;

(c) Damages he caused as a result of the violation up to the amount of his pecuniary gain from the violation; or

(d) Any combination of paragraphs (a), (b) and (c).

4. ~~[Any bid submitted by a person who is neither licensed nor exempted from licensure as provided in this chapter at the time the bid is submitted is void.]~~ *If a person submits a bid or enters into a contract in violation of subsection 1, the bid or contract shall be deemed void ab initio.*

Sec. 21. NRS 624.250 is hereby amended to read as follows:

624.250 1. To obtain a license, an applicant must submit to the board an application in writing containing ~~[the]~~ *:*

(a) The statement that the applicant desires the issuance of a license under the terms of this chapter.

(b) The street address or other physical location of the applicant's place of business.

(c) The name of a person physically located in this state for service of process on the applicant.

(d) The street address or other physical location in this state and, if different, the mailing address, for service of process on the applicant.

(e) The names and residential and mailing addresses of any owners, partners, officers, directors, members and managerial personnel of the applicant.

(f) Any information requested by the board to ascertain the background, financial responsibility, experience, knowledge and qualifications of the applicant.

2. The application must be:

(a) Made on a form prescribed by the board in accordance with the rules and regulations adopted by the board.

(b) Accompanied by the fee fixed by this chapter.

3. If the applicant is a natural person, the application must include the social security number of the applicant.

Sec. 22. NRS 624.260 is hereby amended to read as follows:

624.260 1. The board shall require *a licensee or* an applicant *for a contractor's license* to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the ~~[rudimentary]~~ *administrative* principles of the contracting business as the board deems necessary for the safety and protection of the public.

2. An applicant may qualify in regard to his experience and knowledge in the following ways:

(a) If a natural person, he may qualify by personal appearance or by the appearance of his responsible managing employee.

(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.

3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he is a bona fide member or employee of that person or firm and when his principal or employer is actively engaged as a contractor shall exercise authority in connection with his principal or employer's contracting business in the following manner:

(a) To make technical and administrative decisions;

(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or through others, or effectively to recommend such action on behalf of his principal or employer; and

(c) To devote himself solely to his principal or employer's business and not to take any other employment which would conflict with his duties under this subsection.

4. A natural person may not qualify on behalf of another for more than one active license unless:

(a) One person owns at least 25 percent of each licensee for which he qualifies; or

(b) One licensee owns at least 25 percent of the other licensee.

Sec. 23. NRS 624.263 is hereby amended to read as follows:

624.263 1. ~~[For the purposes of this chapter, financial responsibility means a past and present business record of solvency. If the applicant or contractor is a corporation, its]~~ *The* financial responsibility *of a licensee or an applicant for a contractor's license* must be established independently of and without reliance on ~~[the assets of its officers, directors or stockholders,]~~ *any assets or guarantees of any owners or managing officers of the licensee or applicant,* but the financial responsibility of ~~[its officers and directors]~~ *any owners or managing officers of the licensee or applicant* may be inquired into and considered as a criterion in determining the ~~[corporation's financial responsibility.]~~ *financial responsibility of the licensee or applicant.*

2. The financial responsibility of an applicant for a contractor's license or of a licensed contractor must be determined by using the following standards and criteria in connection with each applicant or contractor and each associate or partner thereof:

(a) Net worth.

(b) Amount of liquid assets.

(c) Prior payment and credit records.

(d) Previous business experience.

(e) Prior and pending lawsuits.

(f) Prior and pending liens.

(g) Adverse judgments.

(h) Conviction of a felony or crime involving moral turpitude.

(i) Prior suspension or revocation of a contractor's license in Nevada or elsewhere.

(j) An adjudication of bankruptcy or any other proceeding under the federal bankruptcy laws, including:

(1) A composition, arrangement or reorganization proceeding;

(2) The appointment of a receiver of the property of the applicant or contractor or any officer, director, associate or partner thereof under the laws of this state or the United States; or

(3) The making of an assignment for the benefit of creditors.

(k) Form of business organization (corporate or otherwise).

(l) Information obtained from confidential financial references and credit reports.

(m) Reputation for honesty and integrity of the applicant or contractor or any officer, director, associate or partner thereof.

3. A licensed contractor shall, as soon as it is reasonably practicable, notify the board in writing upon the filing of a petition or application relating to the contractor that initiates any proceeding, appointment or assignment set forth in paragraph (j) of subsection 2. The written notice must be accompanied by:

(a) A copy of the petition or application filed with the court; and

(b) A copy of any order of the court which is relevant to the financial responsibility of the contractor, including any order appointing a trustee, receiver or assignee.".

Amend sec. 11, page 5, by deleting lines 10 and 11 and inserting:

"~~[3.]~~ *(c)* Entered a plea of *nolo contendere,* guilty or guilty but mentally ill to, been found guilty of or been convicted of a ~~[felony or crime involving moral turpitude]~~ *crime*".

Amend sec. 11, page 5, line 18, by deleting "*An*" and inserting:

"*Upon the request of the board, an*".

Amend sec. 11, page 5, by deleting line 25 and inserting:

"*The applicant's fingerprints may be taken by an agent of the board or an agency of law*".

Amend sec. 11, pages 5 and 6, by deleting lines 37 through 43 on page 5 and lines 1 through 4 on page 6, and inserting:

"*(a) Arrests;*

(b) Guilty pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

for the investigation of a licensee or an applicant for a contractor's license.".

Amend the bill as a whole by renumbering sec. 13 as sec. 28 and adding new sections designated sections 26 and 27, following sec. 12, to read as follows:

"Sec. 26. NRS 624.283 is hereby amended to read as follows:

624.283 1. Each license issued under the provisions of this chapter expires 1 year after the date on which it is issued, except that the board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. A license may be renewed by submitting to the board:

(a) An application for renewal;

(b) The statement required pursuant to NRS 624.268 if the holder of the license is a natural person; and

(c) The fee for renewal fixed by the board.

3. The board may require ~~[the]~~ *a* licensee to ~~[submit]~~ *demonstrate his financial responsibility* at any time ~~[a]~~ *through the submission of:*

(a) A financial statement that is prepared by ~~[a]~~ *an independent* certified public accountant ~~[, if the board believes that:~~

~~(a) The licensee did not pay an undisputed debt;~~

~~(b) The licensee has violated or may be violating a provision of chapter 624 of NRS or a regulation adopted pursuant thereto; or~~

~~(c) The licensee's financial responsibility may be impaired.]~~ *; and*

(b) If the licensee performs residential construction, such additional documentation as the board deems appropriate.

4. If a license is automatically suspended pursuant to subsection 1, the licensee may have his license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the board, if he is otherwise in good standing and there are no complaints pending against him. If he is otherwise not in good standing or there is a complaint pending, the board shall require him to provide a current financial statement prepared by ~~[a]~~ *an independent* certified public accountant or establish other conditions for reinstatement. If the licensee is a natural person, his application for renewal must be accompanied by the statement required pursuant to NRS 624.268. A license which is not reinstated within 6 months after it is automatically suspended may be canceled by the board, and a new license may be issued only upon application for an original contractor's license.

Sec. 27. NRS 624.295 is hereby amended to read as follows:

624.295 If a member of the board becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a contractor in this state, the member of the board may inform the executive ~~[director]~~ *officer* of the board of the allegations. The executive ~~[director,]~~ *officer,* upon receiving such information shall take such actions as he deems appropriate under the circumstances.".

Amend sec. 13, page 7, by deleting lines 19 and 20 and inserting:

"624.300 1. Except as otherwise provided in subsection ~~[6,]~~ *3,* the board may:".

Amend sec. 13, page 7, by deleting line 27 and inserting:

"cost ~~[;]~~ *, that may consist of requiring the licensee to:*

(1) Perform the corrective work himself;

(2) Hire and pay another licensee to perform the corrective work; or

(3) Pay to the owner of the construction project a specified sum to correct the condition; or".

Amend sec. 13, page 8, by deleting lines 14 through 20 and inserting:

"~~[6. The board shall not take any disciplinary action pursuant to this section regarding a constructional defect, as that term is defined in NRS 40.615, during the period in which any claim arising out of that defect is being settled, mediated or otherwise resolved pursuant to NRS 40.600 to 40.695, inclusive, unless the disciplinary action is necessary to protect the public health or safety.]~~

7. If discipline is imposed pursuant to this section, *including any discipline imposed pursuant to a stipulated settlement,* the costs of the".

Amend the bill as a whole by renumbering sections 14 and 15 as sections 34 and 35 and adding new sections designated sections 29 through 33, following sec. 13, to read as follows:

"Sec. 29. NRS 624.301 is hereby amended to read as follows:

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

1. Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor.

2. *Abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment, unless the contractor is entitled to retain the amount paid pursuant to the terms of the contract or the contractor refunds the excessive amount paid within 30 days after the abandonment of the project.*

3. Failure in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract.

~~[3.]~~ *4.* Willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence, thereby causing material injury to another.

~~[4.]~~ *5.* Willful failure or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty, thereby causing material injury to another.

Sec. 30. NRS 624.3011 is hereby amended to read as follows:

624.3011 1. The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

(a) Willful and prejudicial departure from or disregard of plans or specifications in any material respect without the consent of the owner or his authorized representative and the person entitled to have the particular construction project or operation completed in accordance with the plans and specifications.

(b) ~~[Failure to respond to a claim arising out of a constructional defect, as that term is defined in NRS 40.615.~~

~~(c)]~~ Willful or deliberate disregard and violation of:

(1) The building laws of the state or of any political subdivision thereof.

(2) The safety laws or labor laws of the state.

(3) Any provision of the Nevada health and safety laws or the regulations adopted thereunder relating to the digging, boring or drilling of water wells.

(4) The laws of this state regarding industrial insurance.

2. If a contractor performs construction without obtaining any necessary building permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this state or of its political subdivisions. ~~[The board shall not require the contractor to obtain that permit more than 90 days after the construction is completed.]~~

Sec. 31. NRS 624.3012 is hereby amended to read as follows:

624.3012 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Diversion of ~~[funds]~~ *money* or property received for *the* completion of a specific construction project or operation or for a specified purpose in the completion of any construction project or operation to any other construction project or operation, obligation or purpose.

2. Willful or deliberate failure by any licensee or agent or officer thereof to pay any ~~[moneys]~~ *money* when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient ~~[funds]~~ *money* therefor as payment for the particular construction work, project or operation for which the services or materials were rendered or purchased, or the false denial of any such amount due or the validity of the claim thereof with intent to secure a discount upon such indebtedness or with intent to injure, delay or defraud the person to whom such indebtedness is due.

3. Failure to obtain the discharge or release of any lien recorded against the property to be improved by a construction project for the price of any materials or services rendered to the project by order of the contractor, when the contractor has received sufficient money therefor as payment for the project, within 75 days after the recording of the lien.

Sec. 32. NRS 624.3013 is hereby amended to read as follows:

624.3013 The following acts, among others, constitute cause for disciplinary action pursuant to NRS 624.300:

1. Failure to keep records showing all contracts, documents, receipts and disbursements by a licensee of all of his transactions as a contractor and to keep them open for inspection by the board or executive officer for a period of not less than 3 years after the completion of any construction project or operation to which the records refer.

2. Misrepresentation of a material fact by an applicant or licensee ~~[in obtaining a license, or]~~ in connection with any information or evidence furnished the board in connection with official matters of the board.

3. Failure to establish financial responsibility pursuant to NRS 624.220, 624.260, 624.263 and 624.265 *and section 9 of this act* at the time of renewal of the license or at any other time when required by the board.

4. Failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the board.

5. Failure in any material respect to comply with the provisions of this chapter or the regulations of the board.

Sec. 33. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act *committed in the capacity* of a contractor . ~~[whereby substantial injury is sustained by another.]~~

2. A conviction of a *violation of section 12 of this act or a* felony or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.245 or 108.246.

5. Failure to comply with NRS 597.713, 597.716 or 597.719 ~~[.]~~ *or any regulations of the board governing contracts for the construction of residential pools and spas.*

6. Failure to comply with NRS 624.321.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.".

Amend sec. 14, page 8, line 31, after "transmission" by inserting:

"*, on the Internet*".

Amend sec. 15, page 8, by deleting lines 36 through 39 and inserting:

"624.360 1. ~~[Any person violating any of the provisions of this chapter:]~~ *It is unlawful for a person to commit any act or omission described in subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.*

2. Any person who violates subsection 1, subsection 1 of NRS 624.230 or NRS 624.290, 624.305 or 624.307:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not ~~[less than $500 nor]~~ more than $1,000, and may be further punished by imprisonment in the county jail for".

Amend sec. 15, page 9, by deleting line 7 and inserting:

"~~[2.]~~ *3.* Imposition of ~~[the]~~ *a* penalty provided for in this section is not".

Amend sec. 15, page 9, line 9, by deleting "inclusive." and inserting:

"inclusive ~~[.]~~ *, and section 10 of this act.*".

Amend the bill as a whole by renumbering sections 16 and 17 as sections 39 and 40 and adding new sections designated sections 36 through 38, following sec. 15, to read as follows:

"Sec. 36. NRS 171.17751 is hereby amended to read as follows:

171.17751 1. Any board of county commissioners or governing body of a city may designate the chief officer of the organized fire department or any employees designated by him, and certain of its inspectors of solid waste management, building, housing and licensing inspectors, zoning enforcement officers, parking enforcement officers, animal control officers, traffic engineers, and marshals and park rangers of units of specialized law enforcement established pursuant to NRS 280.125, to prepare, sign and serve written citations on persons accused of violating a county or city ordinance.

2. The state health officer and the health officer of each county, district and city may designate certain of his employees to prepare, sign and serve written citations on persons accused of violating any law, ordinance or regulation of a board of health that relates to public health.

3. The chief of the manufactured housing division of the department of business and industry may designate certain of his employees to prepare, sign and serve written citations on persons accused of violating any law or regulation of the division relating to the provisions of chapters 118B, 461, 461A and 489 of NRS.

4. The state contractors' board may designate certain of its employees to prepare, sign and serve written citations on persons ~~[accused of violating NRS 624.230.]~~ *pursuant to subsection 2 of NRS 624.115.*

5. An employee designated pursuant to this section:

(a) May exercise the authority to prepare, sign and serve citations only within the field of enforcement in which he works;

(b) May, if he is employed by a city or county, prepare, sign and serve a citation only to enforce an ordinance of the city or county by which he is employed; and

(c) Shall comply with the provisions of NRS 171.1773.

Sec. 37. NRS 278.610 is hereby amended to read as follows:

278.610 1. Except as otherwise provided in subsection 3, after the establishment of the position of building inspector and the filling of the position as provided in NRS 278.570, it is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure within the territory covered by the building code or zoning regulations without obtaining a building permit from the building inspector.

2. The building inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all building code and zoning regulations then in effect.

3. The provisions of subsection 1 do not apply to a school district to which the state public works board has delegated its powers and duties under NRS 393.110.

4. A building inspector shall not issue a building permit to a person acting for another unless the applicant proves to the satisfaction of the building inspector that he is licensed as a contractor for that work pursuant to the provisions of ~~[NRS 624.230 to 624.320, inclusive.]~~ *chapter 624 of NRS.*

Sec. 38. NRS 289.300 is hereby amended to read as follows:

289.300 *1.* A person employed as an investigator by the private investigator's licensing board pursuant to NRS 648.025 has the powers of a peace officer.

2. A person employed as a criminal investigator by the state contractors' board pursuant to section 2 of this act has the powers of a peace officer to carry out his duties pursuant to subsection 2 of NRS 624.115.".

Amend the title of the bill to read as follows:

"AN ACT relating to contractors; providing for the establishment and duties of a special investigations unit; making various changes regarding the procedures and grounds for taking and the scope of disciplinary action against a contractor; requiring annual reports by the state contractors' board; making various changes concerning constructional fraud, proceedings of the board, the prerequisites to obtaining and maintaining a license, the enforcement of licensing requirements and the imposition of administrative and criminal penalties for violations; providing additional administrative and criminal penalties; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 515.

Bill read second time.

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

Amendment No. 690.

Amend section 1, page 1, by deleting section 1 and inserting:

"Section 1. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 3 and 4 and inserting:

"Secs. 3 and 4. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 6 and 7 and inserting:

"Secs. 6 and 7. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 8 through 10 and inserting:

"Secs. 8-10. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 12 and 13 and inserting:

"Secs. 12 and 13. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 15 and 16 and inserting:

"Secs. 15 and 16. (Deleted by amendment.)".

Amend sec. 17, page 7, line 2, by deleting:

"*sections 15, 16 and*" and inserting "*section*".

Amend the bill as a whole by deleting sections 18 through 21 and inserting:

"Secs. 18-21. (Deleted by amendment.)".

Amend the title of the bill to read as follows:

"AN ACT relating to health insurance; providing that a policy of health insurance must include a provision allowing a woman who is covered by the policy to have direct access to certain health care services for women; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides that policy of health insurance must include provision allowing woman who is covered to have direct access to certain health care services for women. (BDR 57-254)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 542 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Jo Marshall and Linda Lovelle.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Donny Duckett.

Assemblyman Perkins moved that the Assembly adjourn until Monday, April 19, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:25 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

The Journal of the Assembly

OF THE

SEVENTIETH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1999

BEGUN ON MONDAY, THE FIRST DAY OF FEBRUARY, AND ENDED ON MONDAY, THE THIRTY-FIRST DAY OF MAY

VOLUME 2

THE SEVENTY-EIGHTH DAY—
THE ONE HUNDRED AND TWENTIETH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS

ARRANGEMENT AND CONTENTS OF VOLUME 2

	Page
ASSEMBLY PROCEEDINGS	1291
GENERAL INDEX	2563
ASSEMBLY STANDING RULES	2597
INDEX TO ASSEMBLY STANDING RULES	2615
JOINT STANDING RULES OF THE SENATE AND ASSEMBLY	2627
INDEX TO JOINT STANDING RULES OF THE SENATE AND ASSEMBLY	2647

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 19, 1999

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, we give You thanks for this beautiful day, for Your abundant goodness and mercies that are new every morning . We pray for protection and safety for our troops in Europe and pray for the many innocent people caught in the middle of the conflict. We also pray for this body of Legislators, their staff, and families. May You, Lord give to each one wisdom and understanding to effectively and rightly serve the people of Nevada. In the name of the Most High God, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 668 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 577 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 13, 577 and 673.

GENERAL FILE AND THIRD READING

Assembly Bill No. 668.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani, Neighbors, Buckley and Bache:

Amendment No. 694.

Amend the bill as a whole by deleting sections 1 through 6 and inserting:

"Secs. 1-6. (Deleted by amendment.)".

Amend sec. 31, page 17, line 28, by deleting "1, 2 and".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblymen Chowning and Von Tobel.

Roll call on Assembly Bill No. 160:

YEAS—39.

NAYS—Collins, Gibbons, Goldwater—3.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 380:

YEAS—42.

NAYS—None.

Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 431:

YEAS—29.

NAYS—Angle, Beers, Berman, Brower, Cegavske, Dini, Gibbons, Gustavson, Humke, Lee, Marvel, Ohrenschall, Von Tobel—13.

Assembly Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblymen Chowning, Mortenson and Gustavson.

Roll call on Assembly Bill No. 453:

YEAS—20.

NAYS—Angle, Beers, Berman, Brower, Carpenter, Cegavske, de Braga, Dini, Evans, Gibbons, Gustavson, Hettrick, Humke, Lee, Marvel, Mortenson, Neighbors, Parks, Perkins, Price, Tiffany, Von Tobel—22.

Assembly Bill No. 453 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 470:

YEAS—33.

NAYS—Angle, Beers, Brower, Cegavske, Gustavson, Hettrick, Humke, Marvel, Nolan—9.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 577 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 577.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 697.

Amend the bill as a whole by renumbering sections 7 and 8 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. 1. There is hereby appropriated from the state general fund to the court administrator of the Second Judicial District of the State of Nevada the sum of $10,000 for the continuation of its program of treatment for the abuse of alcohol or drugs established pursuant to NRS 453.580.

2. There is hereby appropriated from the state general fund to the court administrator of the Eighth Judicial District of the State of Nevada the sum of $15,000 for the continuation of its program of treatment for the abuse of alcohol or drugs established pursuant to NRS 453.580.

3. The money appropriated by subsections 1 and 2 must be used to supplement and not supplant or cause to be reduced any other source of funding for the program of treatment established, respectively, in the Second and Eighth Judicial District Court pursuant to NRS 453.580.

4. Any remaining balances of the appropriations made by subsections 1 and 2 of this act must not be committed for expenditure after June 30, 1999, and revert to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 8, page 10, by deleting lines 6 through 9 and inserting:

"Sec. 9. 1. Section 7 of this act becomes effective upon passage and approval or on June 30, 1999, whichever occurs earlier.

2. This section and sections 1 to 5, inclusive, and 8 of this act become effective on October 1, 1999.

3. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill, first line, after "marihuana;" by inserting: "making appropriations for the continuation of certain court programs of treatment for the abuse of alcohol or drugs;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Assemblywoman Giunchigliani moved that upon return from the printer Assembly Bill No. 577 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed and to Chief Clerk's desk.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 477:

YEAS—38.

NAYS—Collins, Gustavson—2.

NOT VOTING—Angle, Carpenter—2.

Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 492:

YEAS—42.

NAYS—None.

Assembly Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 515:
YEAS—40.
NAYS—Angle, Gustavson—2.
Assembly Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 542.
Bill read third time.
Assemblyman Anderson moved that Assembly Bill No. 542 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Anderson.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 673 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.
Remarks by Assemblywoman Buckley.
Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 13 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.
Remarks by Assemblyman Arberry.
Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 653 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Arberry.
Motion carried.

Assemblywoman Giunchigliani moved that Asembly Bill No. 217 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblywoman Giunchigliani.
Motion carried.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 12:48 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 217 be taken from its position on the General File and placed at the top of the top General File.

Remarks by Assemblyman Perkins.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 542 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Perkins.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 577 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 217.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 693.

Amend section 1, pages 1 and 2, by deleting lines 3 through 9 on page 1 and lines 1 through 12 on page 2, and inserting:

"*A public school shall afford the parents and legal guardians of pupils who are enrolled in the school an opportunity to submit written comments regarding the supplemental textbooks proposed for instructional use.*".

Amend sec. 2, page 2, by deleting line 19 and inserting:

"*or originally formatted videotapes,*".

Amend sec. 3, page 2, by deleting lines 36 through 40 and inserting:

"3. Any school officer or teacher who violates the provisions of this".

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring that parents and legal guardians be afforded an opportunity to submit comments on supplemental textbooks for use in the public schools; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "for public" and inserting "for parental".

Assemblywoman Giunchigliani moved the adoption of the amendment.
Remarks by Assemblywoman Giunchigliani.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 553.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 553:
YEAS—41.
NAYS—None.
EXCUSED—Carpenter.
Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 628.
Bill read third time.
Remarks by Assemblymen Parks and Nolan.
Conflict of interest declared by Assemblyman Nolan.
Roll call on Assembly Bill No. 628:
YEAS—40.
NAYS—None.
NOT VOTING—Nolan.
EXCUSED—Carpenter.
Assembly Bill No. 628 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 633.
Bill read third time.
Remarks by Assemblymen Humke and Collins.
Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.
Potential conflict of interest declared by Assemblymen Collins and Lee.
Roll call on Assembly Bill No. 633:
YEAS—40.
NAYS—Gustavson.
EXCUSED—Carpenter.
Assembly Bill No. 633 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 634.
Bill read third time.
Remarks by Assemblymen Evans and Lee.
Potential conflict of interest declared by Assemblymen Collins and Lee.

Roll call on Assembly Bill No. 634:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 634 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 653.

Bill read third time.

Remarks by Assemblymen Arberry, Buckley and Brower.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 653:

YEAS—31.

NAYS—Anderson, Buckley, Claborn, Collins, Koivisto, Leslie, Ohrenschall, Parnell, Perkins, Thomas—10.

EXCUSED—Carpenter.

Assembly Bill No. 653 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 668 be placed at the top of the General File.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 668.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 668:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 668 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 2:15 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 542.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 701.

Amend sec. 7, page 7, by deleting lines 24 through 36 and inserting:

"*3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other than the person to whom that provision applies. Such an exception must be provided if the court determines that:*

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his employment;

(2) To obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) To transport himself or another member of his immediate family to or from school; or

(b) An alternative means of transportation is not available to a".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Segerblom.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 217, returned from the printer, be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblymen Cegavske, Williams, Goldwater, Parnell, Anderson, Hettrick and Perkins.

Roll call on Assembly Bill No. 217:

YEAS—15.

NAYS—Anderson, Arberry, Bache, Buckley, Claborn, de Braga, Dini, Evans, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Williams—26.

EXCUSED—Carpenter.

Assembly Bill No. 217 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 542, returned from the printer, be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblymen Anderson and Giunchigliani.

Roll call on Assembly Bill No. 542:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 542 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 122, 140, 305, 353; Assembly Concurrent Resolution No. 4; Senate Bill No. 115; Senate Concurrent Resolution No. 31.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Lyon.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Carrillo, Krystal Durbin, Heather Goff, Ana Gomez, Norma Lozano, Jassmin Martel, Malisha Peacock, Jessica Seyster, Jackie Silis, Kerrinna Urrea, Lanette White, Sheena Wiest, Tashina Wungnema, Ervine Baird and Cheryl Leonard.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 20, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:40 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 20, 1999

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Tiffany, who were excused.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, I pray for Your blessing on these Assemblymen and Assemblywomen as they serve the people of our state. Give them wisdom and understanding to effectively and rightly deal with the issues before them. Lord, we are thankful to know that each of these political leaders are placed here by Your hand, according to the 13th chapter of Romans–bless them and their families. We also pray for Your protection for our military personnel. In the name of the Most High God, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 146, 232, 347, 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 371, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 167, 250, 340, 649.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 25, 32, 38, 103, 128, 131, 133, 140, 144, 145, 161, 163, 178, 194, 211, 224, 225, 259, 273, 287, 318, 342, 349, 357, 362, 366, 369, 384, 391, 394, 419, 423, 428, 436, 438, 439, 440, 447, 449, 451, 463, 473, 477, 478, 487, 495, 500, 510, 512, 526, 530, 537, 544; Senate Joint Resolutions Nos. 3, 9.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 9.

Assemblyman Perkins moved that the resolution be referred to the Concurrent Committees on Constitutional Amendments and Government Affairs.

Motion carried.

Assemblyman Perkins moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 25.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 32.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 38.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 103.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 128.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 131.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 133.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 140.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 144.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 145.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 161.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 163.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 178.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 194.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 211.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 224.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 225.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 259.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 273.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 287.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 318.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 342.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 349.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 357.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 362.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 366.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 369.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 384.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 391.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 394.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 419.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 423.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 428.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 436.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of the Select Committee on Senate Bill No. 438, the first named member of the committee being the chairman, the second named being vice-chairman: Assemblymen Bache, Dini, Buckley, Leslie, Neighbors, Parks, Brower, Hettrick and Tiffany.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 438.

Assemblyman Perkins moved that the bill be referred to the Select Committee on Senate Bill No. 438.

Motion carried.

Senate Bill No. 439.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 440.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 447.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 449.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 451.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Commerce and Labor and Judiciary.

Motion carried.

Senate Bill No. 463.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 473.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 477.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 478.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Bill No. 487.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 495.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 500.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 510.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 512.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 526.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 530.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 537.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 544.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Robert DiMedio.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Jones.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Chet Diercks.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas J. Burns and Mike McGroarty.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Leverick and Victor Fuchs.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Tony McDonnell, Ken Kruse, Richard Bobek Porter, Steven Bounds, Sarah Burks, Vanessa Delgado, Salvador Dorado, Marianna Estrada, Ericka Figueroa, Seline Ford, Justin Frost, Robert Huiras, Amber Huleva, Trever Inman, Amanda Martinez, Christopher Martinez, Jose Martinez, Justin Matheus, Chad Mize, Kori-Ann Nielsen, Dominique Oviatt, Tanish Rodriguez, Mayra Salazar, Jessica Saldana, Jessica Smith, Grace Stover, Lesieli Tangitau, Johnathan Query, Mrs. Chi, Mr. Nielsen, Mrs Mathus, Grandma Faye, Giovanni Beltran, Morgan Brizucla, Simone Brown, Charisse Browning, Sparky Crawford, Stephanie Crena, Mayra DeSantiago, Jeff Frossard, Dunpiza Galimba, Datie Henson, Kristie Kilgore, Jorge Lemus, Justin Littlefield, Alma Martinez, Jerrquistia Mothershed, April Ostrander, Frankie Ostrander, Justin Phillips, Monique Monzo, Kerlin Rivas, Cierra Ropp, Harlow Sayers, Amanda Schweitzer, Brandi Seymour, David Terfebn, John Wilderson, Rhonda Browning, Scott Cresta, Audrey Sayers, Carol Kahler, Fay George and Dorothy Forman.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to James T. Winkler and Rick Quinn.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Vilkin and Pamela Vilkin.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Stanton D. Gordon and Alice Ross-Gordon.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Litchfield.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to George Higgins and Patrick Higgins.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ernie Cramer and Gerald Homm.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Loughridge and Joseph Geist.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Joseph Clark.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Scala and Neil Davis.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 21, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 21, 1999

Assembly called to order at 11:36 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, our prayers come to You this morning on behalf of the people of Littleton, Colorado and especially for the families that were directly affected in yesterday's tragic shootings. You Lord, the Father of mercies and God of all comfort, pour Your grace and comfort upon the people of that community. I also pray for Your blessing on the Assembly. Give wisdom and understanding that each might effectively and righteously deal with the issues before them. In the name of the Most High God, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 111, 183, 217, 367, 456, 498, 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 532, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 173, 480, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which were referred Senate Bills Nos. 36, 202, 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 153, 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

VONNE S. CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 28, 144, 345, 390, 391.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 47—Designating April 21, 1999, as E Clampus Vitus Day at the Nevada Legislature.

WHEREAS, It has come to the attention of the Nevada Legislature that the Ancient and Honorable Order of E Clampus Vitus has maintained its honorable status throughout the known world and especially in this great State of Nevada; and

WHEREAS, The Ancient and Honorable and Exceedingly Humble Order of E Clampus Vitus has survived the test of time to become one of the longest surviving brotherhoods of men that continues to fulfill a fundamental need in providing protection and kindness while advancing the noble cause of Clamperdom to residents of the Silver State, especially all the "widders" and orphans, and descendants of the argonauts; and

WHEREAS, The Honorable Order of E Clampus Vitus was founded in West Virginia in 1845 by Ephram Bee, owner of a tavern on the National Road, and shortly thereafter the warmhearted brothers affectionately became known as the "Clampin Vipers"; and

WHEREAS, In 1860, William Stewart founded the first Ancient and Honorable Order of E Clampus Vitus, Winnemucca Lodge #1, in the Utah Territory, in the unsuspecting peaceful town known as Carson City; and

WHEREAS, The creed of the Clamproctors, yesterday, as well as today, is "to protect the 'widders' and orphans, and MAINLY the 'widders'"; and

WHEREAS, The State of Nevada is proud to continue the tradition of 154 years of devoted service with the Nevada chapters which now include the Snowshoe Thomson Chapter of Douglas County, the Julia C. Bulette Chapter of the Comstock, the Lucinda Jane Saunders Chapter of Elko County and the Keheo Chapter of Clark County; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature, of whom many are proud members of E Clampus Vitus, do hereby declare April 21, 1999, as E Clampus Vitus Day at the Nevada Legislature, a day to be marked by appropriate revelry and thanksgiving; and be it further

RESOLVED, That the Ancient and Honorable Order of E Clampus Vitus is praised and commended for its contributions to mankind and others, and recognized as an illustrious group

of Clampers, Clampatrious, Vituscans and Frolicking Friars who must continue to serve and protect the residents of the Silver State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Clamp Patriarchs, Peter Van Alstyne and John W. Riggs, Sr.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblymen Goldwater, Price and Anderson.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 47 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 321.

Bill read second time and ordered to third reading.

Assembly Bill No. 371.

Bill read second time and ordered to third reading.

Senate Bill No. 204.

Bill read second time and ordered to third reading.

CONSENT CALENDAR

Senate Bills Nos. 146, 232, 347, 361.

Bills read by number.

Roll call on Senate Bills Nos. 146, 232, 347, 361:

YEAS—42.

NAYS—None.

Senate Bills Nos. 146, 347, 361 having received a constitutional majority, Mr. Speaker declared them passed.

Senate Bill No. 232 having received a two-thirds majority, Mr. Speaker declared it passed.

Bills ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblymen McClain, Bache, Anderson, Williams, Giunchigliani, Collins, Price and Perkins.

Assemblymen Perkins, Goldwater and Giunchigliani moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 348.

Roll call on Assembly Bill No. 348:

YEAS—38.

NAYS—Anderson, Bache, Gibbons, Giunchigliani—4.

Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 6—Expressing appreciation to the staff of the Assembly and designating April 21, 1999, as Assembly Staff Appreciation Day.

WHEREAS, The Nevada Legislature undertakes an enormous task every 2 years in the performance of its legislative duties on behalf of the residents of the State of Nevada; and

WHEREAS, The smooth and efficient operation of the Nevada Legislature is largely dependent upon the abilities of the members of its staff; and

WHEREAS, This legislative session is the first session limited to 120 days, and this limitation places many extra demands on the staff by requiring them to learn and assimilate new skills at an accelerated rate and to process their work even more efficiently; and

WHEREAS, The bill clerks, secretaries, sergeants at arms, and clerical and support staff who serve as attachés of the Assembly have worked diligently and efficiently in their service to the members of the Assembly; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 70th session of the Nevada Legislature do hereby express their sincere appreciation and commend the outstanding support staff of the Assembly, which includes Susan Furlong Reil, Bonnie Borda Hoffecker, Carole Cavolick, Matthew Baker, Jasmine N. Shackley, Jason Hataway, Terry Sullivan, Charlene Brundle, Joe Crawford, Marlo Harding, Rebecca M. Harris, Gregorio D. Torres, Betty J. Phenix, Jeanne Douglass, Paula A. Winne, Jackie L. Cheney, Kathryn Lombardo, Linda A. Cooper, Karen Crawford, Harle Glover, Christina Alfonso, Rachel R. Baker, Jennifer Batchelder, Jane L. Baughman, Ken Beaton, Jennifer Carnahan, Chris Casey, Cynthia Cendagorta, Cindy Clampitt, Meagen A. Colard, Christine M. Cole, Hilary A. Graunke, Sara J. Kaufman, Nykki Kinsley, Virginia Letts, Darlene A. Rubin, Sharon T. Spencer, Carol J. Thomsen, Janine Marie Toth, Charlotte S. Tucker, Novella Watson-Lee, Julie Whitacre, Joann Van Wyhe, Debbie Zuspan, Christine N. Adkins, Yolanda Baldridge, Mary Bean, Penny Brock, Cleone C. Bujalski, Bonnie Compton, Linda Corbett, Stephany Corral, Cecile Crofoot, Irene M. Davis, Kathleen A. Day, Nancy Dickson, Naomi S. Dottei, Lori Fitzgerald, Kelly S. Gregory, Marjorie L. Griffin, Donna Hancock, Nicole L. Heckman, Lonnie Heiderman, Joyce G. Hess, Barbara Houger, Marilyn Jayne, Diane Keetch, Joann Kula, Kelly Liston, Lois L. McDonald, Kelly McVey, Yhvona Martin, Carolyn J. Maynick, Nanita Moore, Aurora Ruiz, Sheila Sease, Sherie Silva, Valerie Valdez, Jackie L. Valley, Linda Young, Tabitha D. Horn, Francis L. Noe, Michael G. Collins, Stanley B. Miller, Bruce Pfeiffer, Eddie Cordisco, Mary Carel, Kathryn R. Beydler, Norm Budden, Melvin Cowperthwaite, John P. Davin, John Davis, Jr., Juanita M. Heston, Kathleen L. Jorgenson, Lois LaHair, Steve Lamoreaux, Laverna E. Marwin, Bob Maynick, Brigitta Metz, Reid Meyer, John T. Meyer, Barbara Morgan, Jesse N. Picket, Mike Pintar, Shanna Pozzi and Mark A. Trabert; and be it further

RESOLVED, That April 21, 1999, is hereby designated as Assembly Staff Appreciation Day in recognition of the dedicated and excellent service the staff of the Assembly has provided to the members of the Assembly and to the residents of the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the Assembly staff commended in this resolution.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Evans, Von Tobel, Hettrick, Ohrenschall, Price, Anderson, Mortenson and Collins.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Liston, Ken Beaton, Jennifer Carnahan, Chris Casey and Novella Watson-Lee.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Penny Brock.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Sherie Silva, Christina Alfonso, Rachel Baker, Cynthia Cendagorta, Cindy Clampitt, Carol Thompson, Janine Toth, Debbie Zuspan, Nancy Crandall, Nikki McKenney, Carolyn Wahnon, Vigie Vincent, Janice Terry and Cindy Selakovic.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Jayne, Sara Kaufman, Virginia Letts, Charlotte Tucker and Rachel Baker.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Fitzgerald.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Joann Kula.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Tabitha Horn.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Houger, Jane Baughman, Cleone Bujalski and Meagen Colard.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hancock.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Naomi Dottei.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley and Jennifer Batchelder.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Millie Jorgenson.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly McVey.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Cecile Crofoot and Sharon Spencer.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Phenix, Paula Winne and Karen Crawford.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Cheney and Lonnie Heiderman.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Lois McDonald and Darlene Rubin.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Yolanda Baldridge.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Niki Cano, Marge Griffin and Jodie Van Wyhe.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Cole and Nykki Kinsley.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Gregory.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Cooper and Jeanne Douglass.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Maynick.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Heckman.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Adkins.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Gina Jackson and Stephany Corral.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Day.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Yhvona Martin.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Compton.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Sease.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Keetch.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Aurora Ruiz.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Irene Davis.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Bean.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Lombardo and Joey Cohn.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Smith, Nanita Moore and Julie Whitacre.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Hess and Dan Ahlstrom.

On request of Assemblyman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Young.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Dickson.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Valdez.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Corbett and Hilary Graunke.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 22, 1999 at 10:45 a.m., and that it do so in memory of the victims of the killings in Littleton, Colorado.

Motion carried.

Assembly adjourned at 12:56 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 22, 1999

Assembly called to order at 10:56 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louie Locke.

Lord we continue to pray for the people of Littleton, Colorado and for the people of our nation, as our hearts are touched deeply with the tragic loss of the lives of the young people there. Bring comfort, peace and healing. We also pray for the "Every 15 Minutes" drunk driver education program that is going on at Carson High School today, even as we speak. Lord, bring awareness to the hearts and minds of our young people of the ever-present dangers they face in the decisions they make. Help us as parents, love, lead and guide our kids. I also ask You to bless this body of legislators and their families. Give them wisdom in their deliberations and decisions, and protect and give strength during these demanding 120 days. In the name of the Most High God, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 7, 24, 99, 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache stated objection to inclusion of Senate Bills Nos. 111 and 183 on the Consent Calendar.

Senate Bills Nos. 111 and 183 placed on the Second Reading File.

Assemblywoman Buckley stated objection to inclusion of Senate Bill No. 153 on the Consent Calendar.

Senate Bill No. 153 placed on the Second Reading File.

Assemblyman Goldwater stated objection to inclusion of Senate Bill No. 238 on the Consent Calendar.

Senate Bill No. 238 placed on the Second Reading File.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 47.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 48—Memorializing former legislator and distinguished public servant, Raymond L. Knisley.

WHEREAS, The members of the Nevada Legislature were deeply saddened by the death of long-time Lovelock resident and distinguished public servant, Raymond L. Knisley, on May 4, 1998; and

WHEREAS, Ray Knisley was born on August 22, 1898, to parents, Randolph Hughes and Minnie Waggoner Knisley, in Gentry County, Missouri, on a farm that years earlier had been surveyed by pioneer legend Daniel Boone; and

WHEREAS, At an early age Ray Knisley rode by horseback from the Midwest to California where he began what would become a 50-year career starting as a polo pony trainer and working into a land developer for the family of Nevada pioneer, Lucky Baldwin; and

WHEREAS, In 1921, Ray Knisley was sent to Lake Tahoe where the Baldwin family owned property to try to convince early landowners at the lake to convey portions of their land to the Federal Government in an attempt to preserve a portion of the pristine Lake Tahoe for future generations; and

WHEREAS, Thirty years later in 1951, the Federal Government purchased 4,700 acres at Lake Tahoe and began creating recreational areas including Camp Richardson, making Ray Knisley's dream a reality; and

WHEREAS, On September 14, 1930, Raymond Knisley and Florence Richardson were married and from this union that lasted 37 years until Florence Knisley's death in 1967, came two daughters, Karen Knisley of Boulder City and Barbara Knisley Lespade of Elko; and

WHEREAS, Ray Knisley was elected to the Assembly representing Pershing County in 1959 and served in five regular sessions (1959, 1960, 1961, 1963 and 1965) and three special sessions (1964, 1965 and 1966); and

WHEREAS, As a legislator, Ray Knisley proposed that a new standing committee was needed to handle state, county and city affairs and the Assembly Standing Committee on Government Affairs was created with Ray Knisley as its first chairman; and

WHEREAS, Ray Knisley also developed the oversight process for the issuance of general obligation bonds by counties, a process that is still used today and he worked to improve education including supporting the development of the Desert Research Institute; and

WHEREAS, After his service as an Assemblyman, Ray Knisley continued to be involved in state issues and spent several years offering his wisdom and insight concerning proposed legislation to many Legislators, including the late Senator James I. Gibson; and

WHEREAS, Ray Knisley was appointed to the Lake Tahoe Regional Planning Agency by former Governor Mike O'Callaghan and the years he served in this position provided the people of Nevada with outstanding representation; and

WHEREAS, In 1967, Raymond Knisley was named a "Distinguished Nevadan," at the graduation ceremonies of the University of Nevada, Reno; and

WHEREAS, Ray Knisley was deeply committed to helping his community and this state and throughout the years he served as Director of the American National Cattlemen's Association, Director and Vice President of the Nevada Cattle Association, Director and Vice President of the Nevada Taxpayers' Association, Director of the Nevada Safety Council, Director of the Pershing County Chamber of Commerce, Director of the Tahoe-Sierra Chamber of Commerce and member of the Farm Bureau of Pershing County, Prospectors Club of Reno, Lovelock Lions Club and President of the County Farm Bureau; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature hereby express their deepest sympathy to the family and friends of Raymond L. Knisley; and be it further

RESOLVED, That Ray Knisley will long be remembered for his many years of distinguished service to the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Ray Knisley's daughters, Karen Knisley and Barbara Knisley Lespade.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Carpenter, Segerblom and Price.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted unanimously.

Assemblyman Marvel moved that all rules be suspended and that Assembly Concurrent Resolution No. 48 be immediately transmitted to the Senate.

Motion carried unanimously.

CONSENT CALENDAR

Senate Bills Nos. 36, 173, 202, 217, 268, 367, 456, 480, 483, 498, 533.

Bills read by number.

Roll call on Senate Bills Nos. 36, 173, 202, 217, 268, 367, 456, 480, 483, 498, 533:

YEAS—42.

NAYS—None.

Senate Bills Nos. 36, 173, 202, 217, 268, 367, 456, 480, 483, 498, 533 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 711.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective upon passage and approval.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 494.

Bill read second time and ordered to third reading.

Senate Bill No. 532.

Bill read second time.

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

Amendment No. 709.

Amend section 1, page 2, by deleting lines 9 and 10 and inserting:

"*deposit:*

(a) One thousand dollars or more but less than $10,000 since the last deposit, the money must be deposited not later than the next Thursday following such a day. If Thursday is not a banking day, then the deposit must be made on the next banking day following that Thursday.

(b) Ten thousand dollars or more since the last deposit, the money must be deposited not later than the next banking day.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 111.

Bill read second time and ordered to third reading.

Senate Bill No. 183.

Bill read second time and ordered to third reading.

Senate Bill No. 153.

Bill read second time and ordered to third reading.

Senate Bill No. 238.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 321:

YEAS—42.

NAYS—None.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblywomen Parnell and Koivisto.

Potential conflict of interest declared by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 371:

YEAS—30.

NAYS—Angle, Beers, Brower, Carpenter, Cegavske, Gustavson, Hettrick, Humke, Marvel, Nolan, Tiffany, Von Tobel—12.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Assembly Bill No. 489:

YEAS—42.

NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 204.

Bill read third time.

Remarks by Assemblymen Chowning, Bache and Perkins.

Roll call on Senate Bill No. 204:

YEAS—36.

NAYS—Claborn, Evans, Giunchigliani, Goldwater, Koivisto, Perkins—6.

Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 32.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 32.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblymen Humke, Gibbons and Anderson.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 33.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 33.

Assemblywoman Von Tobel moved the adoption of the resolution.

Remarks by Assemblymen Von Tobel, Brower and Nolan.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 28, 144, 167, 250, 340, 345, 390, 391 and 649.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Arnold, Justin Barnes, Torri Benson, Seth Cercone, Diana Dahlgren, Danielle Finley, Benjamin Gibson, Russell Gibson, Erin Lawrence, Aaron Marble, Melissa McCusker, Benjamin McManus, Cody Mieras, Jennifer Nichols, Danielle Oliver, Datie Ralston, Josefina Ramirez, Matthew Robertson, Gabriel Rudebusch, Ross Smith, Justin Soule, Joshua Stagner, Karina Torres, Dustin Wright, Cassendra Aguirre, Caitlyn Anthony, Ashley Baker, Tonya Beck, Troy Bonham, Westley Burner, Leslie Capurro, Rebecca Haley, David Keil, Cassin LaFountaine, Edgar Macias, Tony Martin, Christopher Martinez, Christopher McNaught, Heather, Miller, Cody Pilgeram, Summer Rasmussen

Brandon Roberts, Ashley Russell, Jamie Sippola, Tanner Wolfson and Reyna Zatarain.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Mater.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Kellar.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Baldridge and Bernice Sheldon.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ricci Reigle, Jimmy Sturdy, Leanna Causaus and Tom Linnastruth.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Teglia, Wayne Teglia, Kara Teglia, Dan Teglia, Linda Foreman, Robert Foreman, Andrea Foreman, Sara Foreman, Derek Teglia, Amanda Teglia and Micah Foreman.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Fulkerson and Anne McKenzie.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Hancpol, Karen Knisley and Barbra Knisley-Lespade.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Asp, Kyle Banko, Jennifer Bevans, Tyler Bourns, Meagan Brewer, Meagan Caerter, Cameron Coleman, Sean Crowley, Kristopher Forrester, Alicia Freeman, Chelsea Gray, Mark Gwaltney, Caitlin Hasty, Andrew Hill, Eric Larson, Kelsey Lewallen, J. Neuenswander, Kyle Petterson, Daniel Scarbrough, Lori Schneider, London Snow, Ian Truesdell, John Palacios, Mary Gray, Theresa Larson, Pam Banko, Kevin Hill, Cindy Tatro, Marci Bevans, Sarah Freeman, Tammie Rhinesmith and Christine Perdomo.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ann-Louise Kuhns.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Smith, Michael Tarr, Gerald Tarr and Linda Tarr.

Assemblyman Perkins moved that the Assembly adjourn until April 23, 1999, at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 23, 1999

Assembly called to order at 10:56 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Collins, Nolan and Segerblom, who were excused.

Prayer by the Chaplain, Louie Locke.

Psalm 35 says, "Lord, I will give You thanks in the great assembly; I will praise You among many people." In this Assembly this morning, we praise and give You thanks. Psalm 105 encourages us to "Call upon Your name;" and that we do, on behalf of the people of our state and the people of our nation as we navigate through these days of difficulty and challenge in which we live. We call upon Your name, because You are the source of wisdom, the God of comfort, the One who can redeem. Show Yourself strong, O Lord. I pray Your blessing on the people of this Assembly. Put wisdom and integrity in their hearts that they might effectively carry out their duties and responsibilities. In the name of the Most High God, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Joint Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 166, 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 151, 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 158, 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 656, 658, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 48.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Williams, Arberry, Parks, McClain, Collins, Manendo, Segerblom, Gibbons, Von Tobel, Ohrenschall, Price, Marvel, Berman, Neighbors, Lee, Buckley, Perkins, Hettrick, Cegavske, Humke, Chowning, de Braga, Mortenson, Claborn, Gustavson, Angle, Koivisto, Parnell, Tiffany, Freeman, Bache, Anderson, Giunchigliani, Goldwater, Thomas, Carpenter, Nolan, Leslie, Brower, Evans, Beers and Dini; Senators Neal, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 49—Memorializing civil rights pioneer Dr. James B. McMillan.

WHEREAS, The members of the Nevada Legislature were saddened to learn of the passing of civil rights pioneer Dr. James B. McMillan; and

WHEREAS, James B. McMillan was born on January 14, 1917, in Mississippi, to James Milton McMillan and the former Rosalie Gay; and

WHEREAS, James B. McMillan graduated from the University of Detroit where he was the first black to play on the school's football team; and

WHEREAS, James B. McMillan attended and received his Doctor of Dental Surgery from Meharry Medical College School of Dentistry, the country's first black medical college, and served his country in the Army Dental Corps during World War II and the Korean War; and

WHEREAS, When Dr. McMillan moved to Las Vegas in the early 1950s, he became the first black dentist in the State of Nevada; and

WHEREAS, At the time, the city was known as the "Mississippi of the West" where blacks were welcome at the casinos and hotels as entertainers and menial laborers, but not to gamble or socialize; and

WHEREAS, In 1960, in what is widely regarded as one of the most historic moments in Las Vegas history, Dr. McMillan, then President of the Las Vegas chapter of the National Association for the Advancement of Colored People, led the successful struggle to desegregate the town by challenging the "Strip" and downtown hotels and casinos to purge themselves of their racist policies; and

WHEREAS, On March 26, 1999, Clark County celebrated the 39th anniversary of the deal brokered by James McMillan which led to the desegregation of Las Vegas hotels and casinos; and

WHEREAS, In addition to numerous stints as President of the Las Vegas chapter of the National Association for the Advancement of Colored People, Dr. McMillan served as a member of the Clark County School Board from 1992 to 1996, was founder of the Las Vegas Human Rights Commission, was the first black to serve on the State Democratic Central Committee, was appointed to the Board of Dental Examiners of Nevada in 1971 by former Governor Mike O'Callaghan, served as past President of the Nevada Black Chamber of Commerce, was a member of Alpha Phi Alpha fraternity and had an elementary school named in his honor in northwest Las Vegas; and

WHEREAS, This "champion of the underdog," in addition to his passion for the civil rights movement, was an active lobbyist for more equal representation of minorities in Clark County government and an advocate for better treatment, housing and transportation for seniors, worked to register blacks to vote and was instrumental in getting several schools built in west Las Vegas; and

WHEREAS, Last year, Dr. McMillan's autobiography, *Fighting Back: A Life in the Struggle for Civil Rights* was released; and

WHEREAS, The passing of this civil rights pioneer on March 20, 1999, left behind a city whose racial outlook has changed dramatically, in large part through Dr. McMillan's own stubborn, courageous efforts; and

WHEREAS, Dr. McMillan is survived by his beloved wife, Marie, daughter, Jarmilla Arnold of Las Vegas, four sons, James B. McMillan III, Chris Bramley and Jeffrey McMillan, all of Las Vegas, and Jack Daly of Sedro Woolley, Washington, and several grandchildren and great-grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature convey their sympathies and condolences to Dr. James McMillan's wife, Marie, and his children; and be it further

RESOLVED, That Dr. James McMillan will long be remembered for his commitment to the struggle for civil rights and racial equality; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Dr. McMillan's loving wife, Marie.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams, Giunchigliani, Ohrenschall and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I had the opportunity, which was one of the highlights of my life, to meet Dr. James B. McMillan some time ago, upon moving to Las Vegas. One of the things he said to me that I remember is, "For every man who lives without freedom, the rest of us must face that guilt." Dr. McMillan had such an unrelentless drive to make people's lives better. He had undaunted courage to stand up and strive for the under-served and those who were ignored in American society.

If you look at some of the negative aspects and experiences which confronted Dr. McMillan during his life, you would almost have to wonder why he dedicated his entire life to do so much for others. As a small boy growing up in Mississippi, he witnessed his mother being taken away from their home, taken into town, stripped down to her waist and beaten by the KKK. After deciding to attend the University of Michigan on a football scholarship, he left because he was assigned living quarters that were inferior to those that were assigned to the white athletes. While in the United States military, after making the rank of lieutenant, Dr. McMillan saw that the German prisoners of war were treated better than his fellow black soldiers—just another obstacle he and other black soldiers had to confront.

After moving to Las Vegas and finishing dental school, in 1954, he experienced a long delay before he was issued his license. This was after he had scored one of the highest marks on a dental exam by the Nevada Board of Dental Examiners. He was later told by Dr. Quannah McCall that the reason his license was delayed for so long was because if they issued the license he would be the first black to receive a license in dentistry in Nevada. Although he went through these things in life he still strived to help other people. In 1971, former Governor Michael O'Callaghan appointed Dr. McMillan to the Board of Dental Examiners—the same board that delayed his license some 20 years previously. One of the highlights I think we have to remember in Nevada, is that Dr. McMillan teamed up with Grant Sawyer, Hank Greenspun and others, and brokered a deal inside the Moulin Rouge Hotel in Las Vegas that desegregated the living quarters and the Strip in Las Vegas. This led to the prospering that we see in Las Vegas today.

Mr. Speaker, I have no doubt that had it not been for the courage of Dr. James B. McMillan, I would not be standing here today in these honorable Chambers. Had it not been for Dr. McMillan, this great Nevadan, life in this great state might not be as enjoyable for many people as it is today. It is with honor and pleasure that I urge my colleagues to adopt this resolution.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of ACR 49. If I may, "Doc", how I fondly knew him, was a gentleman, always a gentleman. He had a quiet, very forceful strength, one that I wish I could adopt from time to time. As Mr. Williams said, I think he had an absolute commitment and belief in people, freedom, and civil rights. It was never what was right for him, but what was right for everybody. He taught me so much. I had the privilege of working with him as a teacher, partially during his wonderful years as a school board member, which I think he enjoyed immensely. He contributed so much to our community. Thank you for sharing him with us. Over the years, I know what kind of commitment public service takes. He was a wonderful human being and I appreciate having known him.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I represented Dr. McMillan when, as president of the NAACP, he joined in a class action suit against the Clark County Commissioners who were attempting to change the method of election of commissioners back to the old "at large" method. Had that succeeded, the African-American community would have been effectively deprived of a seat on the Clark County Commission. Even though, by that time, Dr. McMillan was established in the community and there were obviously many subtle business reprisals which could have been feared, and in fact, did occur, he did not hesitate to lead the fight. He was truly an inspiration. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I had the pleasure and honor of working with Jim, or I should say Dr. McMillan, over the years on a number of projects. I think citizens, who come to Las Vegas today and over the last few years, would never imagine how bad it really was back in the '50s when Dr. McMillan started his wonderful work. He did work for years and years, continuously. I was fortunate enough to serve on several committees and operations, including the Democratic Party, with him. He was a wonderful, wonderful person. I can tell you that our city is a lot better today than it was then. I would not say everything is perfect, but it is 99 percent better than it was when he first started his work. I am so pleased that we are honoring him today, although it is for a sad occasion. He was a wonderful Nevadan and a great Las Vegan. I am so glad we are doing this resolution in his memory.

Resolution adopted unanimously.

Assemblyman Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 49 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Wiener, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend and Washington:

Assembly Concurrent Resolution No. 50—Memorializing former Speaker of the Assembly, Berkeley L. Bunker.

WHEREAS, The members of the Nevada Legislature note with profound sorrow the passing of native Nevadan and former Assemblyman Berkeley L. Bunker on January 21, 1999; and

WHEREAS, The story of this native Nevadan began on August 12, 1906, on a farm in the Moapa Valley hamlet of St. Thomas, where Berkeley Bunker was born one of the 10 children of Martin and Helen Bunker, pioneers who settled in St. Thomas in 1877; and

WHEREAS, In the 1920s, the Bunker family relocated to Las Vegas, a railroad town with a population of just a few thousand whose future excited Berkeley Bunker as he envisioned the possibilities which he would spend most of his life helping to make reality; and

WHEREAS, After graduation from Las Vegas High School and time spent as a missionary for his church, Berkeley Bunker married his high school sweetheart, Lucille Whitehead, who was his partner for the next 55 years until her death in 1988; and

WHEREAS, Berkeley Bunker later married Della Lee, a long-time friend and native of Panaca; and

WHEREAS, Berkeley Bunker was elected to the Nevada Assembly in 1936, 1938 and 1940, serving as Speaker of the Assembly during his second term and also as Chairman of the Ways and Means Committee; and

WHEREAS, Before serving his third term as Assemblyman, Berkeley Bunker was appointed by Governor E. P. Carville to complete the term of United States Senator Key Pittman; and

WHEREAS, In 1944, Berkeley Bunker won the only Nevada seat in the United States House of Representatives; and

WHEREAS, After his career in politics, Berkeley Bunker, who did not believe in retirement, continued as co-owner of Bunker Brothers Mortuary and then as a bankruptcy trustee; and

WHEREAS, Berkeley Bunker's commitment to the community is evidenced by his membership and service in numerous organizations such as the Kiwanas Club, Rotary Club, Boy Scouts of America, American Red Cross and American Cancer Society, as well as being past President of the Las Vegas YMCA and national President of the Order of the Golden Rule; and

WHEREAS, Berkeley Bunker is survived by his beloved wife Della, his daughters, Loretta Derrick and Ann Harris, his stepson, Dr. James Lee Richards, his stepdaughter, Sharla Humphrey, his sister, Ann Shipley, as well as 22 grandchildren and 24 great-grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th Session of the Nevada Legislature express their heartfelt sympathy and sincere condolences to the family and friends of former Assemblyman Berkeley Bunker; and be it further

RESOLVED, That Berkeley Bunker will long be remembered with the highest regard for his integrity, sense of humor and positive outlook as well as the rich legacy of his service to the community of Las Vegas and to the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Berkeley Bunker's family.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Perkins and Ohrenschall.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Perhaps the most significant fact of this resolution is that Berkeley Bunker was not, as most of us would be, content to rest after years of his distinguished service. Lesser men would have retired to a life of ease and comfort. Yet, Berkeley Bunker continued to serve as an adviser, mentor and guide to many of us. His counsel was always wise, his advice to the point, and his commitment to his family, his community and to his God was unwaivering.

In a time of sound bites based on polling, Berkeley Bunker never would have bent to the pressure of the moment. He showed throughout his life that public life, public service, could be conducted with reasonable ideas and quiet dignity. For that, and for the guidance he gave, he will be sorely missed by me and by the many who drew from his strength.

Berkeley Bunker happened to have been my neighbor and Della, his wife, asked me to accept this on behalf of the family so that when I go home this weekend I can deliver it to her. Richard Bunker was, unfortunately, not able to be here today.

I would stop by, and seek his counsel from time to time after he suffered, unfortunately, an amputation. He still provided counsel to the members of his church any time they wanted it. He was just a wonderful person and gave a great deal to his community. He was a good family man and I just wanted to give that little background about Berkeley. The family is very, very appreciative and Della wanted me to convey that to the body for having this resolution today. Thank you.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I, too, rise in support of ACR 50. It never ceases to amaze me about this pioneer state, particularly during the time Berkeley Bunker served when it truly was a pioneer state. How could all this be accomplished by one person? How could you be elected three times to the State Assembly, serve as Speaker, get appointed to the United States Senate, go on to run successfully for the House of Representatives and still be there for your family, and for your faith? This speaks volumes of who we are as a state.

Every time I see accomplishments and activities like this, it truly humbles me to participate in this process and to think of those who came before us, and through their efforts accomplished much more than I could ever dream of accomplishing. I think we can all be proud of the accomplishments of Berkeley Bunker and be happy for the things we have today, that occurred on behalf of his efforts. Thank you, Mr. Speaker.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. Berkeley Bunker was an acquaintance, but more than an acquaintance—he was a friend. It's unusual, but today we are honoring three giants of Nevada history and I've had the honor and pleasure of working with all three of them, of knowing them and being influenced by them. I met Berkeley Bunker when I was still very new to Las Vegas, many years ago. He was always there to provide help and assistance within the community; to take time to bring my son James up on Nevada history and to take him and show him all the different sites. But more than that, he was a bankruptcy trustee. When you met him in his office you had no idea you were talking to a former United States Senator and Congressman, or Speaker of the Assembly. He was a very simple man. He took the time, even though he wasn't a lawyer. He knew more bankruptcy law than, well, most of the bankruptcy bar in southern Nevada. I truly felt that he was my bankruptcy law mentor. He was always there, he always had a kind word. No question was too small for him to take the time to answer. He brought you the idea, the spirit of what bankruptcy law was about and how it could be used to help people. That, I think, sums it up. Berkeley Bunker spent his life helping people. I know that God will have judged him to be what the Bible calls "a righteous man." Thank you.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. One point I did forget to make is that when Berkley passed away, it was on the evening that the school was being dedicated in his name and I think that was one of his proudest moments. I forgot that Della had asked me to put that on the record. Quietly,

unbeknownst to him, I'd gone around the neighborhood and got a petition signed to ask the school board to go ahead and consider that. Della wound up giving the remarks that night at the school dedication. I know that it was one of his proudest moments, to have that kind of legacy. He truly was a contributor to the community. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 50 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Von Tobel, Carpenter, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany and Williams; Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 51—Commending Nevada's top two youth volunteers named by the National Prudential Spirit of Community Awards for 1998.

WHEREAS, The Prudential Insurance Company of America, in partnership with the National Association of Secondary School Principals, sponsors the Prudential Spirit of Community Awards; and

WHEREAS, The Prudential Spirit of Community Awards are designed to recognize young people between the ages of 11 and 18 years who have demonstrated exemplary, self-initiated community service; and

WHEREAS, Nominees are chosen each fall from more than 35,000 public and private middle-level and high schools throughout the United States, local honorees are selected from these nominees and, from these winners, two persons are chosen in each state; and

WHEREAS, Nevada's top two youth volunteers for 1998, Jamie McAdoo and Jesse Waite, were selected from a list of distinguished nominees; and

WHEREAS, Jamie McAdoo, 18 years, of Elko High School in Elko was chosen for her commitment to tutoring a young autistic boy for the past 6 years and due in part to her work with this boy, she aspires to be a special education teacher; and

WHEREAS, Jesse Waite, 15 years, of W. Mack Lyon Middle School in Overton was chosen for designing and organizing a landscaping project to beautify an empty lot at a local elementary school; and

WHEREAS, He organized volunteers, solicited donations and, overcoming some weighty obstacles, his patience and determination enabled him to see the project to completion ; and

WHEREAS, These young people exemplify the spirit of the community that is so important to the future of our cities, towns and neighborhoods; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Jamie McAdoo and Jesse Waite, Nevada's top winners of the Prudential Spirit of Community Awards, are hereby commended for their role in enhancing the lives of others and making their communities better places to live through community service; and be it further

RESOLVED, That the residents of the State of Nevada are urged to take inspiration from these young people and follow their example by becoming involved in community service; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit copies of this resolution to Jamie McAdoo and Jesse Waite.

Assemblywoman Von Tobel moved the adoption of the resolution.

Remarks by Assemblywoman Von Tobel.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN VON TOBEL:

Thank you, Mr. Speaker. Jesse Waite is the son of Herb and Pamela Sue Waite, of Logandale, Nevada. He is 15 years old and a freshman at Moapa Valley High School with a 4.0 grade point average. He's involved in sports programs offered at the high school, mainly football, basketball and baseball. In September of 1997 while attending Nat Cline Middle School he was actively looking for a worthwhile Eagle Scout project. He is a member of the National Junior Honor Society Chapter at the middle school, which encourages those students in doing acts of service for both community, school and churches in this area.

Jesse noted there was a need at the elementary school for something to be done with a vacant lot that sat on school grounds next to the playground area. It was an eyesore to those driving by the school and during those seasons where the wind gusts were heavy, the children would get sand-whipped by the wind. He went to work. He designed and landscaped a lot which measured 80 feet by 60 feet. He recruited various businesses, the Clark County School District, fellow scouts, family and friends in the community to donate supplies, money and time in the project. They dug trenches and laid piping for a watering system; leveled the ground; and planted flowers, trees and lined the lot in decorative rock. He received his honor as Eagle Scout in March of 1998 for his project. While seeing the project take shape, Jesse's Honor Society advisor submitted his project to the National Association of Secondary School Principals and in May of 1998, he was awarded the Prudential Spirit of Community Award at the middle school level and represented the State of Nevada in Washington, D.C.

While talking to the Waite family, I found out that while he was back in Washington D.C., Jesse was able to see Representative Jim Gibbons and was very much honored. My colleague who sits in front of me has given toys from her toyshop to the Waite children, who are here today. It has been a real honor for them to be here today.

Resolution adopted unanimously.

Assemblywoman Von Tobel moved that all rules be suspended and that Assembly Concurrent Resolution No. 51 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblyman Lee:

Assembly Concurrent Resolution No. 52—Memorializing the former Mayor of the City of North Las Vegas, James Kent Seastrand.

WHEREAS, Nevadans were deeply saddened by the passing of Jim Seastrand on November 2, 1997; and

WHEREAS, James "Jim" Kent Seastrand was born in American Fork, Utah, on June 24, 1929; and

WHEREAS, Following his graduation from American Fork High School, Jim Seastrand attended L.D.S. Business College in Salt Lake City, Utah, and graduated in 1954 from Brigham Young University, earning a degree in marketing and business administration; and

WHEREAS, After serving as an officer and Mormon Chaplain in the United States Air Force during the Korean War and attaining the rank of captain, Jim Seastrand began a successful career

in business as the owner and President of Vegas Village Shopping Corporation, and earned the trust of many in his community; and

WHEREAS, His unquestioned integrity led to his appointment to fill a vacancy on the North Las Vegas City Council in 1973 when North Las Vegas was a relatively nondescript city in the shadows of Las Vegas; and

WHEREAS, After serving on the North Las Vegas City Council for 6 1/2 years, Jim Seastrand was elected Mayor, and served the city for 16 years in that office; and

WHEREAS, Under the diplomatic leadership of Jim Seastrand, the downtown area of North Las Vegas was revitalized by the initiation of an ambitious redevelopment program and the vast northern valley was opened up for the development of planned communities; and

WHEREAS, Mayor Seastrand used his training in management and business as a force in stabilizing the resulting growth of the city as it doubled its population during his 22 1/2 years of public service; and

WHEREAS, As Mayor, Jim Seastrand strove to represent all of the residents in the community and helped initiate programs such as "Make a Difference Day" which put city employees into the community for service work; and

WHEREAS, Jim Seastrand helped bring his city out of the shadows of Las Vegas and give the community its own identity and positive image; and

WHEREAS, Because of his many accomplishments and contributions to his community and this state, Jim Seastrand was honored in 1990 as "Nevada Public Official of the Year"; and

WHEREAS, In his capacity as a leader in the Church of Jesus Christ of Latter-Day Saints, Jim Seastrand served as a Bishop, a Regional Representative of the Quorum of the Twelve Apostles, a District President in the British Mission, President of the North Las Vegas Stake and Mission Leader for his ward, and Chairman of the Las Vegas Temple Building Committee, and he authored the religious book *Journey to Eternal Life and Distractions Along the Way*; and

WHEREAS, Jim Seastrand was further involved in his community as Chairman of the Nellis Air Force Base Civilian Military Council, as a member of the Nevada Development Authority Executive Board and as a Board Member of the Las Vegas Convention and Visitors Authority; and

WHEREAS, Jim Seastrand received the Silver Beaver Award from the Boy Scouts of America in recognition of his contributions to the young people of that organization, including his persistent encouragement to all young people to get involved in politics so that they could make a difference in the world; and

WHEREAS, In 1996, while serving as the Chairman of the Lake Mead Hospital Medical Center, Jim Seastrand was presented with the commendation of "Trustee of Excellence" for his contributions to that organization; and

WHEREAS, Jim Seastrand received an Honorary Doctorate Degree from National University and an Honorary Associate's Degree from Clark County Community College for his efforts in the field of education; and

WHEREAS, In 1997, Jim Seastrand was presented with the illustrious Emeritus Special Recognition Award by his alma mater for his community service as a businessman and public official; and

WHEREAS, The "Jim Seastrand Helping Hands of North Las Vegas" volunteer organization was formed by the members of the Nevada Commission on Aging to aid disabled, elderly and frail persons, in tribute to his work in that field and his recent service as a member of the Commission; and

WHEREAS, Jim Seastrand is survived by his wife of more than 40 years, Rosel, his daughter, Pamela Shelline of St. George, Utah, his sons, Scott, Douglas and Russell Seastrand, all of Las Vegas, and 15 grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature offer their sincere condolences and heartfelt sympathy to the family and friends of James "Jim" Seastrand, a man who left a legacy of public service, leading by example and unselfish sharing with his family, his church, his community and his state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jim Seastrand's beloved wife, Rosel.

Assemblyman Lee moved the adoption of the resolution.

Remarks by Assemblymen Lee, Chowning, Ohrenschall, Williams and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN LEE:

Thank you, Mr. Speaker. About 25 years ago I had the fortunate opportunity to date probably the prettiest girl I had ever met in my life. Being smart enough to realize that she could take something and make something out of me, I decided to hang around and see if she would marry me. The week I turned 19 we got married and started our young family. Through that marriage I became associated with some wonderful people called relatives. On her side of the family I met a gentleman named "Uncle Jim." Jim Seastrand, at that time, had been the mayor of North Las Vegas and city councilman for quite a period of time. His daughter and I had gone to school together. She was a wonderful girl so I knew the man must be a good guy. From that point in time, Uncle Jim became my Uncle Jim. I've been able to stand back and politely clap for all the accomplishments that Jim Seastrand has done in his life. The achievements, the undertakings that almost seemed impossible, the energy this man expended to get things accomplished.

Jim spent six and a half years on the city council and after that he spent 16 years as the mayor of North Las Vegas. I think that's probably near a record. Uncle Jim loved his Father in Heaven very much and served wherever he was asked to serve. He never turned down a calling and was always there to help other people in their responsibilities in my church. His family was the most paramount thing in his life. Working with his boys, building businesses together with them, taking family vacations. I don't think Uncle Jim did anything that did not involve all his children.

Jim loved his community. North Las Vegas, was, for years, kind of a bedroom city of Las Vegas. When Jim Seastrand became mayor, it started to blossom and started to grow. We started to get some pride. North Las Vegas, in his tenure, probably tripled in size. Jim Seastrand worked with a lot of good people on the city council, people that he reached out to in the community and helped to get elected. With them, he built this great community called North Las Vegas. The last thing that Jim Seastrand worried about was himself. I don't ever recall talking to Jim Seastrand about anything he wanted. It was always for his family, his church, or for his community.

Mr. Speaker, there are men like you in this world who love their communities. I don't know if you are aware how much your communities love you. Jim Seastrand was very much admired and loved in his community. The day he decided not to run for mayor, the city didn't know what to do. They had to actually go out and find someone to take his position. It was just assumed that as long as Jim wanted to be mayor, he'd be mayor of North Las Vegas. Jim worked a lot with the Boy Scout organization—I know there are a few Scouts here. Jim was a Silver Beaver recipient and spent hours and hours working with the scouting program.

As a youth I spent a lot of time at the Boys Club. Jim was a supporter of the Boys Club in North Las Vegas. The youth of our town were always remembered when the city council had to make tough decisions. It wasn't "let's send more police out to get these guys," it was "how can we make this a better community for the youth."

Jim was Nevada's Public Official of the Year. I don't know if anyone I've ever met has had that distinction before. I think that is a distinction that is shared by very few people. That just tells you the candor, the openness and the honesty of this man and how approachable he was to good ideas to make Nevada a better place. Thank you, Mr. Speaker.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I stand in support of ACR 52. Way back when, quite a few years ago, it was with Mayor Seastrand's recommendation that I was appointed to serve on the City of North Las Vegas' Planning Commission. That was before we had the new North Las Vegas. I proudly served in that capacity and I always, and to this day, appreciate that appointment and I appreciate his commitment to continue to revitalize the original North Las Vegas as well as his

commitment for the development of planned communities. We did not have planned communities in North Las Vegas before that. My heartfelt wishes go out to his lovely, dedicated, gracious wife, Rosel, whom he did cherish so much. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. Jim Seastrand initiated the "Make a Difference Day." He lived it. He made a difference. In addition to all the public enterprises that I had the honor of working on with him, Jim also took the time to advise me and my children in the course of doing genealogical research for the family. My most recent memories of Jim are with his wife Rosel. On many, many campaign trails she was always there with him, the support quietly there to watch over everything—to make sure everything happened as it should. They were a wonderful team together. Rosel also has made a difference. I wish to salute her too, today. Thank you.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I want to stand in support of ACR 52. I remember the first time I got elected, I got a call from Mayor Seastrand. At that time, I had two blocks of North Las Vegas located in my district—only two blocks. I always joked about that with him. He would always call me in and say, "Let me give you the whole spiel of the North Las Vegas plan and what we are trying to do." I would say, "Mayor, it's only two blocks." He would then say, "Yes, but every block and every person who lives in North Las Vegas is important." From that day on, I had the pleasure of working on a lot of proposals collectively with the mayor that was a collaboration with Las Vegas and North Las Vegas. He was always above board and always pleasing to work with. I would urge my colleagues to adopt this resolution.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you, to this Honorable Body. I have to admit that I did not realize we were going to be honoring Jim today. This is wonderful. He was one of the most special people. We were neighbors for many years. As most of you know, I have been in North Las Vegas for about 42 years. When we first met, and Jim got elected to the city council and started working, it was obvious from day one that he was a wonderful business person and honest. I have to tell you, when he opened Vegas Village, which was the first super-store, so to speak, in North Las Vegas or Las Vegas, it was an event. It was the first really big store. I think most of us thought he was out of his mind for building this giant store down there. It turned out to be a wonderful addition to our city. I believe it was successful for the years that he ran it. He brought North Las Vegas, as has been said today, from just a neighborhood to the north, with no reputation of anything, up to a wonderful city of its own and growing. Jim has been sorely missed by many people beyond his loving family. I am so pleased to be able to be participating and voting on a resolution to honor Jim. He was a wonderful, wonderful person. We thank the family for being here.

Resolution adopted unanimously.

Assemblyman Lee moved that all rules be suspended and that Assembly Concurrent Resolution No. 52 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 111 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 153 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley stated objection to inclusion of Senate Bill No. 24 on the Consent Calendar.

Senate Bill No. 24 placed on the Second Reading File.

CONSENT CALENDAR

Senate Bills Nos. 7, 99, 100.

Bills read by number.

Potential conflict of interest declared by Assemblyman Price on Senate Bill No. 99.

Roll call on Senate Bills Nos. 7, 99, 100:

YEAS—36.

NAYS—None.

EXCUSED—Arberry, Carpenter, Collins, Nolan, Segerblom, Williams—6.

Senate Bills Nos. 7, 99 and 100 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 712.

Amend section 1, page 1, line 3, by deleting "$12,000" and inserting "$13,764".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 352.

Bill read second time and ordered to third reading.

Senate Bill No. 499.

Bill read second time.

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

Amendment No. 710.

Amend section 1, page 2, lines 29 and 30, by deleting "biweekly. ~~[7.]~~ " and inserting:

"biweekly ~~[~~.

~~7.~~] *except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 24.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 183.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 183:

YEAS—37.

NAYS—Giunchigliani.

EXCUSED—Carpenter, Collins, Nolan, Segerblom—4.

Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 238.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 238:

YEAS—38.

NAYS—None.

EXCUSED—Carpenter, Collins, Nolan, Segerblom—4.

Senate Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 326.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 326:

YEAS—38.

NAYS—None.

EXCUSED—Carpenter, Collins, Nolan, Segerblom—4.

Senate Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 494.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 494:

YEAS—38.

NAYS—None.

EXCUSED—Carpenter, Collins, Nolan, Segerblom—4.

Senate Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 532.

Bill read third time.

Remarks by Assemblymen Bache and Goldwater.

Roll call on Senate Bill No. 532:

YEAS—38.

NAYS—None.

EXCUSED—Carpenter, Collins, Nolan, Segerblom—4.

Senate Bill No. 532 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 47; Assembly Resolution No. 6; Senate Bills Nos. 146, 232, 347, 361.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Darcy Shepard, Rusty Shepard, Jim Shepard, Cindy Shepard, Justin Holstone, Aurora Partridge, Melody Partridge and Leona C. Wright.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Wright and Barbara Teal.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Ash, Emily Christoph, Lindsay Christoph, Teddy Christoph, Stanley Davis, Jennifer Gunch, Jayna Hill, Colby Johnson, Larissa Johnson, José Karry, Johnnie Miller, Alyissa Reedy, Corrin Reedy, Marie Reedy, Jennifer Thomas, Brittany James, Kathy Melendy, Claritza Karry, Devin James, Colleen Thompson and Pam Johnson.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Tenille Smith, Dan Smith, Shawna Smith, Glen Smith, Barbara Smith, Pat Gable, Eunice Damron, Joyce Austin, Maxine Hansen, Christine Neubaum, Mary Boatwright, Mildred Shattuck, Mildred Matheus and Shirley Fielding.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Rosel Seastrand, Russ Seastrand, Douglas Seastrand and Margaret Seastrand.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Gina Jackson.

On request of Assemblywoman Von Tobel, the privilege of the floor of the Assembly Chamber for this day was extended to Herb Waite, Pamela Sue Waite, Lyndsey Waite and Jesse Waite.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Marie McMillan, Jeffrey McMillan and Dr. Tom King.

Assemblyman Perkins moved that the Assembly adjourn until Monday, April 26, 1999, at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 26, 1999

Assembly called to order at 10:47 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Gibbons, who was excused.

Prayer by the Chaplain, Reverend Ken Haskins.

"God's Dream"—by Thomas Clark
Dreams are they—God's dreams!
Shall we decry them and scorn them?
That men shall love one another,
That white shall call black men brother,
That greed shall pass from the marketplace,
That lust shall yield to love for the race,
That men shall meet with God face-to-face.
Dreams are they all, but shall we despise them? God's dreams!
Dreams are they –to become men's dreams!
Can we say nay as they claim us?
That men should cease from their hating,
That wars shall soon be abating,
That the glory of Kings and Lords shall pale,
That pride of dominion and power shall fail,
That love of humanity shall prevail.
Dreams are they all. But shall we despise them? God's dreams!

Dear Heavenly Father, every day we marvel at the results of Your dreams. The heavens and earth declared Your handiwork and Your creativity. Father, teach us to dream again. Teach us to dream Your dreams again. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 92, 101, 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 6, 49, 50, 51, 52.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 53—Directing the Legislative Commission to conduct an interim study of the integration of state and local child welfare systems in this state.

Assemblyman Anderson moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 15.

Assemblyman Bache moved the adoption of the resolution.

Remarks by Assemblyman Bache.

Resolution adopted.

Senate Concurrent Resolution No. 16.

Resolution read.

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

Amendment No. 718.

Amend the resolution, page 2, line 31, by deleting the semicolon and inserting:

"and to make an effort to meet personally with those members as soon as practicable after the appointment of the committee;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

SECOND READING AND AMENDMENT

Assembly Bill No. 151.

Bill read second time and ordered to third reading.

Assembly Bill No. 288.

Bill read second time and ordered to third reading.

Assembly Bill No. 656.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 713.

Amend section 1, page 1, line 3, by deleting "$124,044" and inserting "$171,070".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 658.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 714.

Amend section 1, page 1, line 3, by deleting "$385,981" and inserting "$387,307".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 382.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 19.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 111 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Bache.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 682—AN ACT making an appropriation to the City of Las Vegas for the California-Nevada Super Speed Ground Transportation Commission; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

CONSENT CALENDAR

Senate Bills Nos. 166 and 344.

Bills read by number.

Roll call on Senate Bills Nos. 166 and 344:

YEAS—41.

NAYS—None.

EXCUSED—Gibbons.

Senate Bills Nos. 166 and 344 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Assembly Bill No. 158.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 731.

Amend the bill as a whole by renumbering sec. 30 as sec. 31 and adding a new section designated sec. 30, following sec. 29, to read as follows:

"Sec. 30. Sections 1, 3, 5 and 6 of Senate Bill No. 232 of this session are hereby repealed.".

Amend sec. 30, page 21, line 17, by deleting "29," and inserting "30,".

Amend the bill as a whole by adding the text of the repealed sections, following sec. 31, to read as follows:

"

TEXT OF REPEALED SECTIONS

Sections 1, 3, 5 and 6 of Senate Bill No. 232 of this session:

Section 1. Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:

A child-placing agency shall, to the extent practicable, give preference to the placement of a child for adoption or permanent free care together with his siblings.

Sec. 3. NRS 127.220 is hereby amended to read as follows:

127.220 As used in NRS ~~[127.230]~~ *127.220* to 127.310, inclusive, *and section 1 of this act,* unless the context otherwise requires:

1. "Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.

2. "Child-placing agency" means the division or a nonprofit corporation organized pursuant to chapter 82 of NRS, and licensed by the division to place children for adoption or permanent free care.

3. "Person" includes a hospital.

4. "Recommend the placement of a child" means to suggest to a licensed child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.

Sec. 5. NRS 128.110 is hereby amended to read as follows:

128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for *the* termination of parental rights

pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing *the* custody and control *of the child* in some person or agency qualified by the laws of this state to provide services and care to children, or to receive any children for placement.

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this state to receive children for placement, the person or agency , ~~[may,]~~ in seeking to place the child ~~[,]~~ :

(a) May give preference to *the placement of the child with* any person related within the third degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state.

(b) Shall, if practicable, give preference to the placement of the child together with his siblings.

Sec. 6. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that ~~[the]~~ *a* child is in need of protection, it shall determine whether reasonable efforts were made by the agency which provides protective services to prevent or eliminate the need for his removal from his home and to facilitate his return to his home. The court may, by its order, after receipt and review of the report from the agency which provides protective services:

(a) Permit the child to remain in the custody of his parents or guardian with or without supervision by the court or a person or agency designated by the court, upon such conditions as the court may prescribe;

(b) Place him in the temporary or permanent custody of a relative who the court finds suitable to receive and care for him with or without supervision, upon such conditions as the court may prescribe;

(c) Place him in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the department of human resources to care for such a child; or

(d) Commit him to the custody of the superintendent of the northern Nevada children's home or the superintendent of the southern Nevada children's home, in accordance with chapter 423 of NRS.

2. If, pursuant to subsection 1, a child is placed other than with a parent, the parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of his rights.

3. If, pursuant to subsection 1, the child is to be placed with a relative, the court may consider, among other factors, whether the child has resided

with a particular relative for 3 years or more before the incident which brought the child to the court's attention.

4. A copy of the report prepared for the court by the agency which provides protective services must be sent to the custodian and the parent or legal guardian.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of his parents or guardian, preference must be given to *placing the child:*

(a) With any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state.

(b) If practicable, together with his siblings.

If a child is placed with any person who resides outside *of* this state, the placement must be in accordance with NRS 127.330.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblymen Beers, Buckley and Carpenter.

Roll call on Assembly Bill No. 199:

YEAS—37.

NAYS—Buckley, Claborn, Collins, Gustavson—4.

EXCUSED—Gibbons.

Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 344:

YEAS—41.

NAYS—None.

EXCUSED—Gibbons.

Assembly Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 24.

Bill read third time.

Assemblywoman Buckley moved that Senate Bill No. 24 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Senate Bill No. 352.
Bill read third time.
Remarks by Assemblymen McClain and Carpenter.
Roll call on Senate Bill No. 352:
YEAS—40.
NAYS—Carpenter.
EXCUSED—Gibbons.
Senate Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 499.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 499:
YEAS—41.
NAYS—None.
EXCUSED—Gibbons.
Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 34.
Assemblyman Humke moved the adoption of the resolution.
Remarks by Assemblyman Humke.
Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 48; Senate Bills Nos. 36, 173, 202, 204, 217, 268, 367, 456, 480, 483, 498, 533; Senate Concurrent Resolutions Nos. 32, 33.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Lee White.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Kissam and Bill Kissam, Jr.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Williams, Jr., Ray Salisbury, Martin Troutt and Raymond Troutt.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Allen, Shane Clifford, Nadine Collins, Jesse Duncan, Justin Frazier, Glen Greene, Jennifer Harp, Keith Henry, Misti Johnson, Jennifer Jurczak, Samuel Koepnick, Stephanie Lindhe, Anntoinette Miller, Jennifer Parker, Teyana Peterson, Raymond Polson, Cody Premo, Penny Thomas, Mark Turnage, Noelle Van Pool, Jamie Wagner, Cherie Barbetti, Ryan Campbell, Justin Cassell, Travis Cole, Heidi Cusick, Michael Gallardo, Deanna John, Janelle Jones, Justin Juliot, Cheri Keller, Joshua Kirby, Jeremy Knopp, Renee Longfield, Vanessa Mason, Drake McElroy, Joshua Miller, Jennifer Pacheco, Sean Penley, Amanda Turley, Nicholas Zilsdorf, Roxanne Betts, Victor Block, Audrey Brooks, Michael Clark, Cody Cole, Rene Doyle, Paula Estes, Ashleigh Fredrick, Daniel Houston, Eric Magiera, Angela Maguin, Michael Rajki, Anna Snyder, Sarah Taylor, Earl Tunnell, Manuel Bettencourt, Christine Boyles, Kelly Burroughs, James Crain, Candace Draper, Kenneth Dunster, Jason Gardner, Beau Geil, Steven Gillespie, Amanda Haas, Steve Henderson, Lauren Heryford, Jennifer Hule, James Jackson, Amanda Jenkins, Adam Lauritzen, Patrick MacLaurin, Angela Magiera, Robert Morser, Misty Mortensen, Devon Murdock, Michelle Peterson, Daniel Ponder, Marci Ramirez, Elena Sanchez, Lafayette Simpson, Shauna Tuller, Kim Urie Jr., Kyle Venture, James Weimar, Katrina Block, Lucas Franich, Amanda Hayes, Michael Hodgden, Morgan Jones, Andrew Knoll, Julila Lorge, Cody McCullar, Scott Michaelsen, Jarrad Prida, Amanda Sensibaugh, Justin Smith, James Throop, Jennifer Underwood, Pete Chapin and Pat Christensen.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Tillman Jones, Jeanne Herman and Patricia Tripple.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Allard, Sue Holloway and Bobbie Quinn.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Gronauer and Jane Wisdom.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tebeao Piquet, Gaylyn Spriggs, Greg Bristol, Harold Jacobsen and Alice Jacobson.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Paggione.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 28, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 28, 1999

Assembly called to order at 11:38 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ken Haskins.

O Lord God, be gracious to us and bless us. Cause Your face to shine upon us that we may know Your way. Grant us the wisdom and the courage to decide rightly the issues before us and may our efforts prove pleasing in Your sight. In Jesus' Name I pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 54, 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 131, 407, 487, 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 62, 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 65, 67, 209, 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 674, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 112, 458, 591, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 416, 660 and Senate Bill No. 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 226, 261, 350, 374, 485.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 28, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 35.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 54—Designating April 28, 1999, as Workers' Memorial Day in the State of Nevada.

WHEREAS, Since 1989, April 28 has been observed as Workers' Memorial Day by the American Federation of Labor and Congress of Industrial Organizations; and

WHEREAS, Workers' Memorial Day is not only a time to remember the workers who have succumbed to an occupational disease or been injured or killed on the job, but a time to renew the commitment to prevent these tragedies in the future; and

WHEREAS, This date is significant in that it is the anniversary of the enactment of the Occupational Safety and Health Act; and

WHEREAS, Every year millions of workers, or approximately one worker every 5 seconds, become a casualty of an occupational disease or are injured or killed on the job; and

WHEREAS, Too often these tragedies and the devastation they cause for these workers, their families and co-workers are quickly forgotten; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 70th session of the Nevada Legislature hereby designates April 28, 1999, as Workers' Memorial Day, a day to honor and remember the workers who have succumbed to an occupational disease or been injured or killed as a result of work-related accidents; and be it further

RESOLVED, That the residents of the State of Nevada are hereby urged to observe this day by recognizing the need for strengthening safety and health protections in the workplace so that future tragedies can be prevented.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Collins, Ohrenschall and Price.

Resolution adopted unanimously.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 54 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 55—Urging public bodies to allot an equal amount of time for certain testimony at public meetings.

Assemblyman Bache moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Senate Concurrent Resolution No. 16.

Assemblyman Bache moved the adoption of the resolution.

Remarks by Assemblyman Bache.

Resolution adopted, as amended.

Senate Concurrent Resolution No. 35.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel and de Braga.

Resolution adopted unanimously.

CONSENT CALENDAR

Senate Bills Nos. 92, 101, 175.

Bills read by number.

Roll call on Senate Bills Nos. 92, 101, 175:

YEAS—42.

NAYS—None.

Senate Bills Nos. 92, 101, 175 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 728.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sections 4 through 6 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 113 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, in a county whose population is 400,000 or more, a seller may not sign a sales agreement with the initial purchaser of a residence unless the seller, at least 24 hours before the time of the signing, provides the initial purchaser with a disclosure document that contains:

(a) A copy of the most recent gaming enterprise district map that has been made available for public inspection pursuant to NRS 463.309 by the city or town in which the residence is located or, if the residence is not located in a city or town, by the county in which the residence is located; and

(b) The location of the gaming enterprise district that is nearest to the residence, regardless of the jurisdiction in which the nearest gaming enterprise district is located.

The seller shall retain a copy of the disclosure document that has been signed by the initial purchaser acknowledging the time and date of receipt by the initial purchaser of the original document.

2. The information contained in the disclosure document required by subsection 1 must:

(a) Be updated not less than once every 4 months;

(b) Advise the initial purchaser that gaming enterprise districts are subject to change; and

(c) Provide the initial purchaser with instructions on how to obtain more current information.

3. The initial purchaser of a residence may waive the 24-hour period required by subsection 1 if the seller provides the initial purchaser with the information required by subsections 1 and 2 and the initial purchaser signs a written waiver. The seller shall retain a copy of the written waiver that has been signed by the initial purchaser acknowledging the time and date of receipt by the initial purchaser of the original document.

4. As used in this section, "seller" has the meaning ascribed to it in NRS 113.070.".

Amend sec. 4, page 4, by deleting lines 1 through 6 and inserting:

"6. As used in this section, "seller" means a person who sells or attempts to sell any land or tract of land in this state which is divided or proposed to be divided over any period into two or more lots, parcels, units or interests, including, but not limited to, undivided interests, which are offered, known, designated or advertised as a common unit by a common name or as a part of a common promotional plan of advertising and sale.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 151:

YEAS—42.

NAYS—None.

Assembly Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblymen Koivisto, Buckley and Carpenter.

Roll call on Assembly Bill No. 158:

YEAS—42.

NAYS—None.

Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 288:

YEAS—42.

NAYS—None.

Assembly Bill No. 288 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 656.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 656:

YEAS—42.

NAYS—None.

Assembly Bill No. 656 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 658.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 658:

YEAS—42.

NAYS—None.

Assembly Bill No. 658 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 111.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 732.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

"1. A state agency ~~[shall]~~ *may enter into an agreement to* pay the cost of purchasing credit for service pursuant to NRS 286.300 on behalf of a member if:

(a) The agency ~~[entered into an agreement with the member under which the member was employed]~~ *enters into the agreement before the member is employed;*

(b) The member is employed upon the condition that the employer pay the cost of purchasing the credit; and

~~[(b)]~~ *(c)* The agreement to ~~[purchase]~~ *pay the cost of purchasing* the credit is in writing, becomes part of".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 382.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 382:

YEAS—42.

NAYS—None.

Senate Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 19.

Resolution read third time.

Remarks by Assemblymen Bache, Giunchigliani and Chowning.

Roll call on Senate Joint Resolution No. 19:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 24 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 24:

YEAS—41.

NAYS—None.

EXCUSED—Humke.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 55, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA1, which is attached to and hereby made a part of this report.

MARK A. MANENDO	JON C. PORTER
JOHN C. CARPENTER	TERRY CARE
JERRY D. CLABORN	MIKE MCGINNESS
Assembly Committee on Conference	Senate *Committee on Conference*

Conference Amendment No. CA1

Amend section 1, page 1, by deleting lines 10 and 11 and inserting:

"*(d) Shall knowingly burn stolen metallic wire to remove insulation,*".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to scrap metal; prohibiting the burning of stolen metallic wire to remove insulation; requiring junk dealers to obtain certain".

Assemblyman Manendo moved to adopt the report of the first Conference Committee concerning Assembly Bill No. 55.

Remarks by Assemblyman Manendo.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 6, 49, 50, 51, 52; Senate Bills Nos. 7, 99, 100, 183, 238, 494.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Don Hunter, John Mountjoy and Mike Conway.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Cecil Montgomery.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Pickett.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Maddaford and Marion Miles.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Alyce King.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Miller Bath.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Lani.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Cook.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Briggs and Louise Nunes.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Rose Echan and Freida Henning.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Fladager.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Gertrude Gottschalk.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Rosemarie Price, Ryan Adair, Jacob Albin, David Arrigotti, Mike Bartlett, Jessica Bean, Jennifer Benedict, Wendy Bueno, Christine Cain, Ciara Cavin, Eric Clark, Terrance Deeds, Brandi Duncan, Christopher Fletcher, Christina Galentine, Stephanie Hatzi, Robin Hopper, Larunda Johnson, Jerry Klopf, David Krueger, Tonya Lammay, Kristin Moore, Kelly O'Neil, Andres Ortega, Erin Pieretti, Shawna Schumacher, Andy Spuehler, Greg Stockhoff, Marcos Urbina, Francisco Vega, Ike Alldredge, Alexis Anastassatos, Ian Amsler, Amelia Carr, Emily Cavolick, Theron Couch, Lesley Custodio, Jennifer DeRiemer, Jessica Elbert, Brian Foley, Andrew Hanson, Melissa Hoffman, Jennifer James, Todd Jewett, Erin Miller, Waleska Molina, Vicki Newberry, Jimmy Robertson, Danny Rogers, Frances Arnold, Travis Burt, Nicholas Chalmers, Patrick Coltrin, Megan Friedman, Chris Jibson, Donella Jones, Jennifer Massa, David Moya, Cari Nelsen, Heather Piersanti, Jesus Santoyo, Sara Sura, Jessi Alferez, Rachael Austin, Abigail Brown, Megan Davis, Micahel Digangi, Meagan Elliott, Jennifer Fozard, Michelle Gamble, Julie Gardarian, Erin Gardner, Christina Green, Jessica Hallberg, Jamie Hanselman, Kristen Helseth, Adriane Henningsen, Tara Isbell, Audrey Martin, Dave Meehan, Alisha Olson, Jaime Parker, Bridget Peachay, Rachele Pederson, Courtney Pedro, Corrie Raabe, Erin Revak, Rachel Sattler, Laura Smith, Katie West, Dana Baum, Amy Bliss, Patrick Capurro, Sara Comeaux, Denise Crowl, Jamie Hansen, Sarah Howard, Katrina Karlsson, Heather Lubich, Eric Martin, Marce Morgan, Erin Mulvaney, Andy Pennington, Jerome Santos, Katie Schaefer, Nicole Schoka, Teague Strekal, Jared Tatro, Chris Taylor, Patrick Taylor, Logan Walker, Bryan Werlinger, Kristina Yeskie, Alexis Anderson, Nicholas Araza, Janelle Bessette, Breanne Brolsma, Nathan Brown, Nicole Chaney, James Chavez, Ethan Cleveland, James Eddington, Margie Foster, Karl Giese, Katherine Gooding, Justin Holt, Courtney Jones, Kimberly Jordan, Debbie Koniak, Steve Lauridsen, Jennifer Libby, Candice Menesini, Andy Munoz, Karla Navarro, Katie O'Shaugnessy, Eugene Paik, Christina Pasek, Sierra Scott, Justin Sison, Molly Stone, Amanda Walker, James Williams, Melissa Williamson, Sarah Wurster, Mr. Longero and Mr. Sullivan.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Lucien Benjamin.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Bud Green and Kay Green.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Chastain and Bridget Diana Peachay.

On request of Assemblyman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Bondiett.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 29, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:41 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), April 29, 1999

Assembly called to order at 11:29 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Humke and Tiffany, who were excused.

Prayer by the Chaplain, Reverend Ken Haskins.

Loving Heavenly Father, You are by nature generous. You are the provider of every good and perfect gift. You have taught us that it is more blessed to give than to receive. Bless these servants of Yours and the people, who give themselves wholeheartedly to improving the quality of life for every citizen of this Great State of Nevada. We pray in the Name of the One who is Your indescribable Gift. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 227, 251, 375.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 19, 54.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 711 to Senate Bill No. 326.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly Amendment No. 709 to Senate Bill No. 532.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 55.

MARY JO MONGELLI
Assistant Secretary of the Senate

CONSENT CALENDAR

Senate Bills Nos. 62, 243, 453.

Bills read by number.

Roll call on Senate Bills Nos. 62, 243, 453:

YEAS—39.

NAYS—None.

EXCUSED—Humke, Nolan, Tiffany—3.

Senate Bills Nos. 62, 243, 453 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 61 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 131 be taken from the Second Reading File and re-referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 721.

Amend section 1, page 1, line 3, by deleting "$6,963,440" and inserting "$6,970,765".

Amend sec. 2, page 1, line 6, by deleting "$1,334,472" and inserting "$1,797,547".

Amend sec. 3, page 1, line 11, by deleting "$7,700,932," and inserting "$7,230,494,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 660.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 726.

Amend section 1, page 2, line 1, after "*2.*" by inserting:

"*Each person employed pursuant to subsection 1 must be provided the same benefits as all other state employees, including, without limitation, annual leave, sick leave, pay to encourage continuity of service, group health insurance, workers' compensation insurance, unemployment compensation benefits and contributions to the public employees' retirement system.*

3.".

Amend section 1, page 2, line 2, by deleting:

"*Determine the salaries and benefits*" and inserting:

"*Except as otherwise provided in subsection 4, determine the salaries*".

Amend section 1, page 2, between lines 7 and 8, by inserting:

"*4. The governor shall not increase the salary of a person employed pursuant to subsection 1 by more than 7 1/2 percent per budgeted biennium, excluding the percentage of any cost of living increase that is provided to all state employees and any increase in a benefit that is provided to all state employees, including, without limitation, insurance and retirement benefits. As used in this subsection, the term "salary" includes all monetary and nonmonetary benefits provided to the person for the performance of his duties as a public employee.*

5. The governor shall transmit to the interim finance committee a report of any change in the number of persons employed pursuant to subsection 1 and of the annual dollar amount and percentage of any change in the salary or other monetary or nonmonetary benefits provided to a person employed pursuant to subsection 1, within 30 days after the change becomes effective.".

Amend sec. 3, page 3, line 3, after "3." by inserting "1.".

Amend sec. 3, page 3, between lines 5 and 6, by inserting:

"2. If a new salary is established pursuant to NRS 223.085, as amended by this act, for a position in the office of the governor which is the same as or substantially similar in duties to one that exists on the effective date of this act, the new salary must not be greater than 7 1/2 percent more than the previous salary established in subsection 1 of section 1 of chapter 562, Statutes of Nevada 1997, at page 2728, for the same or substantially similar position, excluding the percentage of any cost of living increase that is provided to all state employees after the effective date of this act and before the date on which the salary is determined.".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. On or before September 30, 1999, the governor shall transmit a report to the interim finance committee which lists the positions created pursuant to subsection 1 of NRS 223.085, as amended by this act, and includes the duties and annual dollar amount of the salary and any other monetary and nonmonetary benefits to be provided for each position.".

Amend the title of the bill, third and fourth lines, by deleting "and benefits".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 674 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 54.

Bill read second time and ordered to third reading.

Senate Bill No. 64.

Bill read second time and ordered to third reading.

Senate Bill No. 65.

Bill read second time and ordered to third reading.

Senate Bill No. 67.

Bill read second time and ordered to third reading.

Senate Bill No. 209.

Bill read second time and ordered to third reading.

Senate Bill No. 263.

Bill read second time.

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

Amendment No. 729.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 9 as sections 5 through 8.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 277.

Bill read second time and ordered to third reading.

Senate Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 723.

Amend section 1, page 1, line 3, by deleting "$35,000" and inserting "$13,918".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 301.

Bill read second time and ordered to third reading.

Senate Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 734.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 5 through 8 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this section and sections 3 and 4 of this act, unless the context otherwise requires, "laser pointer" means any device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.*

Sec. 3. *1. Except as otherwise provided in subsection 2, a person shall not direct light emitted from a laser pointer into or through a public place.*

2. A person who is 19 years of age or older may direct light emitted from a laser pointer into or through a public place if he directs the light for a valid purpose related to his employment during the hours of his employment.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 4. *1. A person shall not direct light emitted from a laser pointer at a uniformed peace officer, security guard, traffic officer, fireman, emergency medical attendant or ambulance driver or attendant.*

2. A person who violates the provisions of this section is guilty of a misdemeanor.

3. As used in this section:

(a) "Emergency medical attendant" has the meaning ascribed to it in NRS 41.139.

(b) "Security guard" has the meaning ascribed to it in NRS 648.016.".

Amend sec. 3, page 4, by deleting line 43 and inserting:

"committed before October 1, 1999.".

Amend sec. 4, page 5, line 1, by deleting "2" and inserting "6".

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; prohibiting certain acts relating to the use of laser pointers; revising the penalty for the crime of petit larceny; revising the penalty for the crime of driving a vehicle while under the influence of alcohol or a controlled substance; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "Revises" and inserting:

"Prohibits certain acts relating to use of laser pointers and revises".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 360 be re-referred to the Committee on Judiciary.

Bill ordered reprinted, re-engrossed and to the Committee on Judiciary.

Senate Bill No. 407.

Bill read second time and ordered to third reading.

Senate Bill No. 487.

Bill read second time and ordered to third reading.

Senate Bill No. 510.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 64.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 724.

Amend the bill as a whole by renumbering sections 132 through 137 as sections 133 through 138 and adding a new section designated sec. 132, following sec. 131, to read as follows:

"Sec. 132. 1. There is hereby appropriated from the state general fund to the division of financial institutions of the department of business and industry for costs associated with the hiring of additional personnel necessary to carry out the provisions of this act:

For the fiscal year 1999-2000 $66,269

For the fiscal year 2000-2001 $58,399

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 137, page 80, line 3, by deleting "act becomes" and inserting: "section and sections 1 to 131, inclusive, and 133 to 137, inclusive, of this act become".

Amend sec. 137, page 80, line 6, after "2." by inserting:

"Section 132 of this act becomes effective on July 1, 1999.

3.".

Amend the title of the bill, ninth line, after "bond;" by inserting:

"making an appropriation;".

Assemblyman Goldwater moved the adoption of the amendment.
Remarks by Assemblyman Goldwater.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 112.
Bill read third time.
Remarks by Assemblymen Beers and Brower.
Potential conflict of interest declared by Assemblyman Brower.
Roll call on Assembly Bill No. 112:
YEAS—40.
NAYS—None.
EXCUSED—Humke, Tiffany—2.
Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 458.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 458:
YEAS—40.
NAYS—None.
EXCUSED—Humke, Tiffany—2.
Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 591.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 591:
YEAS—40.
NAYS—None.
EXCUSED—Humke, Tiffany—2.
Assembly Bill No. 591 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 111.
Bill read third time.
Remarks by Assemblymen Bache and Parks.
Potential conflict of interest declared by Assemblyman Parks.
Roll call on Senate Bill No. 111:
YEAS—40.
NAYS—None.
EXCUSED—Humke, Tiffany—2.

Senate Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblymen Nolan, Chowning, Anderson, Price, Bache and Parks.

Potential conflict of interest declared by Assemblymen Chowning, Price and Parks.

Roll call on Senate Bill No. 121:

YEAS—40.

NAYS—None.

EXCUSED—Humke, Tiffany—2.

Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 532, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Lee, Gibbons and Parnell as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 532.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 226, 261, 350, 374, 485; Senate Bills Nos. 166, 326, 344, 352; Senate Concurrent Resolutions Nos. 15, 34.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Massey.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Bachman and Jessica Poplin.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Bernadette Anthony, Jennifer Roan and Mary Rautenstrauch.

On request of Assemblywoman Berman, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Browne.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Paige and Tammy Oakes.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Kepner.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Etchemendy and Ellen Kingsley.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki L. Coscino.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Santa Holguin Lawrence and Miriam Quintana.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to D.J. Stutz, Cyndi Hernandez, Martha McLellan and Lisa Weaver.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Irvin and Kris Sampson.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Dolores Antoniazzi.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah D. Prinzio and Stacy Sorensen.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Ramona Anchondo and Marianne Hamrick.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Nordine.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Trish Sietsema and Tarron Collins.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Stone.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Gonzalez.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Ortloff.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Dean Johnson.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Danni Wilson and Barbara Deyoe.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Tracey Kreiling and Vicky Brosius.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Sue Ising.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Dixie Worden and Ron Brosius.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Kathi Allen.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Renie Hawkins and Linda Hardin.

Assemblyman Perkins moved that the Assembly adjourn until Friday, April 30, 1999 at 10:30 a.m. and that it do so in memory of Vickie Demas.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), April 30, 1999

Assembly called to order at 10:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Humke, who was excused.

Prayer by the Chaplain, Reverend Ken Haskins.

Father of Lights, You are light and in You there is no darkness at all. Your Word is a lamp unto our feet and a light unto our path. Enable us to see clearly the issues set before us and direct our steps. I pray in the Name of the One who is even still the Light of the World. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 29, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 299, 444.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 303, 304.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 710 to Senate Bill No. 499.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:49 a.m.

ASSEMBLY IN SESSION

At 10:50 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 56—Commemorating the 150th anniversary of the first discovery of gold in Nevada and proclaiming July 17 and 18, 1999, as the Nevada Gold Sesquicentennial Celebration.

WHEREAS, The chance discovery of a few shiny metal flakes on a warm summer's day in July of the year 1849, at the mouth of a remote canyon in what is present-day Nevada, played a significant role in changing the course of the history of the American West, founded the mining industries of Nevada and contributed the economic impetus that spurred the formation of the State of Nevada; and

WHEREAS, The site of that discovery of placer gold is the site of the present-day Town of Dayton, County of Lyon, the first permanent non-Indian settlement in Nevada, the linear successor to Hall's Station, McMarlin's Station, Chinatown, Mineral Rapids and Nevada City; and

WHEREAS, The Town of Dayton was the original seat of the County of Lyon from 1861 to 1911; and

WHEREAS, The discovery of placer gold nuggets and the subsequent exploration of the arroyo now known as Gold Canyon led prospectors to the location of the hard-rock claim called, thereafter, the Comstock Lode; and

WHEREAS, Wealth recovered from the aforesaid Comstock Lode helped support the efforts of the Union in the War Between the States; and

WHEREAS, The many technical and engineering advances of the Comstock era and the wealth recovered from the Comstock Lode forever changed the course of the mining industry world-wide, and the expansion and settlement of the western United States; and

WHEREAS, The 150th Anniversary of the first discovery of gold in Nevada has come to hand and the residents of the Town of Dayton have come forth to petition recognition of this momentous event and invite all to participate in a grand celebration; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature do hereby declare that in the County of Lyon, State of Nevada, United States of America, the 17th and 18th days of the month of July in the year 1999 are officially proclaimed as the Nevada Gold Sesquicentennial Celebration; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Chairman of the Lyon County Commission, the Chairman of the Nevada Gold Sesquicentennial Committee and the President of the Dayton Historical Society.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Hettrick.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

I am very proud to be here today as the Assembly representative for Dayton, Nevada, and to be able to introduce the resolution, "Commemorating the 150th Anniversary of the First

Discovery of Gold in Nevada, and proclaiming July 17 and 18, 1999, Nevada Gold Sesquicentennial."

But first, I want to give all of you fellow assembly members some background information about this resolution. I represent a real historic area in Nevada and I'm very proud of it. You will notice that at each of your desks, a brochure has been given to you with information about the Sesquicentennial and all the events that will be taking place in Dayton on July 17 and 18 to help celebrate.

According to Guy Rocha, the Nevada State Archivist, who helped put together this resolution, Gold Canyon, the precursor of Dayton has the distinction of being the first permanent, non-Indian settlement in the western Utah Territory, now known as Nevada. A few months ago there was a debate by my distinguished colleague from Douglas County and the people of Dayton, on whether Genoa or Dayton was the oldest settlement. That argument will probably go on for perpetuity. According to pioneer John Reese's memoirs, the nearest white man, a man in Gold Canyon who had a trading post, wintered there in 1850 in a kind of small dug-out. The man who lived in Gold Canyon was nick-named Virginia and it was after him that Virginia City was named. This settlement grew and prospered and by the spring of 1851 as many as 200 miners had joined James "Old Virginny" Finney in the pursuit of gold.

By 1856, the community was generally known as "Chinatown" because of the large Chinese population reworking the placer deposits. On November 3, 1861, the town residents voted to rename the community Dayton, in honor of surveyor John Day. Shortly thereafter, the First Nevada Territorial Legislature designated Dayton the county seat of Lyon County. This was until we burned the courthouse down in 1911 and moved it to Yerington. That is still a bone of contention in Dayton.

There were also many successful Italian settlements around Dayton. When news of the gold and silver strikes reached Italy, Italians came to Nevada. Some of them worked in the industries that served the mines such as lumbering, transportation of supplies, and retail trade. However, the most attractive occupation to the Italians was agriculture. They produced vegetables, dairy products, wheat, hay, and grain. Virginia City provided a market that was nearby for their crops. The Italian farmers eventually moved to Mason and Smith Valleys, producing potatoes, alfalfa, and grain; and raising hogs and dairy cattle.

Nevada had a prominent citizen in its early days, who was Mark Twain. He spent 34 months in Nevada which were occupied by mining, writing, and making a name for himself. After about a month spent in Carson City, he went south to the Esmeralda to buy claims for himself and his brother, Orion. On returning to Carson City, he clerked for the Territorial Legislature's first session in October and November. In December he began a prospecting expedition to the Humboldt district to the north. In April, when he went back to Esmeralda and lived at Aurora until September, he made his most serious efforts at mining and began writing his "Josh" letters to the Virginia City "Territorial Enterprise." After this newspaper offered him a position, he walked 130 miles to Virginia City to join the Enterprise staff in late September. And the rest you know. About four months later, he began using "Mark Twain" as his pen name. During his residence in Nevada, he came to know most of the territory's leading journalists, businessmen, and political leaders, building friendships that would help him later.

Now, that we all know a little bit more about the Comstock Mining Era in Nevada, I would hope that you would support us on this resolution. We have a wonderful array of people from Dayton who are putting this celebration together. I wanted everyone to know the great history we have here in western Nevada, especially in my district. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of ACR 56. I was pleased to hear the Speaker acknowledge that there is some debate about the oldest settlement. We do agree that that is probably a matter of interpretation. Certainly, we are proud to be in a debate with a community such as Dayton. We are not concerned with who ultimately wins, but recognize that this is a meritorious resolution and we rise in support. Thank you very much.

Motion carried unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 56 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 57—Memorializing former Assemblyman Richard Kenneth McNeel.

WHEREAS, The members of the Nevada Legislature note with profound sorrow the passing of former Assemblyman Richard Kenneth McNeel; and

WHEREAS, Richard Kenneth McNeel was born on October 25, 1942, in Beaumont, Texas; and

WHEREAS, Richard Kenneth McNeel, who married Karen van Buren, moved to Clark County in 1962; and

WHEREAS, This Vietnam War veteran attained the rank of First Lieutenant in the United States Army and was a member of the Army Reserve Corps; and

WHEREAS, Richard Kenneth McNeel joined the International Brotherhood of Electrical Workers Local 357 in 1968 and graduated from the electrical workers' apprenticeship program in 1974; and

WHEREAS, Richard Kenneth McNeel was the first Republican from North Las Vegas to be elected to the Assembly; and

WHEREAS, During his term as Assemblyman, Richard Kenneth McNeel served on the Education, Health and Welfare, Labor and Management, and Taxation Committees; and

WHEREAS, Richard Kenneth McNeel was appointed as Labor Commissioner in 1979 and served in that position until 1980; and

WHEREAS, Richard Kenneth McNeel was a member of the Clark County Republican Central Committee, past Vice President of the North Las Vegas Republican Club, past Director of the Nevada State Apprenticeship Council and a second generation member of the electrical workers' union; and

WHEREAS, Richard Kenneth McNeel is survived by his beloved wife, Karen, his sons Richard and James, his daughter, Jennifer Fitzpatrick, his five brothers, James, Charles, Clark, Bill and Bobby, and his three sisters, Shirley Ahlke, Hazel Mabry and Rachel Brandon; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th Session of the Nevada Legislature mourn the loss of a respected former Assemblyman and offer their heartfelt sympathy to the family of Richard Kenneth McNeel; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Richard Kenneth McNeel's beloved wife, Karen.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price and Dini.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you. It's obviously with some sadness, but I'm honored, to be able to be talking about Richie today. Richie had a lot of firsts in his life. We were neighbors for many years when he first started. I would say that Richard was probably one of the early Republicans that I associated myself with. We were neighbors and as the resolution indicates, Richie came to our local union from Beaumont, Texas. I can tell you, when he came there were not too many Republican electricians. That has changed. He was the very first, starting right out with our union. He was extremely active and an excellent and beloved member.

Then he went on to become the assemblyman from our district, District 17, as the resolution indicates. I forgot about this, but he was the first Republican assemblyman ever elected from that district. He was an excellent legislator and probably would still be here, except he did make the decision to run for the Senate and did happen to lose the Senate race that year. He went on to become our Labor Commissioner, as indicated and was certainly a very good one. He was also Vice-President of the North Las Vegas Republican Club. He helped build the Republican Club to some degree. There weren't too many Republicans when Richie first started.

We were saddened at the loss of Richard. I'm so pleased to have his family with us today, some of whom I haven't seen in a long time. I urge we adopt this resolution.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I have to rise in support of the resolution. I had the honor of serving with Richard in the 1979 session. He was a good legislator. He brought a lot of knowledge concerning labor issues, and much to the chagrin of the Republican leadership at that time, did not always vote with the leadership on labor issues. At that time, there was a lot of debate on those issues. I know he did a good job after the Governor appointed him Labor Commissioner. I have fond memories of my association with him in the 1979 session.

Resolution adopted unanimously.

Assemblyman Price moved that all rules be suspended and that Assembly Concurrent Resolution No. 57 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Price, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 58—Memorializing former Assemblyman Arthur P. Espinoza.

WHEREAS, The members of the Nevada Legislature were saddened to learn of the passing of Arthur "Art" P. Espinoza; and

WHEREAS, Art Espinoza was born on August 13, 1922, in Velarde, New Mexico and came to Southern Nevada in 1952; and

WHEREAS, After moving to Nevada, Art Espinoza served as President of Security National Mortgage, as Regional Director of the Bank of Las Vegas, as Director of the Las Vegas Valley Water District for 6 years and as a 4-year member of the Henderson Planning Commission; and

WHEREAS, Art Espinoza served as a board member and chairman for the Las Vegas Housing Authority for 28 years and Espinoza Terrace, a public housing complex, was named for him; and

WHEREAS, The two-term Democratic Assemblyman was one of the first Hispanics elected to the Assembly; and

WHEREAS, During his tenure with the Assembly, Art Espinoza served on the Taxation, Commerce, Education and Public Health Committees; and

WHEREAS, Art Espinoza was heralded as a crusader for the poor and elderly; and

WHEREAS, Art Espinoza was involved in numerous civic organizations, including serving as President of the Henderson Boys Club, as Chairman of the Henderson Cancer Crusade and as a member of the Henderson Rotary Club, Elks, Knights of Columbus, Nevada Mortgage Bankers Association and the Henderson Chamber of Commerce; and

WHEREAS, Former Assemblyman Art Espinoza is survived by his wife, Trudy Espinoza, son, John Murdoch, daughters, Patty Hinds, Alice Espinoza and Deborah Anderson, sisters, Helen Murphy, Marcia Gonzales and Patsy Wise and four grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature mourn the loss of a respected and compassionate former Assemblyman and convey their admiration and condolences to the family of Art Espinoza; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Arthur Espinoza's beloved wife, Trudy, and to his children, John Murdoch, Patty Hinds, Alice Espinoza and Deborah Anderson.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Perkins, Chowning, Collins and Dini.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you. I'm honored to be speaking on this resolution but, of course, saddened by the passage of our former member. Art and I actually came to southern Nevada at pretty much the same time. He got there a little bit—about a year—before I did. It was a few years later when we first became acquaintances and worked together from time to time when he was with the bank. However, we worked together more frequently during the time period when he was the director of the Las Vegas Water District.

As the resolution indicates, Art was one of the first of Hispanic background who served with us in the Assembly. He kind of led the way. We've had others follow him, from the Henderson area, also, in fact. He did a lot of work, as the resolution indicates—working with the poor, the elderly, and many different organizations.

I will later on be introducing some of his family. I would urge the passage of ACR 58.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. As a native of Henderson, I grew up around the legend of Art Espinoza. There are a number of landmarks there in his memory and honor. His accomplishments are very well spelled out by the resolution. I, too, stand in favor of ACR 58. We've lost a lot of our compatriots and we memorialize them every legislative session; it still never ceases to amaze me the talent we have in this state. I think Art was one of those people that we can emulate and use as a model. Thank you.

ASSEMBLYWOMAN CHOWNING:

Thank you, Madam Speaker pro Tempore. I, too, stand in support of ACR 58. When I was a young girl in Henderson, I knew of Mr. Espinoza. His reputation throughout the years for his commitment for supplying housing to low income members of our state was well recognized and is something we all need to emulate. He was a model citizen and certainly a mentor for whom I am proud to stand and honor today. My condolences go to his family and I thank you.

ASSEMBLYMAN COLLINS:

Thank you, Madam Speaker pro Tempore. I also rise in support of ACR 58. I came to southern Nevada in 1951 and shortly thereafter we wound up in Henderson with my grandparents. This was when Henderson was small enough where I could ride my bicycle all the

way around the whole city, from the triangle in the south to the railroad tracks at the north end of town. My grandpa and grandma, who I lived with, talked very highly of Mr. Espinoza and the good things he was doing for folks there. I wanted to rise in support of this resolution as well, just from the good things I have heard from the folks who raised me and told me about the good things he did for the folks in that community. Thank you.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I'd like to rise in support of the resolution. I guess when you get to be an "old timer," you're the only one that remembers having served with a fellow. We did serve two sessions together and he was a very fine legislator. Art served on the Commerce Committee and with his banking experience was a real strong member of that committee as well as the Taxation Committee. We all became friends.

In those days, Henderson was a little city and it was kind of like North Las Vegas—they were orphans in the Clark County picture. Now, they are the second largest city in the state and I can't say that anymore. At that time, they were part of the cow county delegation and sometimes we went out together and had a little chat about government and what we could do to make it better. I enjoyed working with Art all those years. He was a real fine man. We certainly want to send our condolences to the family. We appreciated his service in this Chamber.

Resolution adopted unanimously.

Assemblyman Price moved that all rules be suspended and that Assembly Concurrent Resolution No. 58 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 36.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 36.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblymen Parnell, Gibbons, Segerblom and Mr. Speaker.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PARNELL:

Thank you, Mr. Speaker. Thelma Calhoun was a Carson City mover and shaker. She was one of the major forces behind the establishment of the Nevada Arts Council. I have been told,

though, that probably her greatest legacy is that of the Carson City Brewery Arts Center. Without her leadership, commitment and work, the old brewery building would not have been saved nor would there be an arts center.

Thelma was undoubtedly one of the best artists in the entire state. Her wonderful depictions of Carson City and Virginia City historical buildings are especially memorable. Each of her artworks is a joy to behold. She was always very involved with Carson City community affairs. When I moved here in 1976, I remember reading Thelma Calhoun's name in the paper—daily. She really was everywhere. I've heard her described as a character, but in fact she was really one of the true leaders of Carson City. She was a woman well ahead of her time. I know she is missed by her family; but even those of us who did not have the opportunity to know her personally feel the loss of her dynamic and creative force. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of SCR 36. Thelma Calhoun was the greatest friend anyone could ever have. She was really a character, one of those macho women that I admire and try to be like. Shirley Dale, sitting at my desk as a guest, was also a friend of Thelma's and came to sit with me to honor Thelma. We certainly miss her. She had many accomplishments and paved the road for others. If anyone in the Legislature did anything she didn't like, she would call you and complain. Thank you.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of SCR 36, recognizing Thelma Calhoun. I knew her as a wonderful artist who helped preserve Nevada in art. She was a fine artist and I hope you'll all go over to the Brewery Arts Center and see her art that is there. Thank you, Mr. Speaker.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

In 1975, we had an art show here where she presented her paintings. I was very fortunate to have bought a painting of Jobe's Peak that she did. It is a beautiful painting; it's in my dining room and has been there since 1975. It is a great remembrance of her. She was really active around here too, in those days.

Resolution adopted unanimously.

Assemblyman Bache moved that Senate Bill No. 263 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 407 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 64.

Bill read third time.

Remarks by Assemblymen Goldwater, Collins, Cegavske, Berman, Chowning and Hettrick.

Potential conflict of interest declared by Assemblyman Hettrick.

Roll call on Assembly Bill No. 64:

YEAS—36.
NAYS—Angle, Gibbons, Gustavson—3.
NOT VOTING—Arberry, Berman—2.
EXCUSED—Humke.

Assembly Bill No. 64 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 416.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 416:

YEAS—41.
NAYS—None.
EXCUSED—Humke.

Assembly Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 660.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 660:

YEAS—37.
NAYS—Collins, Evans, Freeman, Price—4.
EXCUSED—Humke.

Assembly Bill No. 660 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

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

Amendment No. 756.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 6 of Senate Bill No. 92 of this session is hereby amended to read as follows:

Sec. 6. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and in NRS 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or his legal representative is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, *or chapter 617* of NRS.

3. The division and administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The department of taxation; and

(e) The state contractors' board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records ~~[,]~~ the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. The information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit to the administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the department of taxation, the administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the administrator or the division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

to the department for its use in verifying returns for the business tax. The administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders ~~[,]~~ or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, *or chapter 617* of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, *or chapter 617* of NRS.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 64.

Bill read third time.

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

Amendment No. 755.

Amend section 1, page 1, line 10, after "inclusive," by inserting: "or chapter 617".

Amend section 1, page 2, line 2, after "inclusive," by inserting: "or chapter 617".

Amend section 1, page 2, line 9, after "inclusive," by inserting: "or chapter 617".

Amend section 1, page 2, line 16, after "inclusive," by inserting: "or chapter 617".

Amend section 1, page 2, line 23, after "inclusive," by inserting: "or chapter 617".

Amend section 1, page 2, line 29, after "inclusive" by inserting: "or chapter 617".

Amend section 1, page 2, line 36, after "inclusive," by inserting: "or chapter 617".

Amend section 1, page 2, line 41, after "inclusive," by inserting: "or chapter 617".

Amend section 1, page 4, by deleting line 30 and inserting:

"11. To calculate an employer's premium, the".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 65.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 65:

YEAS—39.

NAYS—Collins, Giunchigliani—2.

EXCUSED—Humke.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Bache, Perkins, Anderson, Giunchigliani, Chowning, Nolan, Beers, Collins, Carpenter and Williams.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Assemblymen Williams, Arberry and Giunchigliani moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 67.

Roll call on Senate Bill No. 67:

YEAS—19.

NAYS—Anderson, Angle, Arberry, Bache, Buckley, Carpenter, Collins, Dini, Evans, Freeman, Giunchigliani, Goldwater, Gustavson, Koivisto, Lee, Leslie, Marvel, Neighbors, Perkins, Thomas, Williams—21.

NOT VOTING—Mortenson.

EXCUSED—Humke.

Senate Bill No. 67 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblymen Chowning and Bache.

Roll call on Senate Bill No. 209:

YEAS—33.

NAYS—Anderson, Bache, Evans, Freeman, Giunchigliani, Lee, Leslie, Perkins—8.

EXCUSED—Humke.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 277.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 277:

YEAS—40.

NAYS—None.

EXCUSED—Giunchigliani, Humke—2.

Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 281:

YEAS—40.

NAYS—None.

EXCUSED—Giunchigliani, Humke—2.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Remarks by Assemblymen Cegavske, Goldwater, Chowning and Collins.

Roll call on Senate Bill No. 301:

YEAS—39.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Giunchigliani, Humke—2.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 487 and 510 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Gustavson gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 67 was this day refused passage.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 303.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 304.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 56.

Bill read second time and ordered to third reading.

Senate Bill No. 57.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 227, 251, 375; Assembly Concurrent Resolutions Nos. 19, 54; Senate Bills Nos. 24, 92, 101, 175, 382, 499; Senate Concurrent Resolution No. 35; Senate Joint Resolution No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Martens and Randi Lynn Rees.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Hardenbrook, Steven Saylor, Barbara Peck, Don Dallas, Laura Tennant, Bob Milz, Johnye Saylor, Judy Harris, Ed Harris, Stony Tennant, Guy Rocha and Larry Steinberg.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Dale and Robert Uithoven.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Frehner.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Whitacre.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Baker, Sarah Campbell, Cory Collins, Samantha Corwin, Shawna Davis, Ashley Galey, Nicholas Gokey, Nathan Hartman, Ce'arra Holton, Margarita Hernandez, Savanna Kizer, Jeremy Jointer, Matthew Kunzi, Thomas Lessard, Alisha Miller, Nicole Montoya, Amber Sellers, Sylvia Wolf, Mathew Wilder, Martin Jackson, Todd Wilder, Melissa Neppel, Larry Corwin, Shellia Moody, Kathy Walker, Michael Mayes, Teresa Moore, Linda Holton, James Kunzi, Norman Lessard and Rose Ann Sellers.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Corde Armstrong, Douglas Boedenauer, Brittany Bohman, Amy Brewer, Erin Dunbar, Sara Escobedo, Amanda Gildea, Laban Gillilan, Amanda Gray, Cassandra Haanpaa, Derek Hawkins, Courtney Hayes, Kerri Hickenbottom, Dobnei Hintze, Daniel Jolly, Tyler Lenox, Rochelle Maynor, Nicholas Minter, Angelle Mullins, Brittany Puzey, Jesse Rasner, Madelyn Reyes, Louis Sison, Crystal Sisson, Andrew Tucker, Michelle VanEPPS, Kendra Wilson, Malachi Mansfield, Tina Bodden, Samantha Boykin, Andrew Cardinal, Elizabeth Conner, Julie Cook, Jessica DeBacco, Ashley Domina, Danielle Eyman, Amber King, Cassandra Laberee, Alejandro Martinez, Jessica May, Christopher McClung, Sabrina McCraw, Joshua Miles, Spencer Moulden, Clinton Pheasant, Robert Richardson, Crystal Rose, Kelly Shaw, Cora Shuagis, Ashley Stafford, Barbara Tajner, Tiffany Trotter, Brian Welch, Jeremy Wiest, Hugo Zambrano, Sarah Aldama, Adam Anderson, Logan Anderson, Ryan Bauer, Christopher Bechtold, Amanda Beer, Oscar Copeland, Michel Davis, Kayla Dunn, Jeannie Fillmore, Andrew Fleming, Noah Greenspan, Summer Griffith, Nathan Horstman, Micah Leval, Matthew Lyon, Audrina McNeil, Bryan Miller, Jason, Olney, Sarah Ravenelle, Eric Resendiz, Ismael Rodriguez, Sarah Snowhill, Skyler Turner, Winter Woodward, Ruben Anaya, Valerie Bevans, Richard Campbell, Ginny Clementi, Robyn Conn, Vincent Cramer, Cody Drews, Alex Ferguson, Matthew Fiske, Ashley Fox, Charles Hanselman, David Jones, Jason Klug, Angelica Leon, Donald McMurtrey, Jessica McWilliams, Brittany Messer, Andrew Meyer, Charles Meznarich, Chris Mitchell, Shelby Moulden, Mick Ochoa, Emily Ortiz, Leticia Ramirez, Jacob Rasner, Andrew Rodriguez, Zachary Spraggins, Erin Wagner, Sierra Woodward, Daniel Works, Ruben Anaya, Ashley Barredo, Nereida Burgara, Tiffany Eyerly, Erick Guerra, Heather Harington, Melissa Keener, Ricky Spuehler, Samantha Thurber, Jennifer Wages, Cassie Workman, Ronald Higgins, Zakre Large, Cory Larson, Jaime Moreno, Courtney Pace, Sarah Snowhill, Imelda Vargas, Heath Gibson, Solomon Guyton, Alicia Kluck, Angela Koontz, Gordon Labrum, Amanda Rosier, Jesse Smith, Danny Verduzco, Fidelina Funes, Joseph Hansen, Noemi Hernandez, Lloyd Holden, Steven Jones, Amber Mestas, Eddie Peregrina, Glenda Salazar, Daniel

Sanger, Dale Smith, Dennis Stoffer, Mrs. Rose, Mrs. Terry, Mrs. Fallon, Ms. Sharp, Mrs. Parsons and Mrs. Works.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Bice.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 3, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:30 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 3, 1999

Assembly called to order at 11:25 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, You have been our dwelling place in all generations. Before the mountains were brought forth, before You had formed the earth and the world, even from everlasting to everlasting, You are God. We call upon Your mighty Name on behalf of our nation and the people of our state. I pray for Your blessing on the members of this Assembly. Grant each one wisdom and understanding. Also, Lord, watch over and bless each of their families. In the Name of the Most High God, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 267, 339, 379, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 57 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 24, 56, 57, 58.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 37.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Segerblom, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Thomas, Tiffany, Von Tobel and Williams; Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 59—Memorializing former Assemblyman R. Guild Gray.

WHEREAS, On March 23, 1998, the residents of the State of Nevada were saddened by the passing of poet, historian, educator and former Assemblyman R. Guild Gray; and

WHEREAS, R. Guild Gray was born in Peoria, Illinois, on September 2, 1911, and grew up near Reno where his parents settled in 1913; and

WHEREAS, The formal education of R. Guild Gray took place in the elementary and secondary schools in Reno, the University of Nevada, Stanford University, University of Southern California and the College of the Pacific, but his lifelong love of Nevada and understanding of life came from the education he received roaming the deserts and mountains of this state; and

WHEREAS, R. Guild Gray was superintendent of the Las Vegas Union School District No. 2 from 1953 to 1956 before becoming superintendent of the newly consolidated Clark County School District, a position he held until 1961; and

WHEREAS, R. Guild Gray was elected to the Nevada Assembly in 1963 and served until 1966, including the Special Sessions of 1964, 1965 and 1966, during which time he was a member of the committees on Building and Construction, Education, Elections, Public Health and Public Morals, and Taxation; and

WHEREAS, The business world knew R. Guild Gray as a savings and loan executive but many people, especially the students at the Gray Elementary School in Las Vegas which was named in his honor, knew him as a reservoir of knowledge of Nevada history and lore; and

WHEREAS, The deep passion R. Guild Gray had for Nevada became apparent to the world in the books he authored, including *The Treble V*, a story containing the history and legends of cattle ranchers in northeastern Nevada, and *Nature Sings*, a collection of Gray's poetry and photographs of the Great Basin filled with his reflections on life and death; and

WHEREAS, R. Guild Gray is survived by his daughter, Irmalee Ross, and his son, Gary Gray, both of Las Vegas and his sister, Juanita Jensen of Reno; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature express their deepest sympathy to the family of R. Guild Gray including his children, Irmalee Ross and Gary Gray, his sister, Juanita Jensen, his grandchildren and his great-grandchild; and be it further

RESOLVED, That the love of Nevada expressed in numerous ways by R. Guild Gray throughout his life may live on in the hearts of those who knew him and those who continue to be inspired and taught by his published works; and be it further

RESOLVED, That the residents of Nevada hold the memory of R. Guild Gray as someone he described in a poem from *Nature Sings:*

Blessed
Are those who sing at daily toil,
Who find a joy in tasks begun,
Who know their sunlit paths will end
With pride in goodly works well done.

And be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the children of R. Guild Gray, Irmalee Ross and Gary Gray, his sister, Juanita Jensen, and the R. Guild Gray Elementary School.

Assemblywoman Segerblom moved the adoption of the resolution.

Remarks by Assemblymen Segerblom, Goldwater, Carpenter, Cegavske and Giunchigliani.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 59 be immediately transmitted to the Senate.

Motion carried unanimously.

In compliance with a notice given on a previous day, Assemblyman Gustavson moved that the vote whereby Senate Bill No. 67 was refused passage be reconsidered.

Remarks by Assemblyman Gustavson.

Motion lost.

By Assemblymen McClain, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams:

Assembly Concurrent Resolution No. 60—Urging the State Board of Education, the boards of trustees of school districts and certain educational personnel to consider the unique needs of children who are deaf or hard of hearing.

Assemblywoman McClain moved that the resolution be referred to the Committee on Education.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 37.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 37.

Assemblywoman Segerblom moved the adoption of the resolution.

Remarks by Assemblywoman Segerblom.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 37.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 747.

Amend section 1, page 1, line 5, by deleting "$328" and inserting "$327.20".

Amend section 1, page 1, line 6, by deleting "$367" and inserting "$368.75".

Amend sec. 2, page 1, line 11, by deleting "$185" and inserting "$183.59".

Amend sec. 2, page 1, line 12, by deleting "$207" and inserting "$208.92".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 484.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 56 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Senate Bill No. 54:

YEAS—41.

NAYS—None.

EXCUSED—Nolan.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 64:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.
Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 487.
Bill read third time.
Remarks by Assemblymen Bache and Chowning.
Roll call on Senate Bill No. 487:
YEAS—41.
NAYS—None.
EXCUSED—Nolan.
Senate Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 510.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 510:
YEAS—38.
NAYS—Angle, Gustavson, Price—3.
EXCUSED—Nolan.
Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Irwin Bronstein.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Everett.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Richardson.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to John Milburn, Christine Milburn, Gerald Czerwinski, Monika Czerwinski, Elmer Marshall, Jo Marshall, Doug Bradford, Irmalee Ross, Ian Ross, Mark Ross, Gary Gray, Steven Gray, Juanita Jensen and Oscar Jensen.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 5, 1999, at 11:00 a.m.
Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 5, 1999

Assembly called to order at 11:23 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry and de Braga, who were excused.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, we pray for the many people of our nation that have been going through very difficult times - the people of Littleton, Colorado and most recently those affected by the many tornadoes in the Midwest. We can be certain that You will extend Your hand of grace and comfort for Your Word tells us that You bless and comfort those who mourn. Lord bless and keep the people of Nevada and especially our legislators during these demanding days. In the name of the Most High God, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 218, 351, 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 177, 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which were referred Senate Joint Resolutions Nos. 11, 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 25, 27, 454, 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 288, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Concurrent Resolutions Nos. 6, 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Elections, Procedures, and Ethics.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 315, 412, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 341; Senate Bills Nos. 159, 250, 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 207, 211, 237, 483, 584, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JAN EVANS, *Vice Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 657, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Vice Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Senate Concurrent Resolution No. 6 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblywoman Freeman moved that Senate Concurrent Resolution No. 8 be re-referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 50, 51, 165, 221, 262, 436, 438, 456, 464, 544; Assembly Joint Resolutions Nos. 4, 19.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 59.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 229, Amendment No. 741; Assembly Bill No. 336, Amendment No. 635; Assembly Bill No. 506, Amendment No. 727; Assembly Bill No. 545, Amendment No. 743; Assembly Bill No. 647, Amendment No. 719; Assembly Bill No. 648,

Amendment No. 744, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Evans moved that Senate Bill No. 56 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Evans.

Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 153 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Chowning.

Motion carried.

By Assemblymen Ohrenschall, Freeman, de Braga, Manendo, Chowning, Gibbons and Parks; Senators Rawson and Titus:

Assembly Joint Resolution No. 24—Urging the Congress of the United States to adopt federal legislation mandating a warning label on products that contain a steroid ingredient.

Assemblywoman Ohrenschall moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 61—Requesting the return to the Assembly from the Governor's office of Assembly Bill No. 350 of this session.

Assemblyman Bache moved the adoption of the resolution.

Remarks by Assemblyman Bache.

Resolution adopted.

Assemblyman Bache moved that all rules be suspended and that Assembly Concurrent Resolution No. 61 be immediately transmitted to the Senate.

Motion carried unanimously.

CONSENT CALENDAR

Senate Bill No. 479.

Bill read by number.

Roll call on Senate Bill No. 479:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, de Braga—2.

Senate Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:36 a.m.
Madam Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 62—Memorializing former Legislator and Wolf Pack Hall of Fame inductee, James C. Bailey.

WHEREAS, The members of the 70th Nevada Legislature were deeply saddened to learn of the passing of James C. Bailey on March 17, 1999; and

WHEREAS, James C. Bailey was born on September 29, 1907, in Fallon, Nevada, to Charles S. and Victoria Lofthouse Bailey; and

WHEREAS, After graduating from Churchill County High School, James Bailey attended the University of Nevada, Reno, where he lettered in football, basketball and track; and

WHEREAS, From 1935 to 1938, James Bailey was a teacher and coach at Yerington High School, and in 1936, under his spirited direction, the football team won the coveted State Championship; and

WHEREAS, The coaching career of James Bailey continued at the University of Nevada, Reno, until he left to serve as a Lieutenant Commander of the United States Navy during World War II; and

WHEREAS, During the 1945-1946 school year, James Bailey returned as Principal to Yerington High School where, among other duties, he taught trigonometry in his office to the only two students who signed up that year, one of whom, Joe Dini, would have close contact with him again in 1967 when they both served in the Nevada Legislature; and

WHEREAS, During his terms as a Nevada Assemblyman from 1957 to 1966, James Bailey served on the Ways and Means, Roads, Transportation and Aviation, Education, and Mines and Mining committees and was Minority Floor Leader of the Assembly in 1963; and

WHEREAS, During these years, James Bailey was also a member of the Western Interstate Committee on Highway Policy Problems, the Joint Committee on Financial Affairs and the Legislative Commission, and his knowledge in the areas of finance and transportation was utilized further by membership on the Finance, Labor and Transportation committees during his term as a member of the Nevada Senate in 1967 and as Director of the Nevada Motor Vehicles Department from 1967 to 1970; and

WHEREAS, In 1967, James Bailey was named one of the first 13 athletes inducted into the Wolf Pack Hall of Fame of the University of Nevada, Reno, and in 1998 was honored as a member of Nevada's Team of the Century; and

WHEREAS, James Bailey's dedicated service to the residents of Northern Nevada was recognized by the Greater Reno Chamber of Commerce who presented him with the first Ron Einstoss Community Award in 1977; and

WHEREAS, James Bailey is survived by his wife of 52 years, Lola Maionchi Bailey, his children, Brynne Marsh, Kathy Ebner and James Bailey Jr., all of Reno, and Sherill Evans of Lafayette, California, and his nine grandchildren and six great-grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature extend their heartfelt sympathies to the family and friends of James Bailey; and be it further

RESOLVED, That James Bailey will be remembered as a great athlete and a respected gentleman whose enthusiasm and goodness touched and inspired the lives of so many in this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of James C. Bailey.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Marvel and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution honoring a man who I consider one of the greatest friends I ever had in my life. He probably was responsible for me being where I am today. I remember in 1936—I was just a little kid, about seven years old—Yerington defeated Las Vegas for the state championship. We only had two divisions then—there was six man football and football. In Yerington, at that time, there were probably 800 people in the whole valley, let alone the city, which only had a couple of hundred people living in it.

They were tough kids in those days. I had a couple of cousins on that team, a couple of Italian boys that made good. We had a really outstanding athlete that Jim coached: John Polish. He was an historical guy in Yerington athletics. He held every record in our school and went to the University of Nevada where he was an outstanding football, track, and basketball player.

Enough of that spirited debate of who won the ball game. I think it was 9 to 0, by the way.

I ran across Jim when he came back to Yerington. Of course, in the meantime, he had married Lola Maionchi, which is an Italian name, too. The Maionchi family is an old family of Yerington farmers. I probably met Lola when I was a young boy going to Catholic church several generations ago.

I met Jim in the 1945-46 school year when he came back as the principal of the high school. That was before we had the Peabody Plan. Each little area had their own school district, so Yerington had its own school district and we had about five or six country schools that operated as independent schools. In 1945 it was war time and Walter Cox was editor of the *Mason Valley News*. He had a policy to send a newspaper free to any serviceman from Lyon County. He needed a sportswriter. I was recruited by Jim to become a sportswriter because I was writing sports for the high school newsletter. Every Wednesday morning he would come to see me in class and if I didn't have my story ready for the *Mason Valley News* he would say, "Maybe you ought to come to the office and take care of this job of yours of getting this story out." I would get the story out and he would edit it and make it so it was grammatically proper; thank God. We had a really close relationship.

A couple of us wanted to take trigonometry and with a small school of only 100 kids, the possibility of having a teacher that could teach trig was slim to none. He said, "If you guys want to take trig, I'll teach it to you." Twice a week we went to his office and he taught us trig. That was the kind of dedicated man he was. He would work with you and he worked to make sure you had a good education. He was a great disciplinarian. You didn't cross Jim Bailey. One thing about it, he would yell at you good and straighten you out.

I graduated from high school and he quit the job in Yerington. He went to the University and became the track coach when I was a freshman. Jake Lawlor needed a manager for the basketball team and I'd been the manager in Yerington for athletics in high school. I had wanted to be an athlete, but wasn't, so I was a manager. He told Jake that I was the best manager around and he ought to hire me. So I went up there and met Jake Lawlor. We made a deal and he hired me as the basketball manager on Jim Bailey's recommendation. So, I was always honored and privileged to know Jim Bailey and how he had thought highly of me.

He was here at the legislature during one of my first sessions in 1967. He came back to the legislature after serving previously. He was dedicated. He was in state government, in business, and had a wonderful career and life. He lived to a old age. I know I missed him this year at our "Old Timer's" Day. He was here two years ago for "Old Timer's" Day and we sat and reminisced. He would ask me about some of the people in Yerington and how they were doing—he remembered them all. It is my privilege to have known Jim Bailey. He was a great man, a great educator, a dedicated Nevadan, and dedicated American. I want to relay my condolences to the family on this great loss. I know it's a great loss. It's a privilege to have them here with me today.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker Pro Tempore. It is a pleasure and I'm delighted that the Speaker had this resolution introduced. I probably knew Jim Bailey, maybe, before the Speaker did. We both had roots in the Battle Mountain area when I was growing up. Of course, Jim was a living legend at the University of Nevada. Around the ATO house he was quite a legend. It is such a pleasure, today, to be able to introduce myself and reintroduce myself to members of the family. Jim still has roots in Battle Mountain and it's a pleasure when you see young Jim there, who's a chip off the old block. He even has the same nose that Jim had. Then of course, there is Kathy, who I've met for the first time today.

Jim was the director of the Department of Motor Vehicles. It is just such a pleasure that Nevada had a man like Jim to serve in these hallways and in the legislature, and also to do the job that he did for the State of Nevada with DMV. So, may I say to the family, you can certainly be proud of the legacy that Jim left with us. We certainly offer you our condolences.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I did not have the opportunity to know Jim as well as the previous speakers, but I had had occasion to talk and visit with him over the years. He was one of the legislators who served in our only annual session. When I was going through that list, we visited and he certainly seemed, from my perspective, as fine a gentleman as has been described. I am honored that we are honoring his memory today.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 62 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:49 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Von Tobel moved that Senate Bill No. 339 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Von Tobel.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 61.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 38.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 40.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 38.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblymen Goldwater, Evans, Buckley, Segerblom and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. It is a pleasure to rise in support of this resolution. We say so many wonderful things about people posthumously that it's a pleasure to recognize the good deeds and the life accomplishments of someone while they are still living with us, and, in fact, sitting at my desk.

Jim Rogers was my first baseball coach when I was little, seven or eight years old. I have to tell you that Coach Rogers was a tough coach. Of course, I was worse at baseball than I am at basketball. I will give you a little anecdote about Coach Rogers. He stuck me in left field. Of course, at that time, the infield was where the action was because eight-year-olds really can't hit the ball into the outfield. There was one kid at bat who could probably get it there, though. Coach Rogers felt this kid was going to hit the ball to me. I didn't want that to happen, but he made me face that grim reality. He walked out on to the field and told me, "David, you better catch this ball." Of course, I was horrified, terrified. My therapist has a number of things to say about that particular incident. But the kid hit me the ball and I shut my eyes and caught it and felt good about myself.

Some of my fondest memories of childhood happen to be from Coach Rogers, who took the time to coach baseball well before he was able to participate philanthropically in this way. He used to take the kids and shove us into the back of his pickup truck and take us down to the Sahara Coffee Shop, which wasn't too far away. He would buy us all ice cream sundaes. That was one of the best things we could do.

He has a wonderful family. His son Perry is a very, very good friend of mine. He has a couple of daughters, very lovely young ladies. Perry is recognized nationally in the area as a sports agent and he's also a television producer.

Coach Rogers additionally has something in common with me. My father's law partner was Louis Wiener. My father and Lou Wiener were very close. In fact, that's what got my father from Reno to Las Vegas. Lou Wiener, of course, is the father of Senator Valerie Wiener. Lou Wiener was incredibly philanthropic. He used to say, "The only reason to make money is to give it away. And to give it away with a warm hand." Unfortunately, my father didn't do the "make it" part, but he did do the "give it away" part. Mr. Rogers did the "make it" part and the "give it away" part. It's probably uncomfortable for him to even be recognized in this way because he has given it away with such a warm hand and it is worthwhile to recognize him for these gestures, for these gifts, for being a great man, a great father, a great coach, a great citizen, a leader in business, a leader in industry, and a leader in his profession. It's worthwhile to make these remarks, it's worthwhile to recognize these things and I hope the Assembly can concur with me in recognizing Coach Jim Rogers.

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of SCR 38. As some of you know, in my real life I'm affiliated with the University system and the actual work I do there is called "development." This is a fancy way of saying fundraiser. We look for funds to support the institutions, scholarships, research programs, our libraries, and, yes, even capital construction. I feel very lucky because I get to work with many wonderful benefactors. It is one thing to work hard and accumulate wealth. It is quite another to give that wealth away. It requires vision, a certain temper of mind and a generous heart. So, I thank Mr. Rogers for his generosity and his caring spirit. You are not only helping our institutions, you are setting an example for many other benefactors to come, we hope. Thank you for your wonderful legacy.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of SCR 38. As a lawyer in the state, I know very well of Jim's reputation as a fine lawyer and a fine entrepreneur and television manager. I graduated from UNLV, as an undergraduate, and the University of Arizona Law School. Since the founding of our own law school at UNLV, I have worked with the dean on public service programs where the first year law students are actually teaching classes in divorce law, housing law, small claims court law, to folks who can't afford attorneys. When I look at work like this, it would not be possible to have our own law school, to offer such great public service programs without benefactors. I think Mr. Goldwater is right. There are plenty of folks who make it but there are few folks that turn around and say, "How can I better improve? How can I give back to folks who have given to me?" I rise in support of this resolution, with special thanks for the commitment to the new law school here and to my alma mater, which I feel gave me a good start which allows me to contribute to this state. Thank you.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise, too, in support of SCR 38. We've never had such a generous Nevadan as Jim Rogers. Because of his long friendship with Louis Wiener and his business association with Louis Wiener, he recently made a great donation to the Boulder Dam Museum, which, of course, I am always talking about. We are very thankful for that. Louis Wiener, Cliff Jones, and Howard Canon briefly owned the Boulder Dam Hotel and Jim Rogers can tell a great story about that. They bought it on a handshake.

Because of Mr. Rogers and his generous donation to us, we were able to finish one of the exhibits. I hope that you all will help us finish another one from our bill, if you remember it. Thank you, Mr. Rogers, for being such a generous donator to us.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you, to this Honorable Body. I'm particularly pleased to be talking here today because when I first saw the resolution I thought it was because Jim had left us for the great above. I only realized after reading it a couple of times that we were honoring him as we should on many occasions, while he is still here to appreciate it. I, like others, have the pleasure of knowing about his dedication to the community. I further had the pleasure of working for many years with his father, long before I met Jim. His father was head

of the electrical operations out at the Nevada Test Site for many years and later on at the phone company.

We have all heard of the wonderful deeds and the great community services that Jim has done. If my memory serves me correct, were you the first station to use helicopters? Yes. I remember it was always neat to see a helicopter coming down and landing on top of the studios.

We thank you for every thing that you have done for the State of Nevada and Clark County. Many organizations are indebted to you. Thank you.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 39.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 40.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 267.

Bill read second time and ordered to third reading.

Senate Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 758.

Amend sec. 3, page 2, by deleting line 35 and inserting:

"For every other decal, license plate sticker or tab 5.00".

Amend sec. 3, page 2, line 41, after "inclusive," by inserting:

"and section 1 of *Senate Bill No. 204 of* this ~~[act,]~~ *session*,".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. This section and sections 1 and 2 of this act become effective on October 1, 1999.

2. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 490.

Bill read second time and ordered to third reading.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblywoman Evans.

Roll call on Assembly Bill No. 370:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, de Braga—2.

Assembly Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 484.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 484:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, de Braga—2.

Senate Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 56:

YEAS—38.

NAYS—Angle, Gustavson—2.

EXCUSED—Arberry, de Braga—2.

Senate Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 759.

Amend sec. 3, page 1, line 9, by deleting "*10,000*" and inserting "*14,000*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 55, 299, 444; Assembly Concurrent Resolutions Nos. 24, 56, 57, 58, 61; Senate Bills Nos. 62, 65, 209, 243, 277, 301; 453; Senate Concurrent Resolution No. 36.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Ruff and Cindy Southerland.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Sollinger and Geraldine Harge.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Cecil Fredi and Rod Smith.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Lola Bailey, Jim Bailey, Pam Bailey, Kathy Ebner, Brynne Marsh, Phinnie Marsh and Shelly Walters.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Acree, Ashley Boharisik, Donna Child, Shannon Cook, Andrew Cordova, Christopher Crotto, Michell Deroche, Lashea Duffy, Nicole Friend, Cody Green, Kendra Henry, Alejandra Hernandez, Christopher Hoyte, Rhett Jones, Joshua Kingsley, Dar Linn, Jessica Long, Kawika Martinez, Robert Mascarena, Lee Orozco, Samantha Rasberry, Maria Ruiz, DeShawn Seviera, Enc Stout, Elizabeth Sweeny, Nicole Walsh, Andrew Hayes, Laura Petersen, Nanette Duncan, Mitch Provenzano, Carolyn Sweeny, Shawntell Bacon, Joseph Butler, Andres Caldera, Faith Cherrito, Brittaney Dollarhide, Richard Gifford, Chris Hallmark, Lisa Johnson, Rebecca Kesner, Rick Leach, Ashley Leal, Michelle Leal, Jessica Martinez, Jordan Mascazena, Rabi Mpuru, Rebecca Phelps, Andy Preciado, Mario Rangel, Yolanda Rangel, Melissa Riedlinger, Andrea Rodriguez, Steven Self, Myla Walker, Amylea Wilson, Lauren Wilson, Cecilia Leal, Ray Leal, Katrina Dollarhide, Tammy Phelps, Barbara Snelgrove, David Alcantara, Alma Bernal, Randy Braunel, Skye Bright, Brenden Craig, Nicole Daniels, Kassie Dickinson, Christopher Emens, Justin Fischer, Victor Garvia, Ken Hefner, Ashley Hines, Nina Lambert, Noe Lopez, Kimberly Lorenze, Hanna Morris, April Perry, Rigoberto Reyes, Adryanna Rogers, Velen Rodriguez, Jack Shortridge, Shannon Severia, Amanda Walters, Bobby Patterson, Shayne Ingalls, Stephanie Morris, Kelly Dickinson, Larua Daniels, Karen Lacey and Cari Carlson.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Liakopoulos.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Lina Sharp.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Anderson.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Dianna Fuke, Alice Martz, Gayle Rogers, Myra Davis, Ron Meek, Bill Randall, Charles Perry and Donna Woodward.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 6, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:41 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), May 6, 1999

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, we call upon Your name on behalf of our nation, on this, the 48th annual National Day of Prayer. We pray for our national leaders, staff and families. We pray for our state officials, support staff and families. We come to You in the spirit and expectation of Your work, which in 2 Chronicles 7:14 states, "If My people who are called by My name will humble themselves, and pray and seek My face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land." Help us see and change the things that don't please You Lord, forgive us our trespasses, and heal our land, most gracious God. In the name of the Most High God, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 8, 44, 53, 140, 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Assembly Concurrent Resolution No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 418, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bills Nos. 14, 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 369, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 242, 297, 314, 472, 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 135, 138, 437; Senate Joint Resolution No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 62.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 129, Amendment No. 715, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 723 to Senate Bill No. 281.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 718 to Senate Concurrent Resolution No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Neal, Porter and Care as a first Conference Committee concerning Senate Bill No. 532.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 15.

Assemblyman Perkins moved that the resolution be referred to the Committee on Election, Procedures, and Ethics.

Motion carried.

Assemblyman de Braga moved that Senate Bill No. 508 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 68 be re-referred to the Committee on Ways and Means.

Motion carried.

CONSENT CALENDAR

Senate Bill No. 462.

Bill read by number.

Roll call on Senate Bill No. 462:

YEAS—42.
NAYS—None.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblymen Goldwater and Claborn.

Roll call on Assembly Bill No. 207:

YEAS—38.

NAYS—Angle, Brower, Cegavske, Marvel—4.

Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 211:

YEAS—42.

NAYS—None.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 237:

YEAS—42.

NAYS—None.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 483:

YEAS—42.

NAYS—None.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 584:
YEAS—42.
NAYS—None.
Assembly Bill No. 584 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 153.
Bill read third time.
Remarks by Assemblywomen Chowning and Buckley.
Roll call on Senate Bill No. 153:
YEAS—42.
NAYS—None.
Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 267.
Bill read third time.
Remarks by Assemblymen Ohrenschall and Perkins.
Roll call on Senate Bill No. 267:
YEAS—42.
NAYS—None.
Senate Bill No. 267 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 379.
Bill read third time.
Remarks by Assemblyman Claborn.
Roll call on Senate Bill No. 379:
YEAS—42.
NAYS—None.
Senate Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 490.
Bill read third time.
Remarks by Assemblymen Nolan and Chowning.
Roll call on Senate Bill No. 490:
YEAS—42.
NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 674 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Arberry.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 341.

Bill read second time and ordered to third reading.

Assembly Bill No. 525.

Bill read second time and ordered to third reading.

Assembly Bill No. 657.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 746.

Amend section 1, page 1, line 2, by deleting "$10,491" and inserting "$12,160".

Amend section 1, page 1, by deleting lines 4 and 5 and inserting:

"This appropriation is supplemental to that made by section 28 of chapter 446, Statutes of Nevada 1995, at page 1392.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 25.

Bill read second time and ordered to third reading.

Senate Bill No. 27.

Bill read second time and ordered to third reading.

Senate Bill No. 159.

Bill read second time and ordered to third reading.

Senate Bill No. 177.

Bill read second time.

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

Amendment No. 735.

Amend sec. 4, page 3, by deleting line 8 and inserting:

"requirements, as well as the review and regulation of architectural and".

Assemblyman Perkins moved the adoption of the amendment.
Remarks by Assemblyman Perkins.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 218.
Bill read second time and ordered to third reading.

Senate Bill No. 241.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 725.
Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:
"Sec. 6. 1. This section and sections 2 to 5, inclusive, of this act become effective upon passage and approval.
2. Section 1 of this act becomes effective on July 1, 1999.".
Assemblyman Perkins moved the adoption of the amendment.
Remarks by Assemblyman Perkins.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.
Bill read second time and ordered to third reading.

Senate Bill No. 288.
Bill read second time and ordered to third reading.

Senate Bill No. 315.
Bill read second time and ordered to third reading.

Senate Bill No. 351.
Bill read second time and ordered to third reading.

Senate Bill No. 398.
Bill read second time and ordered to third reading.

Senate Bill No. 412.
Bill read second time and ordered to third reading.

Senate Bill No. 449.
Bill read second time and ordered to third reading.

Senate Bill No. 454.
Bill read second time and ordered to third reading.

Senate Bill No. 465.
Bill read second time and ordered to third reading.

Senate Bill No. 517.
Bill read second time and ordered to third reading.

Senate Bill No. 542.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 20.
Resolution read second time and ordered to third reading.

Assembly Bill No. 674.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 749.
Amend section 1, page 1, by deleting lines 1 through 3 and inserting:
"Section 1. NRS is hereby amended by adding thereto a new Title, designated Title 59 of NRS, and adding to that Title a new chapter to consist of the provisions set forth as sections 2 to 21, inclusive, of this act.".
Amend the bill as a whole by deleting sec. 15, renumbering sections 16 through 19 as sections 18 through 21 and adding new sections designated sections 15 through 17, following sec. 14, to read as follows:
"Sec. 15. *The provisions of this chapter apply to any transaction for which a digital signature may be used to satisfy a requirement that a document or record be signed or in writing as set forth in section 16 of this act, including, without limitation, transactions carried out by private businesses and transactions carried out by governmental entities.*
Sec. 16. *1. Except as otherwise provided in subsection 2, if each person or governmental entity who will be involved in the submission and acceptance of a record or other document agrees to the use of a digital signature, where a statute or rule of law requires that the record or other document be signed or in writing, the use of a message which:*
(a) Represents the record or other document; and
(b) Is transformed by a digital signature,
shall be deemed to satisfy the statute or rule of law with respect to the requirement that the record or other document be signed or in writing.
2. The provisions of this section do not apply with respect to:
(a) A sworn statement;
(b) An acknowledgment;
(c) A record or other document that is required to be signed in the presence of a third party; or
(d) A record or other document with respect to which the requirement that the record or other document must be signed or in writing is accompanied by an additional qualifying requirement.

Sec. 17. *1. Except as otherwise provided by specific statute, a public agency may provide that any document submitted to the public agency may be submitted electronically if the document is transformed by a digital signature.*

2. As used in this section, "public agency" means an agency, bureau, board, commission, department or division of the State of Nevada or a political subdivision thereof.".

Amend sec. 19, page 3, line 36, by deleting "*17*" and inserting "*19*".

Amend the bill as a whole by deleting sec. 20 and renumbering sections 21 through 23 as sections 22 through 24.

Amend sec. 21, page 4, line 20, after "239.041," by inserting "239.042,".

Amend the text of repealed sections by adding the text of NRS 239.042.

Amend the title of the bill, first line, by deleting:

"in skeleton form".

Amend the summary of the bill, second line, by deleting "(BDR 8-672)" and inserting "(BDR 59-672)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the vote whereby Assembly Bill No. 350 was passed be rescinded.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 350 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 506.

The following Senate amendment was read:

Senate Amendment No. 727.

Amend sec. 2, page 2, line 14, before "In" by inserting "*1.*".

Amend sec. 2, page 2, by deleting lines 19 through 21 and inserting:

"be paid during the current calendar year.

2. The department shall ~~[use this]~~ *:*

(a) Use the statement *filed pursuant to subsection 1* only to prepare estimates for use by local governments in the preparation of *their* budgets ~~[.]~~ *; and*

(b) Submit those estimates to the local governments on or before April 25 of each year.".

Amend sec. 5, page 4, line 24, by deleting "February 15," and inserting:

"February ~~[15,]~~ *28,*".

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

"Sec. 6. NRS 362.171 is hereby amended to read as follows:

362.171 1. Each county to which money is appropriated by *subsection 1 of* NRS 362.170 may set aside a percentage of that appropriation to establish a county fund for mitigation.

~~[2.]~~ Money from the fund may be appropriated by the board of county commissioners only to mitigate adverse effects upon the county, or the school district located in the county, *which result* from ~~[the]~~ *:*

(a) A decline in the revenue received by the county from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived ~~[under]~~ *pursuant to* this chapter.

2. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:

(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.

Sec. 7. This act becomes effective on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; revising the provisions governing the reporting requirements, payment schedules and collection procedures for the tax on the net proceeds of minerals; broadening the authorized uses for the money in a county fund for mitigation; authorizing a school district to establish a fund for mitigation; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved that the Assembly concur in the Senate Amendment No. 727 to Assembly Bill No. 506.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Anderson.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Hindman.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Roslyn Wilson.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Crystal Felix.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Jermaine Weatherspoon.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Hatch.

On request of Assemblywoman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Tarr, Patricia Ogren, Gail Imazaki, Mildred James, Evelyn Phillips, B.J. Hetrick, Lori Sanchez, Kitty Duarte, Judy Lkindt, Estelle Moran, Doris Jackson, Lillian Andres, Baby Lou Smith, Helen Holtz, Karen Cummins, Kim Shaughnessy, Amber Shaughnessy, Millie Oran and Jan Hunt.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Myra Guzman and Emmanuel Sarabia.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Trent Day.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Tynette Lathan, Nick Brown, Stephanie Courtright, Desi Casci, Chris Fields, Anthony Fuentes, Chad Henshaw-Adams, Tisha Luken, Chris Pittman, Nathan Schaller, Sharayah Stewart, Jonathan VanSickle, Christopher Crevling, Callie Hubert, Robert Stewart, Nicole Taylor, Parker Willey, Monica Wright, Bud Clark, Nick Cooper, Jessica Courtright, Joshua Crevling, Micah McIntosh, Stephanie Shults, Jonathan Harder, Melissa Meyers, Sarah Shults, Veronica Coscarart, Bethany Musselman, Eric Nielsen, Megan Stearns, Johanna Chalmers, Janee Counsil, Kevin Friedline, Anna Geyer, Ashley Geyer, Rachel Geyer, Chuck Rittenhouse, Michael Turcich, Devin Grigg, Bill Hutson, Susan Musselman, Duane Geyer, Jenny Taylor, Joan VanSickle, Lou Ann Fields and Tricia Courtright.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Mercedes Lavoll.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Torres and Helen M. Lee.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Wilson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Julia Rodriguez.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Krystal Salas.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Ann Turner.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Farar.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Ulibarri.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Driggers.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 7, 1999, at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 7, 1999

Assembly called to order at 10:45 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louie Locke.

God be merciful to us and bless us, and cause Your face to shine upon us. That Your way may be known on earth, Your salvation among all nations. We give You thanks for the breath and life You give to each of us. May the people of Nevada benefit because of the wisdom and understanding You give to our legislators in their deliberations and decisions. Bless the men and women of this Assembly, their staff and families. In the Name of the Most High God, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 262, 408, 424, 529, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bill No. 527.

By Assemblymen Segerblom, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater,

Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Thomas, Tiffany, Von Tobel and Williams; Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 63—Memorializing former Assemblywoman Juanita Greer White.

WHEREAS, On September 18, 1997, the residents of the State of Nevada lost a dedicated champion of higher education with the passing of former Assemblywoman Juanita Greer White; and

WHEREAS, Juanita Greer White, who was born in Atlanta, Georgia, on November 19, 1905, is said to have baked cakes as a child to help her mother with a campaign that eventually gave women the right to vote; and

WHEREAS, After being refused entry to the Massachusetts Institute of Technology because she was a woman, Juanita Greer White applied and was accepted to Johns Hopkins University where she earned her doctorate in chemistry in 1929; and

WHEREAS, After teaching college classes in Virginia, New York, Georgia and Connecticut, Juanita Greer White moved to Southern Nevada with her husband, Thomas Sherman White, M.D., in 1956 and quickly began pursuing her personal goal of enhancing opportunities for higher education; and

WHEREAS, The role of Juanita Greer White as a charter member of the Nevada Southern University Land Foundation from 1966 to 1971 helped secure 300 acres for the University of Nevada, Las Vegas, which now includes a life sciences building named in her honor in 1976; and

WHEREAS, Juanita Greer White was elected twice to the Board of Regents of the University of Nevada, Las Vegas, serving from 1963 to 1971, during which time the University of Nevada, Las Vegas, grew from an extension campus of the University of Nevada, Reno, to a 4-year, degree-granting university and rival of the University of Nevada, Reno; and

WHEREAS, The passion of Juanita Greer White in the area of education was also evident by her service on the Western Interstate Commission for Higher Education from 1965 to 1971 and as president of the Nevada State Division of the American Association of University Women from 1963 to 1965; and

WHEREAS, Juanita Greer White was elected to the Assembly of the Nevada Legislature and served during the 1971 session on the committees on Education, Elections and Health and Welfare; and

WHEREAS, Bills and resolutions sponsored by Juanita Greer White during her term in the Assembly included measures to improve public education in the State of Nevada and promote the rights and recognition of women and minorities; and

WHEREAS, Juanita Greer White is survived by her daughter, Sally Johnston of Fredericksburg, Texas; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature express their deepest sympathy to the family of Juanita Greer White including her daughter, her grandchildren and her great-grandchildren; and be it further

RESOLVED, That Juanita Greer White will be remembered as a pioneer of women in the field of science and a strong advocate of higher education who, through personal commitment and hard work, left an indelible mark on public education in the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Sally Johnston, the daughter of Juanita Greer White.

Assemblywoman Segerblom moved the adoption of the resolution.

Remarks by Assemblywoman Segerblom.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted unanimously.

Assemblywoman Segerblom moved that all rules be suspended and that Assembly Concurrent Resolution No. 63 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Concurrent Resolution No. 55.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblywoman McClain.

Resolution adopted.

Senate Concurrent Resolution No. 9.

Assemblywoman Freeman moved the adoption of the resolution.

Remarks by Assemblywoman Freeman.

Resolution adopted.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 314 be taken from the Second Reading File and re-referred to the Committee on Government Affairs.

Remarks by Assemblyman Bache.

Motion carried.

Assemblywoman Von Tobel moved that Senate Bill No. 339 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblywoman Von Tobel.

Motion carried.

Assemblyman Carpenter moved that Senate Bill No. 315 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblywoman Freeman moved that Senate Bill No. 288 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Freeman.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 341:

YEAS—42.

NAYS—None.

Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 525.

Bill read third time.

Remarks by Assemblymen Evans, Goldwater and Freeman.

Roll call on Assembly Bill No. 525:

YEAS—42.

NAYS—None.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 657.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 657:

YEAS—42.

NAYS—None.

Assembly Bill No. 657 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 674.

Bill read third time.

Remarks by Assemblymen Beers and Giunchigliani.

Roll call on Assembly Bill No. 674:

YEAS—42.

NAYS—None.

Assembly Bill No. 674 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 25:

YEAS—42.

NAYS—None.

Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 27:

YEAS—42.
NAYS—None.
Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 159.
Bill read third time.
Remarks by Assemblywoman Cegavske.
Roll call on Senate Bill No. 159:
YEAS—42.
NAYS—None.
Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 177.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 177:
YEAS—42.
NAYS—None.
Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 218.
Bill read third time.
Remarks by Assemblymen Segerblom and Beers.
Potential conflict of interest declared by Assemblyman Beers.
Roll call on Senate Bill No. 218:
YEAS—42.
NAYS—None.
Senate Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 241.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Senate Bill No. 241:
YEAS—42.
NAYS—None.
Senate Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 250.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 250:
YEAS—42.
NAYS—None.
Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 351.
Bill read third time.
Remarks by Assemblywoman Berman.
Roll call on Senate Bill No. 351:
YEAS—42.
NAYS—None.
Senate Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 398.
Bill read third time.
Remarks by Assemblyman Thomas.
Roll call on Senate Bill No. 398:
YEAS—42.
NAYS—None.
Senate Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 412.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.
Roll call on Senate Bill No. 412:
YEAS—42.
NAYS—None.
Senate Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 449.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Senate Bill No. 449:
YEAS—42.
NAYS—None.

Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 454:

YEAS—41.

NAYS—Mortenson.

Senate Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 465.

Bill read third time.

Remarks by Assemblymen Nolan and Anderson.

Assemblyman Anderson moved that Senate Bill No. 465 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 517, 542; Senate Joint Resolutions Nos. 11, 20 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 41.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 42.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 41.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Marvel, and Carpenter.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 42.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Collins, Segerblom and Carpenter.
Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 8.
Bill read second time and ordered to third reading.

Senate Bill No. 14.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 739.
Amend section 1, page 2, by deleting line 4 and inserting:
"*2. The governing body of a city or consolidated municipality whose population is 50,000 or more but less than 100,000 may lend securities from its investment portfolio if:*
(a) The investment portfolio has a value of at least $50,000,000;
(b) The governing body is currently authorized to lend securities pursuant to subsection 5;
(c) The treasurer of the city or consolidated municipality:
(1) Establishes a policy for investment that includes provisions which set forth the procedures to be used to lend securities pursuant to this section; and
(2) Submits the policy established pursuant to subparagraph (1) to the manager of the city or consolidated municipality and prepares and submits to the manager of the city or consolidated municipality a monthly report that sets forth the securities that have been lent pursuant to this section and any other information relating thereto, including, without limitation, the terms of each agreement for the lending of those securities; and
(d) The governing body receives collateral from the borrower in the form of cash or marketable securities that are:
(1) Authorized pursuant to NRS 355.170, if the collateral is in the form of marketable securities; and
(2) At least 102 percent of the value of the securities borrowed.
3. The governing body of a city, county or consolidated municipality may enter into such".
Amend section 1, page 2, line 7, by deleting "*3.*" and inserting "*4.*".
Amend section 1, page 2, line 8, after "*subsection 1*" by inserting "*or 2*".
Amend section 1, page 2, between lines 9 and 10, by inserting:
"*5. The governing body of a city or consolidated municipality whose population is 50,000 or more but less than 100,000 shall not lend securities from its investment portfolio unless it has been authorized to do so by the state board of finance. The state board of finance shall adopt regulations that establish minimum standards for granting authorization pursuant to this*

subsection. Such an authorization is valid for 2 years and may be renewed by the state board of finance for additional 2-year periods.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 44.

Bill read second time and ordered to third reading.

Senate Bill No. 53.

Bill read second time and ordered to third reading.

Senate Bill No. 140.

Bill read second time and ordered to third reading.

Senate Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 767.

Amend section 1, page 1, by deleting lines 8 and 9 and inserting:

"provisions of this section ~~[must include the social security numbers of both parties.]~~ *shall ensure that any information which the welfare division of the department of human resources has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:*".

Amend section 1, page 1, line 12, by deleting "*Placed*" and inserting "*Filed*".

Amend sec. 2, page 2, line 7, by deleting:

"*A court that*" and inserting:

"*Before a court*".

Amend sec. 2, page 2, by deleting lines 8 and 9 and inserting:

"1 for the support of any minor child or children ~~[must include the social security numbers of the parties.]~~ *, the court shall ensure that any information which the welfare division of the department of human resources has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:*".

Amend sec. 2, page 2, line 12, by deleting "*Placed*" and inserting "*Filed*".

Amend sec. 3, page 2, by deleting lines 31 through 35, and inserting:

"~~[3. Within 10 days after a court of this state issues]~~

(b) Ensure that the information required to be obtained and provided pursuant to paragraph (a) is filed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

2. Before a court enters an order for the".

Amend sec. 3, page 2, by deleting line 37 and inserting:

"~~[that issued the order and]~~ *the following information on a form approved by* the welfare division:".

Amend sec. 3, page 2, line 41, by deleting "and" and inserting "~~[and]~~".

Amend sec. 3, page 2, line 42, by deleting "employer." and inserting: "employer ~~[.]~~ *; and*

(f) Any other information that the welfare division determines is necessary to carry out the provisions of 42 U.S.C. § 654a.".

Amend sec. 5, page 4, by deleting lines 16 and 17 and inserting:

"(d) The court shall ~~[include in its order the social security number of the responsible parent.]~~ *ensure that any information which the welfare division of the department of human resources has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:*".

Amend sec. 5, page 4, line 20, by deleting "*Placed*" and inserting "*Filed*".

Amend sec. 6, page 5, by deleting lines 16 and 17 and inserting:

"*(b) Ensure that any information which the division has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:*".

Amend sec. 6, page 5, line 19, by deleting "*Placed*" and inserting "*Filed*".

Amend sec. 7, page 7, by deleting lines 6 through 10 and inserting:

"*approves a recommendation* pursuant to this section ~~[does not contain the social security numbers of the parents or legal guardians of the child, the court shall include those numbers on]~~ *shall ensure that, before* the recommendation ~~[before it]~~ is filed pursuant to subsection 7 ~~[.]~~ *, any information which the division has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:*".

Amend sec. 7, page 7, line 12, by deleting "*Placed*" and inserting "*Filed*".

Amend sec. 8, page 7, by deleting lines 25 and 26 and inserting:

"~~inclusive, must contain the social security numbers of the parents or legal guardians of the child.]~~ *shall ensure that any information which the division has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:*".

Amend sec. 8, page 7, line 28, by deleting "*Placed*" and inserting "*Filed*".

Amend sec. 9, page 8, by deleting lines 19 and 20 and inserting:

"*that any information which the welfare division of the department of human resources has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:*".

Amend sec. 9, page 8, line 23, by deleting "*Placed*" and inserting "*Filed*".

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

"Sec. 10. Section 2 of Senate Bill No. 352 of this session is hereby amended to read as follows:

Sec. 2. NRS 425.3855 is hereby amended to read as follows:

425.3855 A district court that enters an order pursuant to NRS 425.382 to 425.3852, inclusive, *and section 1 of this act,* or an order approving a recommendation for the support of a dependent child made by a master shall ensure that any information which the division has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:

1. Provided to the enforcing authority.

2. Filed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.".

Amend the title of the bill by deleting the second line and inserting:
"certain information in judgments of divorce".

Amend the summary of the bill to read as follows:
"SUMMARY—Revises provisions requiring inclusion of certain information in judgments of divorce and court orders for child support. (BDR 11-1392)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 274.

Bill read second time.

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

Amendment No. 780.

Amend section 1, page 1, by deleting lines 7 through 9 and inserting:
"*the approval of the voters. Thereafter, the wards may be increased:*

(a) By the city council if it determines that an increase is necessary; or

(b) Upon approval of a question proposing an increase to a specific number of wards by a majority of the voters voting on the question. Such a question must be submitted to the voters on the ballot at a general election or general city election if the city council votes for the submission of the question on its own motion or if a petition signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding general election is submitted to the city council requesting an increase to a specific number of wards.

The wards must be as nearly equal in population as can".

Amend sec. 3, page 2, line 23, by deleting "~~[1st]~~ *first* " and inserting "first".

Amend sec. 3, page 2, line 28, by deleting "~~[1st]~~ *first* " and inserting "first".

Amend sec. 3, page 3, by deleting lines 6 through 18 and inserting:
"with the city clerk. All filing fees collected by the city clerk must be paid into the city treasury.

6. If, in the primary election, regardless of the number of".

Amend the title of the bill by deleting the third and fourth lines and inserting:
"city; authorizing the city council or the voters within the city to increase the number of wards in certain circumstances; and providing other matters properly relating thereto.".

Amend the bill as a whole by adding the following assemblymen as primary joint sponsors:

Assemblymen Bache and Williams.

Amend the bill as a whole by adding the following assemblymen as non-primary joint sponsors:

Assemblymen Berman, Freeman, Gibbons, Humke, Lee, Mortenson, Neighbors, Parnell, Segerblom, Thomas, Tiffany and Von Tobel.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 768.

Amend section 1, page 1, line 3, by deleting:

"*or conspires to engage*".

Amend sec. 2, page 2, by deleting line 7 and inserting:

"that were committed before the effective date of this act.".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

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

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 332.

Bill read second time and ordered to third reading.

Senate Bill No. 369.

Bill read second time.

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

Amendment No. 738.

Amend sec. 3, page 2, line 16, by deleting "*board or*" and inserting "*board and*".

Amend sec. 3, page 2, by deleting lines 21 through 28 and inserting:

"*2. Except as ordered by a court of competent jurisdiction or as required by federal law, the director, the board and the governing body of the county or city where the project is located shall not, without the prior consent of the obligor, disclose proprietary information or financial statements or records of the obligor or guarantor that are not otherwise available to the public if the obligor has:*

(a) Requested in writing that the information, statements or records be kept confidential; and

(b) Furnished the information, statements or records for the sole purpose of obtaining".

Amend the title of the bill, first line, after "providing" by inserting: "under certain circumstances".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Senate Bill No. 369 be re-referred to the Committee on Government of Affairs.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Government Affairs.

Senate Bill No. 418.

Bill read second time and ordered to third reading.

Senate Bill No. 433.

Bill read second time and ordered to third reading.

Senate Bill No. 472.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 770.

Amend sec. 4, page 4, line 5, by deleting "*$250*" and inserting "*$100*".

Amend sec. 4, page 4, line 6, by deleting "*$250*" and inserting "*$100*".

Amend sec. 5, page 4, line 9, after "253.0415" by inserting "*1.*".

Amend sec. 5, page 4, by deleting line 10 and inserting:

"~~[1. Investigate:]~~

(a) *Investigate:*

(1)".

Amend sec. 5, page 4, line 14, by deleting "(b)" and inserting "~~[(b)]~~ *(2)*"

Amend sec. 5, page 4, line 17, by deleting "*(c)*" and inserting "*(3)*".

Amend sec. 5, page 4, line 20, by deleting "2." and inserting "~~[2.]~~ *(b)*".

Amend sec. 5, page 4, line 22, by deleting "This" and inserting: "~~[This]~~ *Except as otherwise provided in subsection 2, this*".

Amend sec. 5, page 4, line 26, by deleting "3." and inserting "~~[3.]~~ *(c)*".

Amend sec. 5, page 4, line 30, by deleting "~~value.~~]" and inserting "~~value.~~".

Amend sec. 5, page 4, line 31, by deleting "4." and inserting "~~4.]~~ *(d)*".

Amend sec. 5, page 4, line 32, by deleting "(a)" and inserting "~~[(a)]~~ *(1)*".

Amend sec. 5, page 4, line 33, by deleting "(b)" and inserting "~~[(b)]~~ *(2)*".

Amend sec. 5, page 4, between lines 35 and 36, by inserting:

"*2. The public administrator is not eligible to serve as a guardian of the person and estate of a ward if the board of county commissioners of his county has established the office of public guardian pursuant to NRS*

253.150, unless the board has designated the public administrator as ex officio public guardian.".

Amend the bill as a whole by renumbering sections 8 and 9 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. NRS 253.200 is hereby amended to read as follows:

253.200 1. A resident of Nevada ~~[who is 60 years of age or older]~~ is eligible to have the public guardian appointed as his individual guardian if he:

(a) Has no relative or friend able and willing to serve as his guardian; or

(b) Lacks sufficient assets to provide the requisite compensation to a private guardian.

2. A person so qualified, or anyone on his behalf, may petition the district court of the county in which he resides to make the appointment.".

Amend sec. 8, page 6, by deleting lines 12 through 16 and inserting:

"*1. A public administrator or deputy designated by him may submit a written request to a public utility for the name and address of a person listed in the records of the public utility if the information is necessary to assist the public administrator in carrying out his duties pursuant to chapter 253 of NRS.*".

Amend the title of the bill, by deleting the fourth and fifth lines and inserting:

"under certain circumstances; prohibiting certain public administrators from acting as guardians of proposed wards; revising the circumstances under which a public administrator is required to petition a court for letters of administration; allowing the appointment of a public guardian for a person who is under 60 years of age;".

Amend the summary of the bill, first line, by deleting "administrators." and inserting:

"administrators and public guardians."

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 515.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 771.

Amend section 1, page 1, line 11, by deleting "*state;*" and inserting:

"*state and the time within which he is required to register pursuant to NRS 179D.240;*".

Amend sec. 2, page 2, line 35, by deleting "*state;*" and inserting:

"*state and the time within which he is required to register pursuant to NRS 179D.460;*".

Amend sec. 23, page 13, line 17, by deleting "*state;*" and inserting: "*state and the time within which he is required to register pursuant to NRS 179D.240;*".

Amend sec. 24, page 15, by deleting lines 13 and 14 and inserting:

"*(a) Inform* the offender of the duty to *register and the time within which the offender is required to register with the division if he has not previously done so;*

(b) Inform the offender of the duty to notify the division [of".

Amend sec. 24, page 15, line 19, by deleting "(b)" and inserting "(c)".

Amend sec. 34, page 21, line 40, by deleting "state;" and inserting: "state and the time within which he is required to register pursuant to NRS 179D.460;".

Amend sec. 35, page 24, by deleting lines 3 and 4 and inserting:

"(a) Inform the sex offender of the duty to register and the time within which the sex offender is required to register with the division if he has not previously done so;

(b) Inform the sex offender of the duty to notify the".

Amend sec. 35, page 24, line 9, by deleting "(b)" and inserting "(c)".

Amend sec. 43, page 30, line 12, by deleting:

"an extended period" and inserting:

"more than 30 consecutive days".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 339.

Bill read second time.

Assemblywoman Chowning withdrew Amendment No. 757 to Senate Bill No. 339.

The following amendment was proposed by Assemblymen Von Tobel, Giunchigliani and Bache:

Amendment No. 788.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Except as otherwise provided in this subsection, the department, in".

Amend section 1, page 2, line 31, by deleting "4" and inserting "7".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. 1. Except as otherwise provided in this subsection, the department, in cooperation with the division of state lands of the state department of conservation and natural resources, shall design, prepare and

issue license plates for the support of the natural environment of the Mount Charleston area using any colors that the department deems appropriate. The design of the license plates must include a depiction of Mount Charleston and its surrounding area. The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the department receives at least 250 applications for the issuance of license plates for the support of the natural environment of the Mount Charleston area, the department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the natural environment of the Mount Charleston area if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the natural environment of the Mount Charleston area pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the natural environment of the Mount Charleston area is $35, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and privilege taxes, a person who requests a set of license plates for the support of the natural environment of the Mount Charleston area must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to finance projects for the natural environment of the Mount Charleston area.

5. The department shall deposit the fees collected pursuant to subsection 4 with the state treasurer for credit to the account for license plates for the support of the natural environment of the Mount Charleston area created pursuant to section 6 of this act.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, he may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.".

Amend sec. 2, page 3, line 27, by deleting "1" and inserting "3".

Amend sec. 3, page 4, by deleting line 5 and inserting:

"For every other decal, license plate sticker or tab 5.00".

Amend sec. 3, page 4, by deleting line 11 and inserting:

"inclusive, [and] section 1 of *Senate Bill No. 204 of* this [act,] *session and section 2 of this act,* a fee of $10.".

Amend the bill as a whole by renumbering sec. 4 as sec. 7 and adding a new section designated sec. 6, following sec. 3, to read as follows:

"Sec. 6. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The account for license plates for the support of the natural environment of the Mount Charleston area is hereby created in the state general fund. The administrator of the division of state lands of the state department of conservation and natural resources shall administer the account.

2. The money in the account does not lapse to the state general fund at the end of a fiscal year. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

3. The money in the account must be used only for the support of programs for the natural environment of the Mount Charleston area, including, without limitation, programs to improve the wildlife habitat, the ecosystem, the forest, public access to the area and its recreational use, and must not be used to replace or supplant money available from other sources. The administrator may provide grants from the account to other public agencies and political subdivisions, including, without limitation, unincorporated towns, to carry out the provisions of this section.".

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 8, following sec. 4, to read as follows:

"Sec. 8. 1. This section and sections 1 to 4, inclusive, 6 and 7 of this act become effective on October 1, 1999.

2. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1999.

3. The amendatory provisions of sections 2, 5 and 7 of this act expire by limitation on October 1, 2003, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of a license plate pursuant to section 2 of this act.

4. The amendatory provisions of sections 3, 4 and 6 of this act expire by limitation on October 1, 2003, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of a license plate pursuant to section 3 of this act.".

Amend the title of the bill, fourth line, after "Nevada;" by inserting:

"providing for the issuance of special license plates for the support of the natural environment of the Mount Charleston area;".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for issuance of certain special license plates. (BDR 43-1503)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Goldwater, and Von Tobel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 229.

The following Senate amendment was read:

Senate Amendment No. 741.

Amend section 1, page 2, line 26, after "*(m)*" by inserting:

"*Conflict resolution.*

(n) Anger management.

(o)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 229.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 336.

The following Senate amendment was read:

Senate Amendment No. 635.

Amend section 1, page 1, line 10, by deleting "*shall*" and inserting "*may*".

Amend section 1, page 1, line 11, after "*any*" by inserting "*reasonable*".

Amend section 1, page 2, line 3, by deleting "*The*" and inserting:

"*If the court orders the convicted person to make such restitution, the*".

Amend sec. 2, page 3, line 4, by deleting "*shall*" and inserting "*may*".

Amend sec. 2, page 3, line 6, after "*any*" by inserting "*reasonable*".

Amend sec. 2, page 3, line 8, by deleting "*The*" and inserting:

"*If the court orders the convicted person to make such restitution, the*".

Amend sec. 3, page 3, by deleting line 16 and inserting:

"*the court may order the convicted person to pay restitution for any reasonable costs*".

Amend sec. 3, page 3, line 19, by deleting "*The*" and inserting:

"*If the court orders the convicted person to make such restitution, the*".

Amend the title of the bill, first line, by deleting "requiring" and inserting:

"authorizing the court to order".

Amend the summary of the bill, first line, by deleting "Requires" and inserting:

"Authorizes court to order".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 336.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 545.

The following Senate amendment was read:

Senate Amendment No. 743.

Amend section 1, page 3, by deleting line 38 and inserting:

"*(a) The* fees set forth in paragraphs (a) and (b) *of subsection 1 and subparagraph (1) of paragraph (e)* of subsection 1, as".

Amend section 1, page 3, by deleting lines 40 through 43 and inserting:

"~~an additional fee equal to one-half of the fee to which he is entitled pursuant to paragraph (c) of subsection 1~~] *; and*

(b) A fee of $5.33 per page for the original draft and one copy, and 83 cents per page for each additional copy for".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 545.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 647.

The following Senate amendment was read:

Senate Amendment No. 719.

Amend sec. 3, page 3, by deleting line 40 and inserting:

"*which includes, without limitation, a description of the property and an acknowledgment of the pawnbroker's interest in the property, and which*".

Amend sec. 4, page 4, by deleting line 19 and inserting:

"removed from his place of business ~~[within 30 days]~~ after the receipt of the".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective on July 1, 1999.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 647.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 648.

The following Senate amendment was read:

Senate Amendment No. 744.

Amend section 1, page 1, line 2, by deleting:

"2 and 3" and inserting:

"2, 3 and 4".

Amend the bill as a whole by deleting sections 2 and 3, renumbering sections 4 through 7 as sections 5 through 8 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. *The attorney general may provide for the defense, including, without limitation, the defense of cross-claims and counterclaims, of any*

present or former justice of the peace or municipal judge in any civil action brought against that person based on an alleged act or omission relating to his public duties or employment if:

1. The justice of the peace or municipal judge has requested representation by the official attorney of the political subdivision pursuant to NRS 41.0339;

2. The official attorney has:

(a) Failed to determine whether to tender the defense pursuant to NRS 41.03415, and an answer or other responsive pleading must be filed within 10 days;

(b) Determined not to tender the defense pursuant to NRS 41.03415; or

(c) Determined that it is impracticable or could constitute a conflict of interest for the legal services to be rendered by the official attorney, but the official attorney has not:

(1) Employed special counsel pursuant to NRS 41.0344;

(2) Tendered the defense to an insurer who is authorized to defend the action pursuant to a contract of insurance, pursuant to NRS 41.0345; or

(3) Requested the attorney general to provide the defense pursuant to this section;

3. The justice of the peace or municipal judge submits a written request for defense to the attorney general and a copy of the request to the office of the court administrator, or the official attorney, after determining that it is impracticable or could constitute a conflict of interest for the legal services to be rendered by the official attorney, submits a written request for defense to the attorney general and a copy of the request to the office of the court administrator; and

4. The attorney general determines that the act or omission on which the action is based appears to be within the course and scope of the public duty or employment of the justice of the peace or municipal judge and appears to have been performed or omitted in good faith.

Sec. 3. *If the attorney general defends an action pursuant to section 2 of this act, the political subdivision that employed the justice of the peace or municipal judge at the time the act or omission on which the action is based occurred shall pay the cost of legal representation provided by the attorney general.*

Sec. 4. *1. If a request for the defense of a justice of the peace or municipal judge is submitted to the attorney general pursuant to section 2 of this act, the attorney general shall determine as promptly as possible whether to tender the defense of the justice of the peace or municipal judge. Until the attorney general makes the determination, he shall take appropriate action to defend or otherwise protect the time of the justice of the peace or municipal judge to file a responsive pleading.*

2. After determining whether to tender the defense of the justice of the peace or municipal judge, the attorney general shall, as promptly as possible, give written notice of the determination to the justice of the peace

or municipal judge and the political subdivision that employed that person at the time the act or omission on which the action is based occurred.".

Amend sec. 4, page 2, by deleting lines 21 and 22 and inserting:

"41.0338 As used in NRS 41.0339 to 41.0349, inclusive, *and sections 2, 3 and 4 of this act,* "official attorney" means:".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 648.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 50, 51, 135, 138, 165, 221, 262, 436, 437, 438, 456, 464, 506, 544; Assembly Joint Resolutions Nos. 4, 19; Assembly Concurrent Resolutions Nos. 59, 62; Senate Bills Nos. 281, 487, 510; Senate Concurrent Resolutions Nos. 16, 37.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 465 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Anderson.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Logan Rees.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Beers, Lindsey Beers and Sarah Beers.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Betsy MacFarlan.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Crystal Felix.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Dean Baker and Misty Richardson.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to May Eldridge, Nancy Eldridge, Thomas Nakashima, Stephen Amick, Benjamin Bakke, Jaymie Davies, Alyssa Brown, Samantha Carter, Kristin Drinnon, Brandy Green, Daniel Harrison, Stephanie Keddington, Joshua Locanas, Alex Mayhugh,

Krystle McCart, Dylan McFarlane, Rickey Miller, Stephen Ross Miller, Cameron Sailor, Dustin Prinz, Yasmine Rahmani, Amie Saul, Isaac Sears, Reyna Gomez, Daniel Shyne, Steven Stewart, Shawna Suetta, Karley Thompson, Lindsey Thompson, Whitney Adams, Ted Cecil, Tyson Cordts, Richard Cornu, Katelynn Cross, Jennifer Easton, Fawn Enox, Owen Erquiaga, Casie Jo Fowler, Angie Hendrix, Sarah Hendrix, Katie Horne, Leslie Kelley, Anthony Laca, Brandon Lacow, Jennie Lasher, Kayleigh McAviney, Bliss Mundy, Jessica Palmero, LaQuitta Pearson, Kelsey Reeves, Tailor Sponcey, Monica Washburn, Stephanie Wolfgang, Kendra Yates, Carlos Valenzuela, Virginia Fowler, Wes Washburn, Sherry Hendrix, Sonny Covey, Kendi Yates, Lisa Euquiaga, Barbara Hendrix, Gary Pope-Sears, Shari Stewart, Anna Bateman and Natalie Bakke.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Stix.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Billingsley, Tavis Bogard, Aaron Cash, Katy Hansen, Kai Parker, Eric Suess, Kimberly Watt, Julie Brant, Beth Wass and Rachel Bogard.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Howard Winn, Harvey Barnes, Marian Filippini, Hand Filippini and Marta Agee.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to William Wright.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to John Rees.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ned Eyre.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Johnston, Wilbur Johnston, Toni BuFalry, Paulie Alles and John Falen.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 10, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 10, 1999

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Heavenly Father, Spring has come, but with it have come wars, tragedies, and catastrophes. It sometimes seems like things are falling apart. Here in our private world behind these walls, things continue to be so hectic. We take a moment this morning to listen to and obey Your work when You said, "*Be still and know that I am God.*" Please hear us in our stillness and help us to know.AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Constitutional Amendments, to which was referred Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 216, 341, 377, 389, 501, 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Concurrent Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 175, 322, 441, 552, 587, 630.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 63.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 756 to Senate Bill No. 54; Assembly Amendment No. 755 to Senate Bill No. 64.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ohrenschall, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 64—Memorializing Fred A. Olson.

WHEREAS, The members of the Nevada Legislature were deeply saddened to learn of the passing of Fred A. Olson on April 3, 1999; and

WHEREAS, Fred Olson was born in Spokane, Washington, on April 4, 1921; and

WHEREAS, Fred Olson was a lifelong sailor, serving his country in the Merchant Marine from 1944 until his retirement in 1986, who began his seafaring career with the Sailors' Union of the Pacific to see the world and to be involved in the World War II effort; and

WHEREAS, Following the war, Fred Olson joined the Seafarers International Union where his union membership spurred his interest in politics and the power of communication, believing that any individual could go directly to a governor, representative or city commissioner to resolve a problem; and

WHEREAS, The union also played an integral part in Fred Olson's marriage to his wife, Lois, having met her aboard the Santa Mercedes when she was the steward delegate for the Marine Cooks and Stewards Union and he was the ship's chairman for the Seafarers International Union; and

WHEREAS, Their marriage has been called "the most successful merger" between the Seafarers International Union and the Marine Cooks and Stewards Union because of their teamwork in all areas of their lives; and

WHEREAS, After ending their sailing careers aboard the S.S. Constitution upon retirement in 1986, the couple dived into politics and community affairs, bringing national attention to issues involving maritime interests, seniors, health care and manufactured housing reform; and

WHEREAS, As a resident of Nevada for 19 years, Fred Olson made many contributions to this state as a member of the Paradise Democratic Club, Citizens Water Board, Nevada Association of Manufactured Homeowners and Seniors United; and

WHEREAS, Fred Olson is survived by his wife, Lois, son Jaime Bonita of Shelton, Washington, and five grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature offer their

sincere condolences and heartfelt sympathy to the family and friends of Fred A. Olson, a man who contributed so much to his country and the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Fred Olson's beloved wife and partner, Lois.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, Manendo, Buckley, Price, Chowning, Bache and Segerblom.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. Fred Olson was a 19-year resident of Las Vegas. He, together with his wife Lois, was the example of what you would call an informed, concerned citizen. He understood that all people were his brothers and sisters and that he was responsible in some way for their welfare and benefit. In the time that he lived in Las Vegas, he became—with his wife—a spokesman for mobile home problems for seniors. He was on the advisory committee of the Las Vegas Valley Water District and helped to bring about the legislation which allows mobile home parks to have individual water meters. This allowed for a more just way for people who live in mobile home parks to pay for their water.

He had been at the forefront of the fight against the discrimination seniors and people with limited income face frequently. It is the sort of discrimination you do not see on the surface because it doesn't have a big banner headline. It simply amounts to, "Well, if you can't afford this because you made a bad choice in life when you retired, tough." He recognized that this was discrimination and that it should end for these people. He was out there battling this. He was inspired by his wife, Lois, who was his team captain. Together they were unconquerable. I know his wife will continue the great tradition that they had together. Nevada has lost a great man in losing Fred. Thank you.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I, too, rise in support of ACR 64. Fred Olson was a great man. He was a great leader within the community. He was a personal friend of mine. When I first decided to run for office, he said, "You know, we need more young people in there. If this is something you want to do and you want to serve the people, then you have to go for it. Don't look back, and fight." I think if we look back at all the things he did with the Paradise Democratic Club and the seniors and the people who lived in manufactured homes, his leadership will never be forgotten. I am proud to stand in honor of this resolution.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of ACR 64. Fred Olson was a great man. It's so difficult in this day and age to continue to be an activist year after year, fighting for something you believe in when sometimes it feels like you aren't getting anywhere. Fred continued to do that until his dying day. There is something special about someone who begins activism at an early age and continues well into their 70s. Fred Olson was one of those activists. Nevada will be worse off by not having him around.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I am honored to rise to honor Fred Olson. I can't even remember how many years I knew Fred. He was exactly as we've been saying here today: a person who was a real community activist who worked on problems regardless of how tough they looked. He would eventually gain in them. His interests were in the "little people," so to speak. He was a wonderful person, he and his wife both. As I indicated, I am honored for us to be honoring Fred, but I am certainly saddened at his passing. We in the Paradise Democratic Club and many of the other organizations he was a part of will sorely miss Fred.

ASSEMBLYMAN CHOWNING:
Thank you, Mr. Speaker. I, too, rise in support of ACR 64. I was proud to have known Mr. Olson and his wonderful wife, Lois. They both served as role models and I am very honored to stand in support of him and all the activist work he did. I hope that when I am his age I will be remembered as a role model and continue to fight for the right things being done.

ASSEMBLYMAN BACHE:
Thank you, Mr. Speaker. I, too, rise in support of ACR 64. Fred Olson and his wife Lois were friends of mine. He will be sorely missed as far as the various Democratic clubs and various issues he was involved in. I always appreciated the input he gave me on mobile home, senior, and health insurance issues. He truly was concerned about everyone and will be sorely missed. Thank you.

ASSEMBLYWOMAN SEGERBLOM:
Thank you, Mr. Speaker. I rise, too, in support of ACR 64. He was a real friend of senior citizens. We will miss him in Seniors United. He and Lois kept us going much of the time. We miss him dearly. Thank you.

Resolution adopted unanimously.

Assemblywoman Ohrenschall moved that all rules be suspended and that Assembly Concurrent Resolution No. 64 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Goldwater moved that Senate Bill No. 424 be taken from the Consent Calendar and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

CONSENT CALENDAR

Assemblyman Goldwater stated objection to inclusion of Senate Bill No. 262 on Consent Calendar.

Senate Bill No. 262 placed on the Second Reading File.

Assemblyman Goldwater stated objection to inclusion of Senate Bill No. 536 on Consent Calendar.

Senate Bill No. 536 placed on the Second Reading File.

Assemblyman Gustavson stated objection to inclusion of Senate Bill No. 408 on Consent Calendar.

Senate Bill No. 408 placed on the Second Reading File.

Senate Bill No. 529.

Bill read by number.

Roll call on Senate Bill No. 529:

YEAS—42.

NAYS—None.

Senate Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 512.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 790.

Amend sec. 3, page 2, line 2, after "*clerk*" by inserting: "*or the county recorder*".

Amend sec. 3, page 2, by deleting line 5 and inserting: "*2. Neither the county clerk nor the county recorder may charge and collect from a person any*".

Amend sec. 3, page 2, by deleting lines 10 through 15 and inserting: "*preparation of an affidavit of correction pursuant to subsection 1:*

(a) The county clerk shall charge and collect from the person a fee in an amount equal to the amount that the county recorder is required to charge and collect pursuant to NRS 247.305 and shall pay the fee over to the county recorder as his fee for recording the corrected certificate of marriage; or

(b) The county recorder shall charge and collect from the person the fee set forth in NRS 247.305 for recording the corrected certificate of marriage.

4. All fees collected pursuant to this section must be".

Amend the title of the bill, fifth line, after "destroyed;" by inserting: "authorizing a county recorder to charge fees for correcting certain errors in certificates of marriage;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 262.

Bill read second time and ordered to third reading.

Senate Bill No. 536.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 53 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 285:
YEAS—42.
NAYS—None.
Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 8.
Bill read third time.
Remarks by Assemblymen Humke, Goldwater, Beers and Nolan.
Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.
Roll call on Senate Bill No. 8:
YEAS—39.
NAYS—Freeman, Gibbons, Gustavson—3.
Senate Bill No. 8 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 14.
Bill read third time.
Remarks by Assemblymen Bache and Goldwater.
Conflict of interest declared by Assemblyman Goldwater.
Roll call on Senate Bill No. 14:
YEAS—41.
NAYS—None.
NOT VOTING—Goldwater.
Senate Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 44.
Bill read third time.
Remarks by Assemblymen Perkins and Collins.
Potential conflict of interest declared by Assemblymen Collins and Lee.
Roll call on Senate Bill No. 44:
YEAS—42.
NAYS—None.
Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 140.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Gustavson.
Roll call on Senate Bill No. 140:
YEAS—40.
NAYS—Angle, Gustavson—2.

Senate Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 43.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 43.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Humke and Goldwater.

Resolution adopted unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:11 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 44.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 44.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Chowning and Collins.

Resolution adopted unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 242.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Senate Bill No. 242:
YEAS—40.
NAYS—Gustavson, Tiffany—2.
Senate Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 274.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 274:
YEAS—42.
NAYS—None.
Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 297.
Bill read third time.
Remarks by Assemblymen Anderson and Brower.
Roll call on Senate Bill No. 297:
YEAS—39.
NAYS—Collins, Dini, Williams—3.
Senate Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 332.
Bill read third time.
Remarks by Assemblywoman Evans.
Roll call on Senate Bill No. 332:
YEAS—42.
NAYS—None.
Senate Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 339.
Bill read third time.
Remarks by Assemblymen Carpenter and Perkins.
Roll call on Senate Bill No. 339:

YEAS—32.

NAYS—Anderson, Bache, Evans, Freeman, Giunchigliani, Goldwater, Koivisto, Leslie, Neighbors, Perkins—10.

Senate Bill No. 339 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 418.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 418:

YEAS—42.

NAYS—None.

Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 433:

YEAS—41.

NAYS—None.

NOT VOTING—Goldwater.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 465.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 465:

YEAS—40.

NAYS—Gibbons, Gustavson—2.

Senate Bill No. 465 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 472:

YEAS—42.

NAYS—None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 515.
Bill read third time.
Remarks by Assemblywoman Angle.
Roll call on Senate Bill No. 515:
YEAS—42.
NAYS—None.
Senate Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 517.
Bill read third time.
Remarks by Assemblymen Price, Freeman and Arberry.
Roll call on Senate Bill No. 517:
YEAS—40.
NAYS—Angle, Gustavson—2.
Senate Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 542.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 542:
YEAS—42.
NAYS—None.
Senate Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11.
Resolution read third time.
Remarks by Assemblyman Price.
Roll call on Senate Joint Resolution No. 11:
YEAS—42.
NAYS—None.
Senate Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 20.
Resolution read third time.
Remarks by Assemblyman Price.
Roll call on Senate Joint Resolution No. 20:
YEAS—42.
NAYS—None.
Senate Joint Resolution No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 129.

The following Senate amendment was read:

Senate Amendment No. 715.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 353B.160 is hereby amended to read as follows:

353B.160 1. The board shall create a comprehensive plan that specifies the policies for investment which the state treasurer shall follow in his administration of the trust fund.

2. The board may authorize the state treasurer to invest the property of the trust fund in:

(a) A bond, note, certificate or other general obligation of the State of Nevada, or of a county, city, general improvement district or school district of the State of Nevada.

(b) A corporate bond of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States with a rating not lower than ~~["BAA/BBB"]~~ *"A" or its equivalent* by a nationally recognized rating service. The total amount invested in such bonds must not exceed ~~[5]~~ *50* percent of the book value of the total fixed income investments of the trust fund.

(c) Commercial paper of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States or of a wholly owned subsidiary of such a corporation with a rating not lower than A-3 or P-3 by a nationally recognized rating service.

(d) A bond, note, debenture or other valid obligation that is issued by the Treasury of the United States.

(e) A bond, note, debenture or other security *that is issued by an agency or instrumentality of the United States or* that is fully guaranteed by the United States in:

(1) The Federal Farm Credit Bank;

(2) The Federal National Mortgage Association;

(3) The Federal Home Loan Bank; ~~[or]~~

(4) The Federal Home Loan Mortgage Corporation ~~[.]~~ *; or*

(5) The Government National Mortgage Association.

(f) A bond, note, debenture or other security in the Student Loan Marketing Association, regardless of whether it is guaranteed by the United States.

(g) *Collateralized mortgage obligations that are rated "AAA" or its equivalent by a nationally recognized rating service.*

(h) Asset-backed securities that are rated "AAA" or its equivalent by a nationally recognized rating service.

(i) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "A" or its equivalent, or better; and

(3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities.

The total dollar amount invested in such mutual funds must not exceed 20 percent of the total dollar amount of the trust fund that is invested.

~~[(h)]~~ *(j)* Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotations System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than $50,000,000;

(3) The maximum investment in stock is not greater than 60 percent of the book value of the total investments of the trust fund;

(4) ~~[The]~~ *Except for investments made pursuant to paragraph (m), the* amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the trust fund; and

(5) ~~[The]~~ *Except for investments made pursuant to paragraph (m), the* total amount of shares owned by the trust fund is not greater than 5 percent of the outstanding stock of a single corporation.

~~[(i)]~~ *(k)* A covered call or put option on securities that are traded on one or more of the regulated exchanges in the United States.

~~[(j)]~~ *(l)* A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the board as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the trust fund.

(m) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to (l), inclusive.

3. The state treasurer shall exercise the standard of care in investing the property of the fund that a person of prudence, discretion and intelligence would exercise in the management of his own affairs, given the prevailing circumstances, not in regard to speculation but rather to the permanent

disposition of the property, considering the potential income from and the probable safety of his capital.

4. Subject to the terms, conditions, limitations and restrictions set forth in this section, the state treasurer may sell, assign, transfer or dispose of the property and investments of the trust fund upon the approval of a majority of the board.

5. The assets of the trust fund:

(a) Must be maintained, invested and expended solely for the purposes of this chapter; and

(b) Must not be loaned, transferred or otherwise used for a purpose other than the purposes of this chapter.

6. The state treasurer shall credit any income derived from an investment or a gain from a sale or exchange of an investment to the trust fund.

7. The state treasurer shall acquire each investment for the trust fund at a price not to exceed the prevailing market value for such an investment.

8. Each investment in the trust fund must be clearly marked to indicate ownership by the trust fund.

9. The state treasurer, an employee of the state treasurer, or a member or employee of the board shall not:

(a) Have a direct or indirect interest in the income, gain or profit of an investment that the state treasurer makes;

(b) Receive pay or emolument for his services in connection with an investment that the state treasurer makes; or

(c) Become an endorser, surety or obligor for money that is borrowed from the trust fund.

10. If the annual actuarial study performed pursuant to NRS 353B.190 reveals that there is insufficient money to ensure the actuarial soundness of the trust fund, the board shall modify the terms of subsequent prepaid tuition contracts.

11. The terms, conditions, limitations and restrictions regarding investments of the trust fund listed in this section apply only at the time an investment is originally acquired and must not be construed to require the liquidation of an investment at any time.".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. Section 3 of Assembly Bill No. 128 of this session is hereby amended to read as follows:

Sec. 3. NRS 226.110 is hereby amended to read as follows:

226.110 The state treasurer:

1. Shall receive and keep all money of the state which is not expressly required by law to be received and kept by some other person.

2. Shall receipt to the state controller for all money received, from whatever source, at the time of receiving it.

3. Shall establish the policies to be followed in the investment of money of the state, subject to the periodic review and approval or disapproval of those policies by the state board of finance.

4. May employ any necessary investment and financial advisers to render advice and other services in connection with the investment of money of the state.

5. Shall disburse the public money upon warrants drawn upon the treasury by the state controller, and not otherwise. The warrants must be registered and paid in the order of their registry. The state treasurer may use any sampling or post-audit technique, or both, which he considers reasonable to verify the proper distribution of warrants.

6. Shall keep a just, true and comprehensive account of all money received and disbursed.

7. Shall deliver in good order to his successor in office all money, records, books, papers and other things belonging to his office.

8. Shall fix, charge and collect reasonable fees for:

(a) Investing the money in any fund or account which is credited for interest earned on money deposited in it; and

(b) Special services rendered to other state agencies or to members of the public which increase the cost of operating his office.

9. Serves as the primary representative of the state in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of any obligation authorized on the behalf and in the name of the state, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

10. Is directly responsible for the issuance of any obligation authorized on the behalf and in the name of the state, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive. The state treasurer ~~[shall]~~ *:*

(a) Shall issue such an obligation as soon as practicable after receiving a request from a state agency for the issuance of the obligation.

(b) May, except as otherwise provided in NRS 538.206, employ necessary legal, financial or other professional services in connection with the authorization, sale or issuance of such an obligation.

11. May organize and facilitate statewide pooled financing programs, including lease purchases, for the benefit of the state and any political subdivision, including districts organized pursuant to NRS 450.550 to 450.750, inclusive, and chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS.".

Amend sec. 3, page 6, by deleting line 8 and inserting:

"Sec. 5. 1. This act becomes effective upon passage and approval.

2. The amendatory provisions of section 1 of this act expire by limitation when the board notifies the governor pursuant to subsection 1 of section 24 of chapter 687, Statutes of Nevada 1997, that it has performed all duties and

obligations pursuant to any prepaid tuition contract entered into before July 1, 2001.".

Amend the title of the bill, second line, after "money;" by inserting:
"revising certain limitations on the investment of money in the trust fund for prepaid tuition;".

Amend the summary of the bill, first line, by deleting "money." and inserting:
"money and money in trust fund for prepaid tuition.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 129.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 229, 336, 545, 647, 648; Senate Bills Nos. 54, 56, 64, 267, 462, 479, 484, 490; Senate Concurrent Resolutions Nos. 38, 39, 40.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Senate Bill No. 288 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to John Arthur Reed.

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Sohns and Darlene Phipps.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Charlotte Smith, Barbara Smith Campbell, Matt Smith, Blake Smith, Ruthie Smith, Debie Smith Castello.

On request of Assemblywoman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Esther Alonzo, Christopher Belmonte, Alyssa Brackett, Seana Corbett, Alexander Croarkin, Felicia Davis, Sarah Guill, Taylor Guzman, Donavin Harris-Gomez, Jessica Harvey, David Hogg, Diana Mancilla, Andrew Martinez, Aunna Mattice-Ebert, Joshua Oberdorf, Kali Rescigno, Brina Rounds, Allisa SanNicolas, Celeste Sanders and Mrs. Enos.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Ortega.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 12, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:00 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 12, 1999

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Evans and Tiffany, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Our Heavenly Father, it seems like we've been here a long time, and the work is often hard. We especially thank You today for all the support staff here. Where would we be without them? As always Lord, You have provided us with exactly what is needed to get the job done. Please give us all strength, wisdom, and love too so we can finish up these next few weeks. We pray in the Name of the One who gives all strength. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 16, 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 470, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Ways and Means.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 73, 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 35, 161, 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 105, 106, 108, 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 287, 318, 534, 535, 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 81, 129, 179, 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 46, 71, 303, 304, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 343, 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 38, 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 181, 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 95, 203, 215, 231, 254, 255, 260, 414, 447, 461, 518, 612, 640, 644.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 64.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 169, Amendment No. 753; Assembly Bill No. 202, Amendment No. 748; Assembly Bill No. 588, Amendment No. 760; Assembly Bill No. 611, Amendment No. 752; Assembly Bill No. 626, Amendment No. 761, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 11, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 107, 111, 141, 197, 249, 425, 445, 450, 489, 531, 593, 624, 651; Assembly Joint Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 265, Amendment No. 766; Assembly Bill No. 267, Amendment No. 750; Assembly Bill No. 469, Amendment No. 742; Assembly Bill No. 639, Amendment No. 763, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 683—AN ACT relating to recreation; revising the particular purposes and extending the periods for the expenditure of certain money previously appropriated to the division of state parks of the state department of conservation and natural resources for park improvement projects; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 684—AN ACT relating to the commission for the preservation of wild horses; authorizing the commission to retain the balance of an appropriation previously made to the commission to conduct a study of the feasibility of establishing a private foundation for the promotion of the public adoption of wild horses and burros; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 685—AN ACT relating to nonprofit corporations; prohibiting the commissioner of insurance from granting or continuing authority to transact insurance in this state to certain insurers; requiring the attorney general to make certain determinations concerning certain nonprofit

hospital, medical or dental service corporations that have converted or are proposing to convert to for-profit corporations; revising the provisions governing the conversion of nonprofit hospital, medical or dental service corporations to for-profit corporations or entities; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced that pursuant to Assembly Standing Rule No. 1, Section 2, subsection (d), Assemblyman Perkins would act as presiding officer.

Assemblyman Perkins presiding.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Jacobsen, Amodei, Care, Carlton, Coffin, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 65—Commending retired Director Peter A. Fenili for 24 years of service with the Walker River Irrigation District in Yerington, Nevada.

WHEREAS, Peter A. Fenili has served as a member of the Board of Directors of the Walker River Irrigation District as the representative of Division No. 4 since May 5, 1975; and

WHEREAS, Peter Fenili, a staunch believer in proper water management and fairness in its distribution to all water right holders, was a visionary who saw the need for a strong infrastructure to protect water rights and properly serve the present and future needs of agriculture and who voted consistently to accomplish this ideal; and

WHEREAS, As a member of the Board of Directors, Peter Fenili consistently stated that the Walker River Irrigation District should be staffed by qualified personnel and that the facilities of the District, including dams and canals, as well as the equipment, office and maintenance shop, should be maintained and their integrity preserved; and

WHEREAS, In the early 1980s, when environmental groups launched an all-out attack on the water supply of the Walker River Irrigation District by filing legal actions on many state and federal fronts in an attempt to gain minimum stream flow and minimum stored water rights, causing internal conflict and years of costly litigation, the District prevailed in the protection of those rights with the help of Peter Fenili; and

WHEREAS, During the 6 consecutive years of drought stretching into the 1990s, Peter Fenili took the lead and suggested innovative management practices that extended the limited water supply and allowed agricultural interests to survive a possible financial crisis; and

WHEREAS, As the Director of the Walker River Irrigation District for 24 years, Peter Fenili proved himself to be a man of honesty, fairness and devotion to the people he served; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 70th session of the Nevada Legislature express their appreciation to Peter

Fenili for his loyal years of service to the members of the Walker River Irrigation District; and be it further

RESOLVED, That this body, on behalf of the residents of the State of Nevada who have benefited from the dedication of Peter Fenili, extend its heartfelt gratitude and best wishes in the future to Peter A. Fenili, his wife, Vicki, and daughter, Dana; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Peter Fenili.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 65 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Perkins announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 66—Commending the Nevada Opera and its founders, Ted and Deena Puffer, upon 30 years of success.

WHEREAS, The Nevada Opera had its debut season in 1968 and since that time has grown into a nationally recognized regional opera company; and

WHEREAS, The founders of the Nevada Opera, Ted Puffer, Artistic Director, and Deena Puffer, Associate Producer, had a vision in 1967 and, with the help of a handful of volunteers, worked tirelessly over the years to develop the company to the level of offering three professionally-produced traditional operas each season, an annual performance of *The Nutcracker* ballet, as well as the production of lighter and more contemporary works; and

WHEREAS, The Nevada Opera has to its credit over 120 main-stage productions, including presentations as diverse as Verdi's *Requiem* and Bizet's *Carmen* to Carlisle Floyd's *Of Mice and Men*, and summer musicals starring such accomplished artists as Toni Tennille and Broadway legend John Raitt; and

WHEREAS, The Nevada Opera has produced two acclaimed American premieres, Busoni's *Doktor Faust* and Tchaikovsky's *Joan of Arc*; and

WHEREAS, In 1993 the team of Ted and Deena Puffer presented the Nevada Opera's first commissioned work, the 25th Anniversary of the World Premiere of Bern Herbolsheimer's *Mark Me Twain*; and

WHEREAS, Ted Puffer, known for his work as stage director, conductor, concert pianist, accompanist, tenor soloist and, more recently, world-renowned vocal coach, mentored Nevada Opera's young artist graduates who have gone on to make their European opera debuts, most notably the internationally-famous mezzo soprano Dolora Zajick; and

WHEREAS, The Nevada Opera has an educational outreach mission which led it to institute the Nevada Opera Youth Chorus in 1994, a formal program that provides professional training in the arts of voice, musicianship, theater and movement for talented youngsters ages 8 through 18 years; and

WHEREAS, The Nevada Opera has a new program called the Nevada Opera Studio, which reaches into the local community with special programs designed for elementary, middle and high school levels, and which also tours the smaller outlying communities in Northern Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Opera is hereby commended for its 30 years of first-class presentations to Northern Nevada audiences and especially for its presentations to the children in the local community and the rural areas; and be it further

RESOLVED, That Ted and Deena Puffer are hereby congratulated and honored for their many years of dedication during which they shared their vast knowledge and tremendous talents to make the Nevada Opera the first-class company that it is today; and be it further

RESOLVED, That the members of the 70th session of the Nevada Legislature urge the residents of Northern Nevada to attend the Nevada Opera performances and show their support for its great contributions to the arts and culture of this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit copies of this resolution to the Board of Directors of the Nevada Opera and to Ted Puffer and Deena Puffer.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Carpenter.

Resolution adopted unanimously.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 66 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 14.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 18.

Resolution read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 807.

Amend the resolution, page 1, by deleting lines 2 and 3 and inserting:

"JOINTLY, That section 5 of article 6 of the Constitution of the State of Nevada be amended to read as follows:".

Amend the resolution, page 2, line 18, by deleting "*may*" and inserting "*shall*".

Amend the resolution, pages 2 and 3, by deleting lines 21 through 42 on page 2 and lines 1 through 28 on page 3.

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Constitution of the State of Nevada to require the legislature to provide by law for staggered terms of office for district judges.".

Amend the summary of the resolution to read as follows:

"SUMMARY—Proposes to amend Nevada Constitution to require legislature to provide by law for staggered terms of office for district judges. (BDR C-1623)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 800.

Amend sec. 5, page 2, line 30, by deleting "*11*" and inserting "*12*".

Amend sec. 5, page 3, line 2, by deleting "*and* ".

Amend sec. 5, page 3, line 3, after "*organization*" by inserting: "*in this state*".

Amend sec. 5, page 3, line 4, by deleting "*abuse.*" and inserting: "*abuse; and*

(7) One member who represents a national organization that provides advocacy and representation for mentally retarded persons. To the extent possible, the member appointed must be nominated by a statewide organization in this state that is affiliated with such a national organization or, if no such statewide organization exists, by a majority of the local affiliates in this state of such a national organization.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 216.

Bill read second time and ordered to third reading.

Senate Bill No. 341.

Bill read second time and ordered to third reading.

Senate Bill No. 377.

Bill read second time and ordered to third reading.

Senate Bill No. 389.

Bill read second time and ordered to third reading.

Senate Bill No. 501.
Bill read second time and ordered to third reading.

Senate Bill No. 528.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 7.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Brower moved that Senate Bill No. 315 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Brower.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 262.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 262:
YEAS—40.
NAYS—None.
EXCUSED—Evans, Tiffany—2.
Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 408.
Bill read third time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 849.
Amend sec. 2, page 3, line 11, after "fields," by inserting:
"areas to be used for organized amateur sports,".
Amend sec. 3, page 3, by deleting line 18 and inserting:
"Sec. 3. 1. This section and section 1 of this act become effective on July 1, 1999.
2. Section 2 of this act becomes effective at 12:01 a.m. on July 1, 1999.".
Assemblyman Goldwater moved the adoption of the amendment.
Remarks by Assemblyman Goldwater.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 512.
Bill read third time.
Remarks by Assemblyman Claborn.
Roll call on Senate Bill No. 512:

YEAS—36.
NAYS—Angle, Gustavson, Humke—3.
NOT VOTING—Gibbons.
EXCUSED—Evans, Tiffany—2.

Senate Bill No. 512 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 45.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that pursuant to Assembly Standing Rule No. 1, Section 2, subsection (d), Assemblyman Perkins would act as presiding officer.

Assemblyman Perkins presiding.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 45.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Nolan, Segerblom, Marvel, Price and Goldwater.

Resolution adopted unanimously.

Assemblyman Perkins announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:40 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 536.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 536:

YEAS—39.
NAYS—None.
EXCUSED—Evans, Tiffany, Williams—3.

Senate Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 315.

Bill read third time.

The following amendment was proposed by Assemblyman Brower:

Amendment No. 827.

Amend section 1, page 2, line 5, by deleting "*must*" and inserting "*may*".

Amend section 1, page 2, line 12, by deleting "*The*" and inserting: "*If the findings are admitted at trial, the*".

Amend section 1, page 2, line 30, by deleting "*The*" and inserting: "*If applicable, the*".

Amend the title of the bill by deleting the second and third lines and inserting:

"civil actions; authorizing such findings to be introduced into evidence at a trial de novo before a jury; requiring the court under certain circumstances to give certain jury instructions".

Amend the summary of the bill, first line, by deleting "Requires" and inserting "Authorizes".

Assemblyman Brower moved the adoption of the amendment.

Remarks by Assemblymen Brower, Buckley, Anderson, Nolan and Bache.

Amendment lost.

Remarks by Assemblymen Carpenter, Brower, Nolan, Buckley, Collins, Humke, Anderson, Goldwater and Williams.

Assemblymen Williams, Bache and Manendo moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 315.

Roll call on Senate Bill No. 315:

YEAS—31.

NAYS—Angle, Brower, Carpenter, Gustavson, Hettrick, Leslie, Marvel, Nolan, Von Tobel—9.

EXCUSED—Evans, Tiffany—2.

Senate Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 21.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 21.

Resolution read.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered

engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Perkins.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 21.

Resolution read third time.

Remarks by Assemblymen Perkins, Carpenter and Price.

Roll call on Senate Joint Resolution No. 21:

YEAS—34.

NAYS—Anderson, Buckley, Freeman, Giunchigliani, Leslie, Thomas—6.

EXCUSED—Evans, Tiffany—2.

Senate Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 129, 175, 322, 441, 552, 587, 630; Assembly Concurrent Resolution No. 63; Senate Bills Nos. 8, 25, 27, 44, 140, 159, 218, 250, 332, 351, 398, 412, 418, 433, 449, 454, 465, 517, 529, 542; Senate Concurrent Resolutions Nos. 9, 41, 42, 43, 44; Senate Joint Resolutions Nos. 11, 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Edward Taylor.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Fenili, Dana Fenili, Veronica Fenili, Beverly Landalt, Katherine Nelson, Leah Compston, Amy Sanford, Richard Rand, Merle King, Dale Derfuson, Leo Havner, Vivienne Morris, Dawn Dudas, Tamara Dudas, Michael Dudas, Bill Morris, Jilly Morris, Katlyn Morris, Willy Morris, Jamie Bodensteiner, Tom Bodensteiner, Joy Bodensteiner, Carly Bodensteiner, Tommy Bodensteiner, Wesley Morris, Carl "Sonny" Morris, Nancy Spina, Carole Howell, MaryAnn Wilkerson, Jackie Springer, Nancy Logar, Scott Beasley, Lucretia Beasley, Rob Potter, Pat Potter, Mia Cohan, Bob Braman, Jan Braman, Jack Carpenter, Kayla Brown, Lexi Christensen, Kelly Fitzgerald, Tawni Gibson, Marshall Gledhill, Kirsten Kornegay, Kiah Ladringan, Amanda Lowe, Fallon Lowrey, Mary Sue McDowell, Cecelia Mead, Kellie Menezes, Danielle Milich, Victoria Pace, Raul Paredes, Jonathan Parker, Teanna Schwab, Amanda Shadoan, Lora Shadoan, Jessaca Smith, Cassandra Tillman, Christine Weakland, Nicole Wortman, Chris Wren, Tony Yori, Tasha Allen, Chris Capps, Amberly Dalton, Christine Davis, Steven Dempsey, Katie

Dunster, Holly Gagne, Michelle Fernandez, Patricia Galli, Jamie Goodsell, Johanna Huybers, Katy Huybers, Janelle Kashuba, Nikkie Knutson, Lacey LaVoie, Kathleen Ritter, Elaenia Serdehely, Jessie Straight, Valorie Tyler, Samantha Weaver, Katie Roesler, Rachel Chandler, Jeff Herzig, Bobby Hodgden, Misty Knippel, Patsy Knippel, Kris Little, Derek Maguin, Anthony Matulonis, Luis Paredes, Tyler Petersen, Adam Ruck, Kristina Sewell, Alex Wilson, Joshua Blevins, Tanya Bongiovanni, Darleen Capps, Lindsey Craig, Eduardo Echeverria, Erin Gelmstedt, Holly Johnston, Sandy Marshall, Cindy Marshall, Greg Price, Cody Wagner, Diana Wagner and Pete Borda.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Puffer, Deena Puffer, Dave Reynolds, Dorothey Lienau, Laruan Hoose, William McConnell, Louise McConnell, Lani Pardini, Linda McNaught, Bill Kimmel, Kathy Kimmel, Barbara Long, David Rudat, Rich Stout, Ricco Dipoetro, Jennie Dipoetro and Jan DeCoursey.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Saunders and Joseph Asbell.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Aguirre, Frankie Anderson, Christian Avila, James Boggan, Aaron Duarte, Chellissa Fisher, Diana Galvan, Na'Tavia Hall, Blair Hanson, Jeanine Hardy, Michael Leuzinger, Jose Lopez, Marcos Lopez, Julianne McBride, Herminia Rodriguez, Daniel Ruiz, Eduardo Sanchez, Monica Smith, Alisha Stevens, Jacob Towery, Andrea Whalen, Gaelen Demosthenes, Dorothy Anderson, Andres Alvarez, Ricardo Bocanegra, Jesse Charles, Desiree Coffman, Orlin Crawford Jr., Christian Falcon, Rene Flores, Fernando Galdamez, Eric Garcia, Nicholas Genetti, Diana Gonzalez, Michael Lopez, Ezequiel Mejia, Tiffany Odle, Shane Patel, Joe Pena, Isidro Pena-Cortez, Sarah Petzold, Victor Reyes, Joel Rodriguez, Mayra Rodriguez, David Synan, Joshua Tower, Mrs. Klinker and Mr. Pena.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Arsen Baziyants.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Lorie Hebler.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Sonny West, Kenny "Elvis" James and Dave Hebler.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Arlene Troup.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 13, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:32 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 13, 1999

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Brower, Evans and Nolan who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord, I was intrigued yesterday to find that both of the Bibles in this chamber are opened to the book of the prophet Ezekiel—Ezekiel, the one You called Your watchman. In a very real sense perhaps that's what we are too—watchmen. May we truly be watchful for the needs of the people we serve, and, as the name Ezekiel means, "strengthened by God," we humbly ask for Your strength to finish the task You have given us. For in the words of Robert Frost, "and miles to go before [we] sleep and miles to go before [we] sleep. O, Lord, hear our prayer. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 13, 145, 357, 452, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Commerce and Labor, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Senate Bills Nos. 471, 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 139, 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were re-referred Senate Bills Nos. 131, 314, 369, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 30, 148, 346, 395, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was re-referred Senate Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 330, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 108, 150, 304, 409, 416, 471; Senate Bills Nos. 245, 292; Assembly Joint Resolution No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 65, 66.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 12, Amendment No. 751; Assembly Bill No. 284, Amendments Nos. 783, 809; Assembly Bill No. 439, Amendments Nos. 764, 847, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 217 to Senate Concurrent Resolution No. 1; Assembly Amendment No. 728 to Senate Bill No. 121; Assembly Amendment No. 780 to Senate Bill No. 274; Assembly Amendment No. 770 to Senate Bill No. 472.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that pursuant to Assembly Standing rule No. 1, section 2, subsection (d), Assemblyman Hettrick would act as presiding officer.

Assemblyman Hettrick presiding.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 7—Commending the staff of the Legislative Counsel Bureau.

WHEREAS, This legislative session is the first session limited to 120 days; and

WHEREAS, The ability to meet this time limitation was dependent upon the development of a comprehensive schedule, the coordination of staff assignments and, ultimately, the participation of each staff member to accomplish in 120 days what had been completed in the longer sessions of the past; and

WHEREAS, After months of gathering ideas, reviewing needs and concerns, and identifying and discussing potential problems, a plan was produced, approved and implemented; and

WHEREAS, The staff of each division and unit of the Legislative Counsel Bureau became involved with the success of this historic session and has met this challenge with unparalleled skill, resourcefulness, energy and, when necessary, humor; and

WHEREAS, In the Administrative Division of the Legislative Counsel Bureau, the staff of the Information Systems Unit and the Media Services Unit successfully brought new technology to the legislative process, the staff of the Buildings Unit, the Grounds Unit and the Janitorial Unit kept the building and its grounds safe and looking their best, and the staff of the Accounting Unit, the General Services Unit, the Legislative Police, the Las Vegas office and the Director's office, and the session staff in the message center, the public bill room, the bill mail room, lobbyist registration and the lobbyist center kept the Legislature functioning smoothly; and

WHEREAS, The staff of the Audit Division continued to provide the Legislature with independent and reliable information about the operations of state agencies, programs, activities and functions by presenting audit reports and by testifying on legislation to promote accountability in state government, and continued to produce their high-quality audits while reviewing all legislation within the new time limitations in a quick and efficient manner; and

WHEREAS, The staff of the Fiscal Analysis Division reviewed the ever-increasing budget, bills related to the budget, and budget amendments within a greatly condensed period, maintaining their usual accuracy and efficiency, reviewed fiscal notes in half the time available in previous sessions, provided staff support for the Taxation Committee and responded to Legislators' requests for information concerning budgets and taxation promptly and efficiently; and

WHEREAS, The staff of the Legal Division exceeded their high standards by meeting all deadlines for the drafting of bills and amendments, doing more work in less time without sacrificing quality or their meticulous attention to detail, while providing legal advice on the usual wide range of issues to the Legislature and its staff, fully aware that their dedication and long hours were essential to the success of the plan for the 120-day session; and

WHEREAS, The staff of the Research Division, assisted by its Research Library, provided research and analysis of current and proposed public programs and policies, furnished thorough and prompt background information for use in committees and on the floor of the Nevada Assembly, aided committee chairmen by providing administrative and technical assistance in the processing of bills to meet the rigorous scheduling demands established as a result of the condensed session, and responded to an increased number of Legislator and constituent requests in a timely, efficient, and thorough manner despite strict time constraints; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 70th session of the Nevada Legislature do hereby express their sincere appreciation and commend the outstanding staff of the Legislative Counsel Bureau; and be it further

RESOLVED, That May 13, 1999, is hereby designated as Legislative Counsel Bureau Staff Appreciation Day in recognition of the exemplary service provided to the members of the Assembly and to the residents of the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lorne Malkiewich, Director of the Legislative Counsel Bureau.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Hettrick, Anderson, Bache, Dini, Freeman, Goldwater, Angle, Price, Gustavson, Ohrenschall, Marvel, Chowning and Collins.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

I know that I am preaching to the choir when we talk amongst ourselves about the staff and the wonderful job they do in a number of capacities. I know we all had great trepidation coming into this legislative session, trying to figure out how we were going to accomplish our work in 120 days, the last session having gone 169 days. Quite frankly, we couldn't have. We wouldn't be able to finish this session without the hard work of the staff and their creativity and their "rolling up of their sleeves," going to work on our behalf and the citizens of our state.

The resolution talked to a number of things regarding the number of different divisions we have within the Legislative Counsel Bureau. I have the director with me. He ramrods the whole thing. Those of us that work with the different divisions—some have more exposure than others—such as the Fiscal Analysis Division, know they have spent so much time on our budgets and getting us to a point where we can make the policy decisions for our state. The Research Division, our Front Desk, our personal secretaries, the Legal Division— I could go on and on.

I think the only failure in our resolution is that we're only proclaiming one day as Staff Appreciation Day, when, in fact, we should proclaim the entire 120 days we are up here as Staff Appreciation Day. They all make us look good. We accomplish what we need to do for the citizens of our state because of their hard work. We are the ones who take all the credit in the long run. There are always hurdles and challenges and both things come to the attention of the folks that head the different divisions and the director. Problems are always taken on very quickly and dealt with so we can continue to go on and do the work we need to do. For those reasons, Mr. Speaker, I stand in support of AR 7.

Assemblyman Hettrick requested the privilege of the Chair for the purpose of making the following remarks:

I, too, rise in support of AR 7. It was interesting to me, as I sat here, and listened to the Majority Floor Leader, that for all the staff he was referring to—and we have to realize there is a large staff that supports us— essentially, they are invisible. That's what they are so much of the session—invisible. No one knows they're back there, doing all the work, churning away, working late hours. Nobody appreciates that when we drive out of the parking garage, the staff's cars are still sitting there. They are still working. I don't think anyone appreciates them. The public has no idea when they see these bill books on our desk that, overnight, every night, the bills are printed and put into these books, in order, with the reprints and with the amendments. It's incredible. They are totally invisible to the average person involved in this process. And yet, this process would absolutely stop without each and every one of them being involved. It's truly an honor for me to rise and honor the people that do not get enough kudos and don't get enough thanks and enough respect for the kind of job they do. As the Majority Floor Leader said, they make us look great. They do it day in, and day out with very little thanks. We want them to know—every one of them—how much they mean to us and to this process. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Hettrick. I think both the Majority and Minority Floor Leader have said the obvious. The point I was going to make was that we only see a few of them sitting back here. We know, however, they are listening very, very carefully to every word which is said. Questions which are raised are often answered before we can get off the floor. The point is, for as much work as we know and see that goes on here, there is indeed additional work that precedes the session. Work that the staff puts together so that long before our arrival here, they have already put in long hours, all in preparation to make sure all the systems work, and have been tested, retested and tested again. They take the strain of the things that we do, also. It isn't that we can't do anything without them, but we all know that without them this place would just not function in 220 days, never mind 120. The diligence of their work and the quality of their work speaks for their professionalism and we thank them for what they do.

ASSEMBLYMAN BACHE:

Thank you, Mr. Hettrick. I, too, rise in support of AR 7 from the perspective of a committee chair. This session, with the 120 days we are asking this staff—our legal, fiscal, and research staff—to do an absolutely impossible job with impossible time constraints, with incredibly long hours—they work 12, 14 or 16 hours a day. They are doing it. They are getting the work done and they are making us, as others have said, look good in the process. We are going to complete everything that we need to do, on time. It is because of the wonderful staff we have. Thank you.

ASSEMBLYMAN DINI:

Thank you, Mr. Hettrick. I couldn't go without speaking today in thanks to our great staff we have at the Legislative Counsel Bureau. This process started, not on the first day that we opened here, but six, eight, or ten months before we ever arrived, in a series of meetings with leadership and people that were involved in trying to make the decisions on how to make this session work. But it worked. All that hard work paid off.

We have to really congratulate our director. Lorne Malkiewich is one of the finest people I have ever worked with. I remember I supported him to be the director of this agency. He has proven to be one outstanding person and I'm just really proud to have been associated with him and all his staff. I hope they are all tuned in on their monitors. I want to congratulate each and every one of our staff and thank them for the outstanding job they've done to make this session so successful.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Hettrick. I would like to speak to this as well. I know this resolution speaks directly to the 120-day session but we mustn't forget that in the interim there are a large number of interim study committees that we work on with these folks as well. Through the years, I've found that their work, their honesty, and their loyalty has been absolutely superb. I wanted to congratulate them as well.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Hettrick. It is appropriate to add that when you work on staff you don't do it because you enjoy the tasks that you do in the legislature. You do it because you think you are having an impact, in some way, on good public policy. An elected official is a cog in the machine that produces public policy. The rest of that machine is made up of people like Lorne and the other great people in the Legislative Counsel Bureau. It is worthwhile to know that a large egoed elected official likes to take claim for everything which is good, however, it is the staff which should be proud of the good public policy that is produced here. It is actually the staff which should blame somebody else for the bad public policy.

This process has come such a long way. There are things that we do now we could never have done before and that is due to this staff. I also commend the Legislative Commission, which does a heck of a lot of work under the chairmanship of our Majority Floor Leader. Now, that chair will be turned over soon, but they do a lot of work on behalf of all the legislators here to create that management/labor relationship. Most of us can sleep easy knowing they are doing a great job.

ASSEMBLYMAN ANGLE:

Thank you, Mr. Hettrick. Amazingly, I only want to say one thing. As a freshman, I don't have anything to compare you to. I just want to say your support, encouragement, and help has just been awesome. Thanks.

ASSEMBLYMAN PRICE:

Thank you, Mr. Hettrick. Obviously, over the many years that I have been here, we could not say enough wonderful things about those folks who work with us from LCB and all the other categories that help us here. What we really become is one big family. I would say a loving family in most cases because they try to care for us and make sure we don't look bad and we try to help them—when we think about them. I have to tell you, we don't always do that.

As many of you know, I have an interest in procedure and how the legislatures work. Over the years, I've visited many states and as many legislatures as possible. Our operation here is really at a premium. A number of the states will have a Democratic staff for all the Democratic legislators and a Republican staff for all the Republicans. I suppose they have independent staff as well. Naturally, such things build in little barriers. Here, we have truly been a family and treated as a family when we come in. I just don't think we could say enough wonderful things about our family. We shouldn't forget the small family down in Las Vegas that is supporting us also: working, helping, and taking care of all our needs. I am so pleased and appreciate being able to speak on this resolution acknowledging that fact.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Hettrick. I stand in opposition to absolutely nothing here. I have to agree in very strong support of AR 7. Much has been said about the staff and I agree with every bit of it. The one thing I haven't heard yet and that I really notice all the time, I think all of us do, is that this staff, when asked to do something, always has done it willingly, openly, and with a big smile. Never, never a complaint about anything. So, I would just like to thank them again for that. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Hettrick. I think that we can truly boast that among all the state legislatures in the country, we have the finest back-up staff, particularly Legal and Research. They are always there. They are always willing to help and have a very fine understanding of the public policy needs of our state, the demographics, and of the Nevada Revised Statutes. We are really privileged to have them.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Hettrick. I think we all support AR 7. In the number of years the Speaker, Mr. Price, and I have been here, we've watched and gone through several directors and worked through many of our staff people. I can truly say we really have a very professional group of people here. I don't think the general public really realizes the professionalism that we have with this back-up staff. I think Mrs. Freeman said it right: It's not only during the session that these people are of such service to each and every one of us. Anytime you call, no matter what division it is, they are so accommodating and they are courteous. It has been really a pleasure over my 20 or so years to have been associated with so many fine people. I think they should all be commended very highly. Thank you.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Hettrick. I stand in support of AR 7 and I would like to add my thanks, as well, for all the professionalism: the professional treatment and the bi-partisan research that sometimes puts our staff in awkward positions. They handle it with grace and with expertise. When we had the national NCSL Conference in Nevada last year, they were absolutely superb. When we lose someone of our family, they are right there, providing all the support. When someone is ill, they are there providing the support. I just don't know how many ways we can say thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Hettrick. I rise in support of AR 7. This is my third session and I'm still amazed at all that is available for us, to help our constituents, offered by this staff and the

amazing things they do; every part, from legal and research, to the kitchen and for all the hours that we want. They come at any time. When everyone wants to amend a bill, they stay and work it out. I am just amazed at all of the things they do. They fix the air conditioning, whatever you want. This is a great environment. I don't know of any legislators who are treated as well. When we travel to other meetings, our staff is there and supportive. I am really amazed at the organization and how fine a job they are doing. I commend them.

Resolution adopted unanimously.

Assemblyman Hettrick announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:46 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bill No. 47.

NOTICE OF WAIVER

A Waiver requested by Assembly Standing Committee on Commerce and Labor.
For Senate Bill No. 37.
To Waive:
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
With the following Conditions:
May only be passed out of final committee of second house on or before May 21, 1999.
May only be passed out of second house on or before May 26, 1999.
Has been granted effective: May 26, 1999.

WILLIAM J. RAGGIO
Senate Majority Leader

JOSEPH E. DINI, JR.
Speaker of the Assembly

A Waiver requested by Speaker Joseph E. Dini, Jr.
For: Senate Bill No. 438.
To Waive:
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
With the following Conditions:
May only be passed out of final committee of second house on or before May 21, 1999.
May only be passed out of second house on or before May 26, 1999.
Has been granted effective: May 13, 1999.

WILLIAM J. RAGGIO
Senate Majority Leader

JOSEPH E. DINI, JR.
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 245.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 292.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

CONSENT CALENDAR

Senate Bill No. 492.

Bill read by number.

Roll call on Senate Bill No. 492:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Brower, Evans, Nolan—4.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 798.

Amend the bill as a whole by deleting sections 1 through 17 and adding new sections designated sections 1 through 43, following the enacting clause, to read as follows:

"Section 1. NRS 449.00455 is hereby amended to read as follows:

449.00455 "Facility for the treatment of abuse of alcohol or drugs" means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs *and* which is certified by the bureau of alcohol and drug abuse in ~~[the rehabilitation division of]~~ the department of ~~[employment, training and rehabilitation,]~~ *human resources* pursuant to subsection 3 of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.

Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The board and the division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy. The program must:

(a) Be designed to provide information regarding the inappropriate use of controlled substances listed in schedules II, III and IV to pharmacies,

practitioners and appropriate state agencies in order to prevent the improper or illegal use of such controlled substances.

(b) Be administered by the board, the division, the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation]~~ *human resources* and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the board and the division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. The board and division must have access to the program established pursuant to subsection 1 for the purpose of identifying any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The board ~~[and]~~ *or* division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

4. Information obtained from the program is confidential and, except as otherwise provided by this section, must not be disclosed to any person. Information obtained from the program must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on his behalf by his attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

5. The board and the division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 3. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to NRS 453.3363 or 458.300 or it may assign such a person to an appropriate facility for the treatment of abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation.]~~ *human resources.* The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress towards completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program the court must also require frequent urinalysis to determine that the person is not using a controlled substance. The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which he is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of his financial resources. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

Sec. 4. Chapter 458 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 8, inclusive, of this act.

Sec. 5. *1. The bureau shall prepare requests for proposals for the provision by facilities of:*

(a) Residential treatment of adolescents who engage in substance abuse;

(b) Outpatient treatment of adolescents who engage in substance abuse;

(c) Comprehensive evaluations of adolescents with problems relating to substance abuse or mental illness, or both; and

(d) Transitional housing for adolescents who engage in substance abuse.

2. Upon accepting a proposal submitted in accordance with this section, the bureau may advance not more than 8 percent of the amount of the proposal to the facility that submitted the proposal to help defray the costs of starting the provision of the services, including, without limitation, the cost of beds, equipment and rental space for expansion.

3. The bureau shall establish such requirements for the requests for proposals as it determines necessary.

4. The bureau shall hire, to the extent of legislative authorization, such staff as it determines necessary to carry out the provisions of this section and section 6 of this act.

Sec. 6. *The bureau shall, on or before September 1 of each odd-numbered year, submit to the director a report covering the biennium ending on June 30 of that year. The report must include:*

1. The name of each facility that received money pursuant to section 5 of this act during the biennium, and the amount of money that each facility received for each type of service provided;

2. If a facility received money pursuant to section 5 of this act during the biennium to help defray the costs of starting the provision of services, the name of the facility, the amount of money received and an accounting of how the money was used;

3. The number of adolescents who received any of the services described in section 5 of this act from such facilities during the biennium, and the number of adolescents who were receiving such services as of the end of the biennium; and

4. As of the end of the biennium:

(a) The number of adolescents on waiting lists to receive the services described in section 5 of this act; and

(b) An estimate of the number of other adolescents in this state who are in need of the services described in section 5 of this act.

Sec. 7. *The commission shall:*

1. Establish a standard system for referrals between providers of services relating to the treatment of mental health problems and providers of services relating to treatment for substance abuse;

2. Identify the facilities for the treatment of substance abuse located in this state in which at least one specialist in mental health should be placed;

3. Identify the facilities for the treatment of mental health problems located in this state in which at least one counselor in substance abuse should be placed;

4. Determine the cost of placing such specialists and counselors in facilities pursuant to subsections 2 and 3;

5. Determine the process by which clients in a facility for the treatment of substance abuse would receive treatment for mental health problems when necessary; and

6. Determine the process by which clients in a facility for the treatment of mental health problems would receive treatment for substance abuse when necessary.

Sec. 8. *1. The commission shall:*

(a) Establish a standard report card that identifies at least four key indicators of the level of substance abuse by adolescents and adults residing in this state; and

(b) Publicize the indicators to be used in the report card.

2. The commission shall annually compile a list of substance abuse programs in this state that are publicly or privately financed, or both, including:

(a) Treatment programs for adolescents and adults;

(b) Intervention programs for adolescents and adults;

(c) Prevention programs for adolescents and adults; and

(d) Education programs for adolescents and adults.

Sec. 9. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.360, inclusive, *and sections 5 and 6 of this act,* unless the context requires otherwise:

1. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

2. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

3. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

4. "Bureau" means the bureau of alcohol and drug abuse in ~~[the rehabilitation division of]~~ the department.

5. "Chief" means the chief of the bureau.

6. "Civil protective custody" means a custodial placement of a person for the purpose of protecting his health or safety. Civil protective custody does not have any criminal implication.

7. "Department" means the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

8. "Director" means the director of the department.

9. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

Sec. 10. NRS 458.025 is hereby amended to read as follows:

458.025 The bureau of alcohol and drug abuse is hereby created in ~~[the rehabilitation division of]~~ the department. The bureau:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for education, prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout the state.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for trained teachers, persons who have professional training in fields of health and others involved in the education and prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

In developing and revising the state plan, the bureau shall consider, among other things, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of the money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Is responsible for coordinating efforts to carry out the state plan and coordinating all state and federal financial support of alcohol and drug abuse programs in the state. The bureau must be consulted in the planning of projects and advised of all applications for grants from within the state which

are concerned with alcohol and drug abuse programs, and shall review and advise concerning the applications.

3. Shall develop and publish standards of certification and may certify or deny certification of any facilities, programs or personnel on the basis of the standards, and publish a list of certified facilities, programs and personnel. Any facilities, programs or personnel which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The chief shall establish requirements for continuing education for persons certified as counselors and administrators of the programs and may set fees for certification of facilities, programs or personnel. The fees must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may the fee for a certificate exceed $100.

4. Upon request from a facility which is self-supported, may certify the facility, its programs and personnel and add them to the list of certified facilities, programs and personnel.

Sec. 11. NRS 458.100 is hereby amended to read as follows:

458.100 1. All gifts or grants of money which the bureau is authorized to accept must be deposited in the state treasury for credit to the state grant and gift account for alcohol and drug abuse which is hereby created in the department of ~~[employment, training and rehabilitation's]~~ *human resources'* gift fund.

2. Money in the account must be used ~~[for the purpose of carrying]~~ *to carry* out the provisions of NRS 458.010 to 458.360, inclusive, *and sections 5 and 6 of this act* and other programs or laws administered by the bureau.

3. All claims must be approved by the chief before they are paid.

Sec. 12. NRS 458.370 is hereby amended to read as follows:

458.370 As used in NRS 458.370 to 458.420, inclusive, *and sections 7 and 8 of this act,* unless the context otherwise requires, "commission" means the commission on substance abuse education, prevention, enforcement and treatment.

Sec. 13. NRS 458.400 is hereby amended to read as follows:

458.400 1. The commission may accept gifts, grants, appropriations and donations if its acceptance does not reduce, limit or cause it to be in competition for money normally available to local agencies and community programs, unless otherwise provided by a specific statute.

2. All money received by the commission must be deposited in the fund for substance abuse education, prevention, enforcement and treatment which is hereby created as a special revenue fund.

3. The money in the fund may be used only to:

(a) Make grants to programs for substance abuse education, prevention, enforcement and treatment; and

(b) Carry out the provisions of NRS 458.370 to 458.420, inclusive ~~[.]~~ *, and sections 7 and 8 of this act.*

4. All claims against the fund must be paid as other claims against the state are paid.

5. Any money received by the commission on the condition that it be expended for a specific purpose must be accounted for separately in the fund.

Sec. 14. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in subsection 2 ~~[,]~~ *or* by specific statute , or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. When the circumstances warrant, the justice of the peace may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of work for the benefit of the community, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;*

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470; or

(c) Both programs set forth in paragraphs (a) and (b),

and that he comply with any other condition of suspension ordered by the justice of the peace.

3. The justice of the peace may order reports from a person whose sentence is suspended at such times as he deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

4. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 15. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided in subsection 2 ~~[,]~~ *or* by specific statute , or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. When the circumstances warrant, the municipal judge may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of work for the benefit of the community, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the municipal judge;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;*

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470; or

(c) Both programs set forth in paragraphs (a) and (b),

and that he comply with any other condition of suspension ordered by the municipal judge.

3. The municipal judge may order reports from a person whose sentence is suspended at such times as he deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

4. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 16. NRS 62.2275 is hereby amended to read as follows:

62.2275 1. If a child within the jurisdiction of the juvenile court is found by the juvenile court to have committed the unlawful act of:

(a) Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484.379 or 484.3795;

(b) Using, possessing, selling or distributing a controlled substance; or

(c) Purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020,

the judge, or his authorized representative, shall require the child to undergo an evaluation to determine if the child is an abuser of alcohol or other drugs.

2. The evaluation of a child pursuant to this section:

(a) Must be conducted by:

(1) A counselor certified to make that classification by the bureau of alcohol and drug abuse;

(2) A physician certified to make that classification by the board of medical examiners; or

(3) A person who is approved to make that classification by the bureau of alcohol and drug abuse,

who shall report to the judge the results of the evaluation and make a recommendation to the judge concerning the length and type of treatment required by the child.

(b) May be conducted at an evaluation center.

3. The judge shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducted the evaluation pursuant to subsection 2.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child, if he is at least 18 years of age or an emancipated minor, or the parent or legal guardian of the child, to the extent of the financial resources of the child or his parent or legal guardian, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child, or his parent or legal guardian, does not have the financial resources to pay all of those charges:

(1) The judge shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The judge may order the child to perform supervised work for the benefit of the community in lieu of paying the charges relating to his evaluation and treatment. The work must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents. The court may require the child or his parent or legal guardian to deposit with the court a reasonable sum of

money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the child performs the work, unless, in the case of industrial insurance, it is provided by the authority for which he performs the work.

4. A treatment facility is not liable for any damages to person or property caused by a child who drives while under the influence of an intoxicating liquor or a controlled substance after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to this section.

5. The provisions of this section do not prohibit a judge from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the bureau of alcohol and drug abuse. Such an evaluation may be conducted at an evaluation center pursuant to paragraph (b) of subsection 2.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

6. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this chapter or the juvenile court, must not be disclosed to any person other than the juvenile court, the child and his attorney, if any, his parents or guardian, the prosecuting attorney and any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child. A record of any finding that a child has violated the provisions of NRS 484.379 or 484.3795 must be included in the driver's record of that child for 7 years after the date of the offense.

7. As used in this section:

(a) "Bureau of alcohol and drug abuse" means the bureau of alcohol and drug abuse in ~~[the rehabilitation division of]~~ the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

(b) "Evaluation center" has the meaning ascribed to it in NRS 484.3793.

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 17. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery that constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or

justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within the immediately preceding 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his own expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within the immediately preceding 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his own expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the state treasurer on or before the fifth day of each month for the preceding month for credit to the account for programs related to domestic violence established pursuant to NRS 228.460.

4. In addition to any other penalty, the court may require such a person to participate, at his own expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

5. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

6. For the purposes of this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481; and

(b) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 18. NRS 209.4232 is hereby amended to read as follows:

209.4232 "Bureau" means the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

Sec. 19. NRS 209.448 is hereby amended to read as follows:

209.448 1. An offender who has no serious infraction of the regulations of the department or the laws of the state recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30 days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the department and a person certified as a counselor by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

2. The provisions of this section apply to any offender who is sentenced on or after October 1, 1991.

Sec. 20. NRS 211.340 is hereby amended to read as follows:

211.340 1. In addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.330, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated may deduct not more than 5 days from his term of imprisonment if the prisoner:

(a) Successfully completes a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility in which he is incarcerated and a person certified as a counselor by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;* and

(b) Is awarded a certificate evidencing his successful completion of the program.

2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.

Sec. 21. NRS 232.940 is hereby amended to read as follows:

232.940 The rehabilitation division of the department consists of the following bureaus:

1. Bureau of services to the blind and visually impaired.

2. ~~[Bureau of alcohol and drug abuse.~~

~~3.]~~ Bureau of vocational rehabilitation.

Sec. 22. NRS 484.3793 is hereby amended to read as follows:

484.3793 As used in NRS 484.3793 to 484.37947, inclusive:

1. "Evaluation center" means a facility which is approved by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation]~~ *human resources* to provide an evaluation of an offender to a court in order to determine if the offender is an abuser of alcohol or another drug. The term includes a facility operated by a court or other governmental agency.

2. "Treatment facility" means a facility for the treatment of abuse of alcohol or drugs, which is certified by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

Sec. 23. NRS 484.37935 is hereby amended to read as follows:

484.37935 The bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation]~~ *human resources* shall adopt by regulation the standards to be used for approving the operation of a facility as an evaluation center for the purposes of NRS 484.37937 to 484.37945, inclusive.

Sec. 24. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. Except as otherwise provided in subsection 2, a person who is found guilty of a first violation of NRS 484.379 may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation]~~ *human resources* for at least 6 months. The court shall authorize such treatment if:

(a) The person is diagnosed as an alcoholic or abuser of drugs by a:

(1) Counselor or other person certified to make that diagnosis by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;* or

(2) Physician certified to make that diagnosis by the board of medical examiners;

(b) He agrees to pay the cost of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 48 hours of work for the community.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795;

(b) A homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(c) A violation of the law of any other jurisdiction which prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of the law of any other jurisdiction which prohibits the same or similar conduct as NRS 484.379 constitutes a violation of NRS 484.379.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

8. The court shall notify the department, on a form approved by the department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 25. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. Except as otherwise provided in subsection 2, a person who is found guilty of a second violation of NRS 484.379 within 7 years may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation]~~ *human resources* for at least 1 year if:

(a) He is diagnosed as an alcoholic or abuser of drugs by a:

(1) Counselor or other person certified to make that diagnosis by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;* or

(2) Physician certified to make that diagnosis by the board of medical examiners;

(b) He agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 5 days, and if required pursuant to NRS 484.3792, has performed or will perform not less than 50 hours, but not more than 100 hours, of work for the community.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795;

(b) A homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(c) A violation of the law of any other jurisdiction which prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of the law of any other jurisdiction which prohibits the same or similar conduct as NRS 484.379 constitutes a violation of NRS 484.379.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

8. The court shall notify the department, on a form approved by the department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 26. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If a person is found guilty of a first violation, if the weight of alcohol in the defendant's blood at the time of the offense was 0.18 percent or more, or any second violation of NRS 484.379 within 7 years, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

2. If a person is convicted of a first violation of NRS 484.379 and he is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4 or 5, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) A counselor certified to make that evaluation by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;*

(b) A physician certified to make that evaluation by the board of medical examiners; or

(c) A person who is approved to make that evaluation by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation,]~~ *human resources,*
who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this state outside an evaluation center shall not charge an offender more than $100 for the evaluation.

Sec. 27. NRS 484.37947 is hereby amended to read as follows:

484.37947 The provisions of NRS 484.37943 and 484.37945 do not prohibit a court from:

1. Requiring an evaluation pursuant to NRS 484.37943 to be conducted by an evaluation center that is administered by a private company if the company meets the standards of the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation]~~ *human resources* pursuant to NRS 484.37935; or

2. Ordering the offender to attend a program of treatment that is administered by a private company.

Sec. 28. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender pursuant to NRS 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) A counselor certified to make such an evaluation by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;*

(b) A physician certified to make such an evaluation by the board of medical examiners; or

(c) A psychologist certified to make such an evaluation by the board of psychological examiners.

3. The counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the director of the department of prisons.

Sec. 29. NRS 488.430 is hereby amended to read as follows:

488.430 1. Before sentencing a defendant pursuant to NRS 488.420, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) A counselor certified to make such an evaluation by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;*

(b) A physician certified to make such an evaluation by the board of medical examiners; or

(c) A psychologist certified to make such an evaluation by the board of psychological examiners.

3. The counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the director of the department of prisons.

Sec. 30. NRS 608.156 is hereby amended to read as follows:

608.156 1. If an employer provides health benefits for his employees, he shall provide benefits for the expenses for the treatment of abuse of alcohol and drugs. The annual benefits provided by the employer must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. These benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse in ~~[the rehabilitation division of]~~ the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

(b) Hospital or other medical facility or facility for the dependent which is licensed by the health division of the department of human resources,

accredited by the Joint Commission on Accreditation of Hospitals and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 31. NRS 641.029 is hereby amended to read as follows:

641.029 This chapter does not apply to:

1. A physician licensed to practice in this state;

2. A person licensed to practice dentistry in this state;

3. A person licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

4. A person licensed to engage in social work pursuant to chapter 641B of NRS;

5. A person licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

6. A person certified as a counselor by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;* or

7. Any clergyman,

if such a person does not commit an act described in NRS 641.440 or represent himself as a psychologist.

Sec. 32. NRS 641B.040 is hereby amended to read as follows:

641B.040 This chapter does not apply to:

1. A physician licensed to practice in this state;

2. A nurse licensed to practice in this state;

3. A person licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person certified as a marriage and family counselor pursuant to chapter 641A of NRS;

5. A person licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

6. A person certified as a counselor by the bureau of alcohol and drug abuse ~~[of the rehabilitation division of]~~ *in* the department of ~~[employment, training and rehabilitation;]~~ *human resources;*

7. Any clergyman;

8. A county welfare director;

9. Any person who may engage in social work or clinical social work in his regular governmental employment but does not hold himself out to the public as a social worker; or

10. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates his training status.

Sec. 33. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. The benefits provided by a policy for health insurance for treatment of the abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. These benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse in ~~[the rehabilitation division of]~~ the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

(b) Hospital or other medical facility or facility for the dependent which is licensed by the health division of the department of human resources, accredited by the Joint Commission on Accreditation of Hospitals and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 34. NRS 689B.036 is hereby amended to read as follows:

689B.036 1. The benefits provided by a group policy for health insurance, as required in subsection 5 of NRS 689B.030, for treatment of the abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. These benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse in ~~[the rehabilitation division of]~~ the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

(b) Hospital or other medical facility or facility for the dependent which is licensed by the health division of the department of human resources, accredited by the Joint Commission on Accreditation of Hospitals and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 34.5. NRS 695B.194 is hereby amended to read as follows:

695B.194 1. The annual benefits provided by a policy for group health insurance issued by a medical service corporation, as required by subsection 8 of NRS 695B.180, for treatment of the abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. These benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse in ~~[the rehabilitation division of]~~ the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

(b) Hospital or other medical facility or facility for the dependent which is licensed by the health division of the department of human resources, accredited by the Joint Commission on Accreditation of Hospitals and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 35. NRS 695C.174 is hereby amended to read as follows:

695C.174 1. The benefits provided by health maintenance plans for treatment of the abuse of alcohol or drugs as required by subparagraph (5) of paragraph (b) of subsection 3 of NRS 695C.170, must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. These benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse in ~~[the rehabilitation division of]~~ the department of ~~[employment, training and rehabilitation.]~~ *human resources.*

(b) Hospital or other medical facility or facility for the dependent which is licensed by the health division of the department of human resources, accredited by the Joint Commission on Accreditation of Hospitals and

provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 36. Section 15 of Senate Bill No. 101 of this session is hereby amended to read as follows:

Sec. 15. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The board and the division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy ~~[.]~~ *that is registered with the board.* The program must:

(a) Be designed to provide information regarding ~~[the]~~ *:*

(1) The inappropriate use *by a patient* of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies in order to prevent the improper or illegal use of such controlled substances ~~[.]~~ *; and*

(2) Statistical data relating to the use of such controlled substances that is not specific to a particular patient.

(b) Be administered by the board, the division, the bureau of alcohol and drug abuse in the department of human resources and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the board and the division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. The board and division must have access to the program established pursuant to subsection 1 for the purpose of identifying any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The board or division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

4. Information obtained from the program *relating to a practitioner or a patient* is confidential and, except as otherwise provided by this section, must not be disclosed to any person. ~~[Information obtained from the program]~~ *Such information* must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on his behalf by his attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

5. The board and the division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 37. 1. The department of human resources shall establish three pilot projects in family resource centers as follows:

(a) One pilot project must be located in a family resource center that is located in a county whose population is 400,000 or more;

(b) One pilot project must be located in a family resource center that is located in a county whose population is 100,000 or more but less than 400,000; and

(c) One pilot project must be located in a family resource center that is located in a county whose population is less than 100,000.

2. Each pilot project must provide families with services related to the prevention of substance abuse and intervention into problems of substance abuse.

3. The commission shall:

(a) Define the scope of the services that must be provided by the pilot projects;

(b) Prepare requests for proposals based on the scope of the services needed;

(c) Set appropriate deadlines for receiving such proposals;

(d) Accept such proposals; and

(e) Review on a competitive basis the proposals submitted and award the pilot projects.

4. The local governing board of a family resource center in which a pilot project has been established shall, for each calendar year in which the family resource center provides services pursuant to the pilot project, submit a report to the commission and the director of the department of human resources, and to the director of the legislative counsel bureau for transmittal to the appropriate legislative committees. The report must include:

(a) The kinds of services offered pursuant to the pilot project during the previous 12 months;

(b) The number of adolescents and adults who received services pursuant to the pilot project during the previous 12 months;

(c) An estimate of the number of adolescents and adults in the community served by the family resource center who are or may be in need of services relating to substance abuse, and a description of the services needed; and

(d) Such other information as the commission or the director of the department of human resources requests.

5. As used in this section:

(a) "Commission" means the commission on substance abuse education, prevention, enforcement and treatment created within the department of motor vehicles and public safety pursuant to NRS 458.380.

(b) "Family resource center" means a family resource center established and operated pursuant to chapter 430A of NRS.

Sec. 38. The bureau of alcohol and drug abuse in the department of human resources shall make available from its existing federal and state funding sources the sum of $158,400 for the three pilot projects to be established pursuant to section 37 of this act.

Sec. 39. The state treasurer shall transfer any balance remaining unexpended on June 30, 1999, in the state grant and gift account for alcohol and drug abuse in the department of employment, training and rehabilitation's gift fund to the state grant and gift account for alcohol and drug abuse which is created in the department of human resources' gift fund pursuant to section 11 of this act.

Sec. 40. 1. Any regulations adopted by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation remain in force until amended by the bureau of alcohol and drug abuse in the department of human resources. Such regulations must be enforced by the bureau of alcohol and drug abuse in the department of human resources.

2. Any contracts or other agreements entered into by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation, or the department of employment, training or rehabilitation pursuant to NRS 458.035 are binding on the bureau of alcohol and drug abuse in the department of human resources or the department of human resources, as appropriate. Such contracts or other agreements must be enforced by the bureau of alcohol and drug abuse in the department of human resources or the department of human resources, as appropriate.

Sec. 41. On and after July 1, 1999, any certifications issued by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation to facilities, programs or personnel pursuant to NRS 458.025 before July 1, 1999, shall be deemed to have been issued by the bureau of alcohol and drug abuse in the department of human resources.

Sec. 42. This act becomes effective on July 1, 1999.

Sec. 43. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any references to the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation to the bureau of alcohol and drug abuse in the department of human resources.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation to the bureau of alcohol and drug abuse in the department of human resources.".

Amend the title of the bill to read as follows:

"AN ACT relating to public health; providing for the transfer of the bureau of alcohol and drug abuse from the department of employment, training and rehabilitation to the department of human resources; providing for additional services relating to substance abuse and mental health; requiring the

commission on substance abuse education, prevention, enforcement and treatment to conduct annual evaluations of programs to treat substance abuse; requiring the establishment of pilot projects in family resource centers to provide services relating to substance abuse; and providing other matters properly relating thereto.".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 857.

Amend section 1, page 1, line 3, by deleting "$1,000,000" and inserting "$500,000".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 451 just reported out of committee, be placed on the Second Reading File.

Remarks by Assemblywoman Buckley.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 858.

Amend section 1, page 1, line 3, by deleting "$188,493" and inserting "$161,478".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 832.

Amend section 1, page 1, line 3, by deleting "$815,627" and inserting "$816,788".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 22.

Resolution read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 775.

Amend the resolution, page 1, line 12, by deleting "*three*".

Amend the resolution, page 1, by deleting lines 14 and 15 and inserting: "*section. The initial terms of the judges must be staggered so that at least one judge serves for an initial term of 2 years, at least one for 4 years and at least one for 6*".

Amend the resolution, page 3, line 41, by deleting "~~[increased or]~~" and inserting "increased or".

Amend the resolution, page 4, by deleting lines 9 through 13 and inserting: "judicial selection.

~~[2. The]~~ *Except as otherwise provided in subsection 2, the* term of office of any justice or judge so appointed expires on the first Monday of January following the ~~[next]~~ *first* general election ~~[.]~~ *that is held at least 12 calendar months after the date on which the appointment was made. At that general election, a justice or judge must be elected to fill the remainder of the term.*

2. If the date on which the appointment was made is within the 12 calendar months immediately preceding the expiration of the term of the vacated office, the term of office of the justice or judge appointed pursuant to subsection 1 is the remainder of the unexpired term of office.

3. Each nomination for the supreme court ~~[shall]~~ *or the court of*".

Amend the resolution, page 4, line 20, by deleting "~~[4.]~~ *3.*" and inserting "4.".

Amend the resolution, page 4, line 28, by deleting "~~[5.]~~ *4.*" and inserting "5.".

Amend the resolution, page 4, line 34, by deleting "~~[6.]~~ *5.*" and inserting "6.".

Amend the resolution, page 5, line 1, by deleting "~~[7.]~~ *6.*" and inserting "7.".

Amend the resolution, page 5, line 7, by deleting "~~[8.]~~ *7.*" and inserting "8.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 16.

Bill read second time.

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

Amendment No. 776.

Amend section 1, page 1, by deleting line 5 and inserting:

"*(a) To ask or encourage a*".

Amend section 1, pages 1 and 2, by deleting lines 16 and 17 on page 1 and lines 1 through 7 on page 2.

Amend section 1, page 2, line 8, by deleting "*4.*" and inserting "*2.*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 799.

Amend sec. 7, page 2, by deleting lines 21 through 23 and inserting:

"*3. A permit is valid for 2 years after the date of issuance.*".

Amend sec. 13, page 4, by deleting line 4 and inserting:

"that were committed before July 1, 2000.".

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

"Sec. 14. This act becomes effective on July 1, 1999, for the purpose of adopting regulations by the department of motor vehicles and public safety that are necessary to carry out the provisions of sections 2 to 9, inclusive, of this act and on July 1, 2000, for all other purposes.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Bill No. 48.

Bill read second time.

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

Amendment No. 835.

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

"*4. If the board of trustees of a school district has established such a fund and the school district is located in a county in which at least 25 percent*

of the revenue in the general fund attributable to the levy of property taxes was, for each of the immediately preceding 2 fiscal years, derived from the proceeds from the tax on the net proceeds of minerals, the balance in the fund must not exceed 15 percent of the expenditures from the".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Senate Bill No. 48 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Senate Bill No. 71.

Bill read second time and ordered to third reading.

Senate Bill No. 73.

Bill read second time and ordered to third reading.

Senate Bill No. 81.

Bill read second time and ordered to third reading.

Senate Bill No. 105.

Bill read second time and ordered to third reading.

Senate Bill No. 106.

Bill read second time and ordered to third reading.

Senate Bill No. 108.

Bill read second time and ordered to third reading.

Senate Bill No. 118.

Bill read second time and ordered to third reading.

Senate Bill No. 129.

Bill read second time and ordered to third reading.

Senate Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 801.

Amend sec. 2, page 1, by deleting lines 4 through 6 and inserting:

"*may operate or maintain in this state a halfway house for alcohol and drug abusers without first obtaining a certificate therefor from the bureau.*

2. A person who operates a halfway house for alcohol and drug abusers without a".

Amend sec. 3, page 1, lines 8 and 9, by deleting:

"*transitional housing facility*" and inserting:

"*halfway house for alcohol and drug abusers*".

Amend sec. 4, page 1, lines 13 and 14, by deleting:

"*transitional housing facility,*" and inserting:

"*halfway house for alcohol and drug abusers,*".

Amend sec. 4, page 1, line 16, by deleting "*facility.*" and inserting "*halfway house.*".

Amend sec. 4, page 2, by deleting lines 1 through 4 and inserting:

"*2. Upon receipt of a complaint against a halfway house for alcohol and drug abusers, conduct an investigation into the premises, qualification of personnel, methods of operation, policies, procedures and records of that halfway house.*

3. Inspect a halfway house for alcohol and drug abusers at any time, with or without".

Amend sec. 5, page 2, line 7, by deleting:

"*transitional housing facility*" and inserting:

"*halfway house for alcohol and drug abusers*".

Amend sec. 5, page 2, line 15, by deleting:

"*transitional housing facility*" and inserting:

"*halfway house for alcohol and drug abusers*".

Amend sec. 5, page 2, line 17, by deleting "*facility*" and inserting "*halfway house*".

Amend sec. 7, page 2, line 30, by deleting:

"*transitional housing facility:*" and inserting:

"*halfway house for alcohol and drug abusers:*".

Amend sec. 7, page 2, line 36, by deleting "*facility*" and inserting "*halfway house*".

Amend sec. 8, page 2, lines 37 and 38, by deleting:

"*transitional housing facility*" and inserting:

"*halfway house for alcohol and drug abusers*".

Amend sec. 9, page 3, by deleting lines 22 through 26 and inserting:

"*10. "Halfway house for alcohol and drug abusers" means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for*".

Amend sec. 10, page 4, by deleting lines 13 and 14 and inserting:

"or deny certification of any *halfway houses for alcohol and drug abusers,* facilities, programs or personnel on the basis of the standards, and publish a list of certified *halfway houses for alcohol and drug abusers,* facilities, programs and".

Amend sec. 10, page 4, line 20, after "certification of" by inserting:

"*halfway houses for alcohol and drug abusers,*".

Amend sec. 10, page 4, by deleting lines 23 though 25 and inserting:

"exceed ~~[$100.]~~ *the actual cost to the bureau of issuing the certificate.*

4. Upon request from a facility which is self-supported, may certify the facility, its programs and".

Amend the bill as a whole by renumbering sections 11 and 12 as sections 14 and 15 and adding new sections designated sections 11 through 13, following sec. 10, to read as follows:

"Sec. 11. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as personnel of an alcohol or drug abuse program or a facility , *or as the operator of a halfway house for alcohol and drug abusers,* shall submit to the bureau the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The bureau shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the bureau.

3. The certification of a person as personnel of an alcohol or drug abuse program or a facility , *or as the operator of a halfway house for alcohol and drug abusers,* may not be issued or renewed by the bureau if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 12. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the bureau receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified as personnel of an alcohol and drug abuse program or a facility, *or as the operator of a halfway house for alcohol and drug abusers,* the bureau shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the bureau receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating

that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The bureau shall reinstate the certification of a person as personnel of an alcohol and drug abuse program or a facility , *or as the operator of a halfway house for alcohol and drug abusers,* that has been suspended by a district court pursuant to NRS 425.540 if the bureau receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 13. NRS 458.028 is hereby amended to read as follows:

458.028 An application for the certification of personnel of an alcohol and drug abuse program or a facility , *or as the operator of a halfway house for alcohol and drug abusers,* must include the social security number of the applicant.".

Amend the title of the bill to read as follows:

"AN ACT relating to substance abuse; requiring halfway houses for alcohol and drug abusers to be certified by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation; revising the fees that may be charged by the bureau for certifying facilities, programs or personnel; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for regulation of halfway houses for alcohol and drug abusers. (BDR 40-131)".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 163.

Bill read second time and ordered to third reading.

Senate Bill No. 179.

Bill read second time and ordered to third reading.

Senate Bill No. 181.

Bill read second time.

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

Amendment No. 773.

Amend the bill as a whole by renumbering sections 3 through 8 as sections 4 through 9 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 631.275 is hereby amended to read as follows:

631.275 1. Except as otherwise provided in subsection 2, the board shall, without examination, issue a restricted license to practice dentistry to a person who:

(a) Has a valid license to practice dentistry issued pursuant to the laws of another state or the District of Columbia;

(b) Has received a degree from a dental school or college accredited by the American Dental Association Commission on Dental Accreditation, or its successor organization; *and*

(c) ~~[Has at least 5 years of clinical experience obtained after receiving such a degree; and~~

~~(d)]~~ Has entered into a contract with a facility approved by the health division of the department of human resources to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license.

2. The board shall not issue a restricted license to a person:

(a) Who has failed to pass the examination of the board;

(b) Who has been refused a license in this state, another state or territory of the United States or the District of Columbia; or

(c) Whose license to practice dentistry has been revoked in this state, another state or territory of the United States or the District of Columbia.

3. A person to whom a restricted license is issued pursuant to subsection 1:

(a) May perform dental services only:

(1) Under the supervision of a dentist who is licensed to practice dentistry in this state and appointed by the health division of the department *of human resources* to supervise dental care that is provided in a facility which has entered into a contract with the person to whom a restricted license is issued and which is approved by the health division of the department; and

(2) In accordance with the contract required pursuant to paragraph ~~[(d)]~~ *(c)* of that subsection.

(b) Shall not, for the duration of the restricted license, engage in the private practice of dentistry, which includes, without limitation, providing dental services to a person who pays for the services.

4. A person who receives a restricted license must pass the examination of the board within ~~[1 year]~~ *3 years* after receiving his restricted license. If the person fails to pass that examination, the board shall revoke the restricted license.

5. The board may revoke a restricted license at any time.".

Amend the title of the bill, third line, after "Nevada;" by inserting: "revising provisions relating to restricted licenses to practice dentistry;".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 266.

Bill read second time and ordered to third reading.

Senate Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 808.

Amend sec. 2, page 2, by deleting lines 16 through 23 and inserting:

"*A defendant charged with the commission of a category A or B felony who is admitted to bail on a surety bond and who:*

1. While admitted to bail, is taken into custody in the same jurisdiction in which he was admitted to bail and is charged with the commission of another category A or B felony; and

2. Is ordered to be released from custody without bail,

must not be released from custody pursuant to NRS 178.4851 until the law enforcement agency that conducted the initial booking procedure for the defendant for the subsequent felony has notified the bail agent that issued the surety bond of the release of the defendant.".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 9 as sections 3 through 8.

Amend sec. 4, page 2, by deleting line 30 and inserting:

"is lawfully required *for the commission of a misdemeanor* and *the failure to appear is* not excused ~~[,]~~ *or is lawfully required for the commission of a gross misdemeanor or felony,* the court shall ~~[direct the fact of".~~

~~Amend sec. 4, page 2, line 33, by deleting "30" and inserting "45".~~

~~Amend sec. 4, page 2, line 42, by deleting "district" and inserting "prosecuting".~~

~~Amend sec. 4, page 3, by deleting lines 1 and 2 and inserting:~~

~~"2. Except as otherwise provided in subsection 3 and NRS 178.509, the undertaking or money deposited instead of bail".~~

~~Amend sec. 5, page 3, by deleting lines 22 and 23 and inserting:~~

~~"178.509 1. [The]~~ *If the defendant fails to appear when his presence in court is lawfully*".

Amend sec. 7, page 5, line 5, by deleting "*defendant*" and inserting "*surety*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 287.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

Senate Bill No. 304.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 343.

Bill read second time and ordered to third reading.

Senate Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 802.

Amend sec. 3, page 2, by deleting lines 16 and 17 and inserting:

"*(h) One member who is employed by a privately owned entity that provides emergency medical services; and*".

Amend sec. 3, page 2, line 27, by deleting "*and*".

Amend sec. 3, page 2, line 29, by deleting "*designee.*" and inserting:

"*designee; and*

(c) A physician who is a member of a committee which consists of directors of trauma centers in this state and who is nominated by that committee.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 371.

Bill read second time and ordered to third reading.

Senate Bill No. 397.

Bill read second time.

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

Amendment No. 789.

Amend sec. 3, page 2, line 1, after "*entity,*" by inserting:

"*in consultation with any Indian tribe that has local aboriginal ties to the geographical area in which a unique archeological or historical site is located and*".

Amend sec. 3, page 2, line 3, by deleting "*any*" and inserting:

"*the owner of any property that contains a unique archeological or historical site in this state or with any other*".

Amend sec. 3, page 2, line 19, after the semicolon by inserting "*and*".

Amend sec. 3, page 2, line 20, by deleting "*; and*" and inserting an italicized period.

Amend sec. 3, page 2, by deleting line 21.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 470.

Bill read second time.

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

Amendment No. 836.

Amend sec. 2, page 2, line 14, by deleting "350.089" and inserting "350.085".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 473.

Bill read second time.

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

Amendment No. 837.

Amend sec. 4, page 5, by deleting line 25 and inserting:

"354.59811 1. Except as otherwise provided in NRS 354.59813,".

Amend sec. 4, page 5, line 34, by deleting:

"a general or medium-term obligation" and inserting:

"general long-term debt".

Amend sec. 4, page 5, line 38, by deleting "1." and inserting "(a)".

Amend sec. 4, page 6, line 8, by deleting "2." and inserting "(b)".

Amend sec. 4, page 6, between lines 14 and 15, by inserting:

"2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS 350.085 to 350.095, inclusive.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 534.

Bill read second time and ordered to third reading.

Senate Bill No. 535.

Bill read second time and ordered to third reading.

Senate Bill No. 538.

Bill read second time and ordered to third reading.

Senate Bill No. 451.

Bill read second time.

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

Amendment No. 908.

Amend sec. 5, page 3, by deleting lines 18 and 19 and inserting:

"Sec. 5. *Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the*".

Amend sec. 5, page 3, by deleting lines 23 through 42.

Amend sec. 6, page 4, line 5, by deleting "*7*" and inserting "*10*".

Amend sec. 6, page 4, line 9, by deleting "*community;*" and inserting: "*community or to any other mailing address designated in writing by the unit's owner;*".

Amend sec. 7, page 5, by deleting lines 24 through 32 and inserting:

"*2. The form for registration must include, without limitation, the information required to be maintained pursuant to paragraph (d) of subsection 4 of NRS 116.1116.*".

Amend sec. 14, page 7, by deleting lines 21 through 29 and inserting:

"*(d) Compile and maintain a registration of each association organized within the state which includes, without limitation:*

(1) The name, address and telephone number of the association;

(2) The name of the person engaged in property management for the common-interest community or the name of the person who manages the property at the site of the common-interest community;

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community; and

(6) The total annual assessment made by the association.".

Amend sec. 16, page 8, by deleting lines 2 and 3 and inserting:

"116.1201 *1.* Except as otherwise provided in *this section and* NRS ~~[116.1202 and]~~ 116.1203, this chapter applies to all common-interest".

Amend sec. 16, page 8, by deleting lines 6 through 9 and inserting:

"*(a) Associations created for the limited purpose of maintaining:*

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

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community.".

Amend sec. 16, page 8, line 10, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 16, page 8, line 18, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 16, page 8, by deleting line 31 and inserting "*1992; or*".

Amend sec. 16, page 8, by deleting lines 33 through 36 and inserting: "*1992, from providing for a representative form of government.*".

Amend sec. 16, page 8, line 42, after "*community*" by inserting:

", *maintaining facilities for flood control*".

Amend the bill as a whole by adding a new section designated sec. 16.2, following sec. 16, to read as follows:

"Sec. 16.2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsection 2, if a planned community ~~[:~~

~~(a) Contains]~~ *contains* no more than 12 units and is not subject to any developmental rights , ~~[; or~~

~~(b) Provides, in its declaration, that the annual average liability for common expenses of all units restricted to residential purposes, exclusive of optional users' fees and any insurance premiums paid by the association, may not exceed $500 per unit,]~~ it is subject only to NRS 116.1105, 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, NRS 116.3101 to 116.3119, inclusive, and 116.11031 to 116.110393, inclusive, to the extent necessary in construing any of those sections, apply to a residential planned community containing more than six units.".

Amend sec. 19, page 11, by deleting lines 27 through 32 and inserting:

"at least a majority of whom must be units' owners. The executive board shall elect the officers. The members and".

Amend sec. 19, page 12, by deleting lines 8 and 9 and inserting:

"unit may be an officer or member of the executive board. In all events where the person serving".

Amend sec. 21, page 13, by deleting lines 6 and 7 and inserting:

"*amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, he has failed to pay his share of the amounts due, the executive*".

Amend sec. 21, page 13, between lines 12 and 13, by inserting:

"*The provisions of this subsection do not apply to a time share or time-share project governed by the provisions of chapter 119A of NRS.*".

Amend sec. 22, page 14, by deleting lines 14 and 15 and inserting:

"against all units' owners. Any rule that is not so uniformly enforced may not be enforced against any unit's owner.".

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

"Sec. 24.5. NRS 116.3109 is hereby amended to read as follows:

116.3109 1. ~~[Unless]~~ *Except as otherwise provided in this section and unless* the bylaws provide otherwise, a quorum is present throughout any meeting of the association if persons entitled to cast 20 percent of the votes that may be cast for election of the executive board are present in person or by proxy at the beginning of the meeting.

2. Unless the bylaws specify a larger percentage, a quorum is deemed present throughout any meeting of the executive board if persons entitled to cast 50 percent of the votes on that board are present at the beginning of the meeting.

3. For the purposes of determining whether a quorum is present for the election of any member of the executive board, only the secret written ballots that are returned to the association may be counted.".

Amend sec. 26, page 18, by deleting lines 36 and 37 and inserting:

"(a) A ~~[full-time employee of an association who manages only one association.]~~ *person who is engaged in property management for a common-interest community on October 1, 1999, and is granted an exemption from the requirements of subsection 2 by the administrator upon demonstration that he is qualified and competent to engage in property management for a common-interest community.*".

Amend sec. 26, page 19, by deleting lines 2 through 7 and inserting:

"~~[4.]~~ *5.* As used in this section, "property management" means the physical,".

Amend sec. 27, page 19, line 22, by deleting:

"4, 5 and 6:" and inserting:

"4 ~~[, 5 and 6:]~~ *to 7, inclusive:*".

Amend sec. 27, page 19, by deleting lines 28 and 29 and inserting:

"major components of the common elements. The reserve may be used only for".

Amend sec. 27, page 20, line 9, after "7." by inserting:

"*The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.*

8.".

Amend sec. 27, page 20, line 12, by deleting "8." and inserting "~~[8.]~~ *9.*".

Amend sec. 27, page 20, line 17, by deleting "~~[or agreement]~~" and inserting:

"or *written* agreement".

Amend sec. 27, page 20, by deleting line 19 and inserting "allocated.".

Amend sec. 27, pages 20 and 21, by deleting lines 28 through 43 on page 20 and lines 1 through 7 on page 21 and inserting:

"association. *If a civil action is commenced pursuant to this paragraph without the required vote or agreement, the action must be ratified within 90 days after the commencement of the action by a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated. If the association, after making a good faith effort, cannot obtain the required vote or agreement to commence or ratify such a civil action, the association may thereafter seek to dismiss the action without prejudice only if a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated was obtained at the time the approval to commence or ratify the action was sought.*

10. At least 10 days before an association commences or seeks to ratify the commencement of a civil action, the association shall provide a written statement to all units' owners that includes:

(a) A reasonable estimate of the costs of the civil action, including reasonable attorney's fees;

(b) An explanation of the potential benefits of the civil action and the potential adverse consequences if the association does not commence the action or if the outcome of the action is not favorable to the association; and

(c) All disclosures that are required to be made upon the sale of the property.

11. No person other than a unit's owner may request the dismissal of a civil action commenced by the association on the ground that the association failed to comply with any provision of this section.".

Amend sec. 28, page 21, line 16, by deleting "association." and inserting: "association ~~[.]~~ *used for residential use.*".

Amend sec. 28.5, page 21, line 38, by deleting "association." and inserting: "association used for residential use.".

Amend sec. 30, page 23, line 21, by deleting "*or*".

Amend sec. 30, page 23, by deleting lines 23 through 36 and inserting: "the purchaser without penalty; or

(g) Disposition of a unit in a planned community ~~[in which the declaration limits the average annual assessment of any unit to not more than $500, exclusive of optional users' fees and any insurance premiums paid by the association, or]~~ which contains no more than 12 units if:

(1) The declarant reasonably believes in good faith that the maximum ~~[stated]~~ assessment *stated in the declaration* will be sufficient to pay the expenses of the planned community; and

(2) The declaration cannot be amended to increase the assessment during the period of *the* declarant's control without the consent of all units' owners.

3. Except as otherwise provided in subsection 2, the provisions of NRS 116.4101 to 116.412, inclusive, do not apply to a planned community described in NRS 116.1203.".

Amend the bill as a whole by adding a new section designated sec. 32.5, following sec. 32, to read as follows:

"Sec. 32.5. NRS 119A.165 is hereby amended to read as follows:

119A.165 1. If a matter governed by this chapter is also governed by chapter 116 of NRS, compliance with the provisions of chapter 116 of NRS governing the matter which are in addition to or different from the provisions in this chapter governing the same matter is not required. In the event of a conflict between provisions of this chapter and chapter 116 of NRS, the provisions of this chapter prevail.

2. Without limiting the generality of subsection 1, the provisions of *sections 3 to 13, inclusive, of his act and* NRS 116.3103, 116.31031, 116.31034, 116.3106, 116.31065, 116.3108 to 116.311, inclusive, 116.31139, 116.31145, 116.3115, 116.31155, 116.31162, 116.41095 and 116.4117 do not apply to a time share or a time-share project.".

Amend sec. 35, page 30, line 39, by deleting "116.1203,".

Amend the leadlines of repealed sections by deleting the leadline of NRS 116.1203.

Amend the title of the bill by deleting the fifth and sixth lines and inserting:

"interest communities to maintain a registration of each association organized in this state; expanding the authority of".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Judiciary.

Assemblyman Perkins moved that Senate Bill No. 71 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Perkins.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education (emergency request of Dini):

Assembly Bill No. 686—AN ACT relating to public schools; creating the Commission on School Safety and Juvenile Violence; providing for its membership and duties; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 38.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 831.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 5 through 7 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. There is hereby appropriated from the state general fund to the district judges' salary account of the supreme court the sum of $62,651 for a portion of the salary for the additional district judge required for the fifth judicial district pursuant to section 2 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 6, page 2, line 25, by deleting:

"4 and 5" and inserting:
"5 and 6".

Amend sec. 6, page 2, line 27, after "2." by inserting:
"Section 4 of this act becomes effective on July 1, 2000.
3.".

Amend the title of the bill, fourth line, after "seat;" by inserting:
"making an appropriation;".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 103.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 830.

Amend the bill as a whole by renumbering sections 392 through 394 as sections 396 through 398 and adding new sections designated sections 392 through 395, following sec. 391, to read as follows:

"Sec. 392. Section 1 of Assembly Bill No. 135 of this session is hereby amended to read as follows:

Section 1. NRS 555.235 is hereby amended to read as follows:

555.235 As used in NRS 555.235 to 555.249, inclusive:

1. ~~["Agent" means any person who:~~

~~(a) Acts upon the authority of another person possessing a valid nursery license in this state; and~~

~~(b) Solicits for the sale of nursery stock.~~

~~2. "Container" means any receptacle in which nursery stock is packed for shipment, storage or sale.~~

~~3.]~~ "Inspecting officer" means a person authorized by the department to inspect nursery stock.

~~[4.]~~ *2.* "Licensee" means any person licensed under the provisions of NRS 555.235 to 555.249, inclusive.

~~[5.]~~ *3.* "Nursery" means any ~~[ground or place where]~~ *location:*

(a) Where nursery stock is grown, *propagated,* stored ~~[, packed, treated, fumigated or offered for sale.~~

~~6.]~~ *or sold; or*

(b) From which nursery stock is distributed directly to a customer.

4. "Nursery stock" means any plant for planting, propagation or ornamentation, and includes parts of plants, trees, shrubs, vines, vegetables, bulbs, stolons, tubers, corms, pips, rhizomes, scions, buds and grafts.

~~[7. "Peddler" means any person who sells, solicits or offers for sale nursery stock to the ultimate customer and who does not have an established~~

~~permanent place of business in the state. The term does not include nurserymen who wholesale stock to retail nurserymen in this state.~~

~~8.~~] *5.* "Pest" means ~~[:~~

~~(a) Any~~] *any* form of animal *or vegetable* life detrimental to the nursery industry of ~~[the state.~~

~~(b) Any form of vegetable life detrimental to the nursery industry of the state.~~

~~9. "Pest disease" means any infectious, transmissible or contagious disease of plants, or any disorder of plants which manifests symptoms or behavior which the director, after investigation, determines to be characteristic of an infectious, transmissible or contagious disease.~~

~~10. "Place of business" means any location used to propagate, grow, maintain, hold, sell or distribute nursery stock. The term includes, but is not limited to, established permanent places of business, registered places of business, established sales yards, store yards, store and sales locations and similar outlets for which the minimum nursery license fee has been paid.~~

~~11.~~] *this state, including, without limitation, any insect, snail, nematode, fungus, virus, bacterium, microorganism, mycoplasmal organism, weed, parasitic plant or any other plant that is normally considered to be a pest of cultivated plants, uncultivated plants, agricultural commodities, horticultural products or nursery stock, or that the director declares to be a pest.*

6. "Sell" means exchange, offer for sale, expose for sale, have in possession for sale or solicit for sale.

Sec. 393. Section 2 of Assembly Bill No. 135 of this session is hereby amended to read as follows:

Sec. 2. NRS 555.236 is hereby amended to read as follows:

555.236 1. Every person who engages in the commercial production, holding, distribution, collection or selling of nursery stock shall obtain a license from the director, except:

(a) Retail florists or other persons who sell potted, ornamental plants intended for indoor decorative purposes.

(b) A person who is not engaged in the nursery business and raises nursery stock as a hobby in this state, from which he makes occasional sales, if the person reports to the director his intention to make those sales and does not advertise or solicit for the sale of that nursery stock.

(c) Persons engaged in agriculture and field-growing vegetable plants intended for sale for use in agricultural production.

(d) That the director may, to relieve hardships imposed by the licensing requirements of NRS 555.235 to 555.249, inclusive, upon persons residing in sparsely settled areas of ~~[the]~~ *this* state where no licensed nurseries exist, waive the requirements for the licensing of nurseries for any established business ~~[concern]~~ to permit occasional sales of nursery stock ~~[for customer accommodation.]~~ *to accommodate the customers of the business.*

(e) At the discretion of the director, persons selling vegetable bulbs or flower bulbs, including , *without limitation,* onion sets, tulip bulbs and similar bulbs.

(f) A nursery licensed by another state that sells nursery stock directly to:

(1) A licensed retail nursery in this state; or

(2) The public by catalog.

2. Persons, state agencies or political subdivisions exempt from the licensing requirements:

(a) Shall conduct their businesses in accordance with pest regulations and grades and standards for nursery stock as established by the director.

(b) Shall register annually, on or before July 1, with the department, the location, size and type of nursery stock being produced.

Sec. 394. Section 6 of Assembly Bill No. 135 of this session is hereby amended to read as follows:

Sec. 6. NRS 555.248 is hereby amended to read as follows:

555.248 Any nursery stock brought into this state which the director or inspecting officer finds or has reasonable cause to believe to be infested or infected with any pest must be destroyed immediately, at the expense of the owner or bailee, under the supervision of the director or the inspecting officer, unless:

1. The nature of the pest is such that no detriment can be caused to the *public, the* nursery , *agricultural, forestry or horticultural* industry ~~[or related industries]~~ in this state *or the general environmental quality of this state* by shipping the nursery stock out of ~~[the]~~ *this* state. In that case the director or inspecting officer:

(a) May affix a warning tag or notice to the nursery stock.

(b) Shall notify the owner or bailee to ship the nursery stock out of this state within 48 hours.

(c) Shall keep the nursery stock under his control at the expense of the owner or bailee.

(d) Shall destroy the nursery stock at the expiration of 48 hours if the owner or bailee has not shipped the nursery stock out of ~~[the]~~ *this* state.

2. The director determines that the pest can be exterminated by *a* treatment prescribed by the director with the result that no detriment will be caused to the *public, the* nursery , *agricultural, forestry or horticultural* industry ~~[or related industries]~~ in this state ~~[.]~~ *or the general environmental quality of this state.* In that case, nursery stock will be released if the nursery stock is:

(a) Treated in the manner prescribed by the director;

(b) Treated within the time specified by the director or inspecting officer;

(c) Treated under the supervision of the inspecting officer; and

(d) Found to be free from pests.

Sec. 395. The title of Assembly Bill No. 135 of this session is hereby amended to read as follows:

AN ACT relating to agriculture; revising the definition of "nursery" to include a location where nursery stock is propagated ~~[and]~~ *or* from which nursery stock is distributed directly to a customer; exempting certain nurseries that are licensed by another state from the requirement of obtaining a license from the ~~[administrator]~~ *director* of the ~~[division]~~ *state department* of agriculture *;* ~~[of the department of business and industry;]~~ revising the definition of "peddler" to exclude certain nurserymen licensed by another state; requiring nursery stock shipped intrastate or interstate to a point within this state to be accompanied by an inspection certificate or a phytosanitary certificate; and providing other matters properly relating thereto.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Joint Resolution No. 18.

Resolution read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Joint Resolution No. 18:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Brower, Evans, Nolan—4.

Assembly Joint Resolution No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 197:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Brower, Evans, Nolan—4.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 216.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 216:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Brower, Evans, Nolan—4.

Senate Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 341 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 377.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 377:

YEAS—38.

NAYS—None.

EXCUSED—Arberry, Brower, Evans, Nolan—4.

Senate Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 389.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 389:

YEAS—37.

NAYS—Neighbors.

EXCUSED—Arberry, Brower, Evans, Nolan—4.

Senate Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Remarks by Assemblymen Goldwater, Buckley, Gustavson, Collins and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Senate Bill No. 408:

YEAS—34.

NAYS—Claborn, Gustavson—2.

NOT VOTING—Angle, Collins—2.

EXCUSED—Arberry, Brower, Evans, Nolan—4.

Senate Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 501:
YEAS—38.
NAYS—None.
EXCUSED—Arberry, Brower, Evans, Nolan—4.
Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 528.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 528:
YEAS—38.
NAYS—None.
EXCUSED—Arberry, Brower, Evans, Nolan—4.
Senate Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 7.
Resolution read third time.
Remarks by Assemblymen Price, Gustavson, Freeman and Buckley.
Roll call on Senate Joint Resolution No. 7:
YEAS—32.
NAYS—Angle, Freeman, Gibbons, Gustavson, Thomas—5.
NOT VOTING—Goldwater.
EXCUSED—Arberry, Brower, Evans, Nolan—4.
Senate Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 169.
The following Senate amendment was read:
Amendment No. 753.
Amend section 1, pages 1 and 2, by deleting lines 14 through 20 on page 1 and lines 1 through 7 on page 2, and inserting:
"(a) A line ~~[on which to enter the number on]~~ *for use by the county clerk to enter the number:*

(1) Indicated on the voter's social security card, driver's license or identification card issued by the department of motor vehicles and public safety ~~[.]~~ *, or any other identification card issued by an agency of this state or the Federal Government that contains:*

(I) A unique number; and

(II) A photograph or physical description of the voter; or

(2) Issued to the voter pursuant to subsection 5.".

Amend section 1, page 2, after line 13, by inserting:

"*5. If a voter does not:*

(a) Possess any of the identification set forth in subparagraph (1) of paragraph (a) of subsection 4; or

(b) Wish to provide to the county clerk the number indicated on that identification,

the county clerk shall issue a unique identification number to the voter.

6. The secretary of state shall adopt regulations to carry out the provisions of subsections 4 and 5.".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 169.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 611.

The following Senate amendment was read:

Amendment No. 752.

Amend sec. 2, page 2, line 31, by deleting "household." and inserting: "household ~~[.]~~ *who is 18 years of age or older.*".

Amend sec. 2, page 3, by deleting lines 23 and 24.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 611.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 95, 107, 111, 141, 197, 203, 215, 231, 249, 254, 255, 260, 414, 425, 445, 447, 450, 461, 489, 518, 531, 593, 612, 624, 640, 644, 651; Assembly Concurrent Resolution No. 64; Assembly Joint Resolution No. 12; Senate Bills Nos. 121, 274, 472; Senate Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Canter, Jr.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Trish Rippie.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Butler, Tjerck Dewitt, Haleigh Donnelly, Samantha Fierro, Savannah Flansburg, Alexa Gillespie, Ashley Hayes, Valentina Hunter, Jonathan Kane, Jason Ortiz, Thomas Preston, Rachael Reynolds-Strange, Tarian Ricketts, Daniel Rogers,

Rachel Rupert, Jillian Shufelt, Erick Serske, Georgia Ferrel, Shannon Sperske, Terri Shufelt and Vicki Preston.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Lecht.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 14, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:11 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 14, 1999

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

O Lord, Your word tells us that You know the number of the very hairs on our heads. Of course, for some of us that means You have less and less to keep up with! Well, Father, You also know that this is our 103rd day here and that these are times that try the souls of men and women. Please stay with us and bless us with strength, patience, and compassion. In the name of our Lord, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Senate Concurrent Resolutions Nos. 2, 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 182, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 32, 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 349, 383, 455, 522, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 190, 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 462, 509; Assembly Joint Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 53, Amendment No. 781; Assembly Bill No. 166, Amendment Nos. 422, 841, 856; Assembly Bill No. 477, Amendment No. 860; Assembly Bill No. 490, Amendment No. 796, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 739 to Senate Bill No. 14; Assembly Amendment No. 735 to Senate Bill No. 177.; Assembly Amendment No. 725 to Senate Bill No. 241.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 167.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 60.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 167.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

CONSENT CALENDAR

Senate Bills Nos. 330, 526.

Bills read by number.

Roll call on Senate Bills Nos. 330, 526:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bills Nos. 330, 526 having received a constitutional majority, Mr. Speaker declared them passed.

Bills ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 53 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 273 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 397 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 181 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Perkins.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 862.

Amend section 1, page 1, by deleting line 16 and inserting:

"$7,500 ..... 150.00".

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 2 and adding a new section designated sec. 3, following sec. 3, to read as follows:

"Sec. 3. The amendatory provisions of this act apply only to an action filed on or after October 1, 1999.".

Amend the bill as a whole by deleting sec. 4.

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to justices' courts; increasing the monetary limit of claims".

Amend the summary of the bill, after "to" by inserting "small".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history on Senate Bills on Second Reading be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 52.

Bill read second time and ordered to third reading.

Senate Bill No. 131.

Bill read second time.

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

Amendment No. 868.

Amend section 1, page 1, by deleting lines 4 through 8 and inserting:

"*is 400,000 or more shall enact an ordinance requiring a person other than a public utility who:*

(a) Purchases paging services from a public utility; and

(b) Resells those paging services to another person for use primarily in the unincorporated area of the county,

to maintain such records of the names and addresses of the persons to whom the paging services are resold as the board deems".

Amend section 1, pages 1 and 2, by deleting lines 13 and 14 on page 1 and lines 1 and 2 on page 2 and inserting:

"*(b) The length of time that the records must be maintained.*

3. As used in this section, "public utility" means:

(a) A public utility as defined in NRS 704.020; and

(b) A provider of a "commercial mobile service" as defined in 47 U.S.C. § 332.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each city in a county whose population is 400,000 or more shall enact an ordinance requiring a person other than a public utility who:

(a) Purchases paging services from a public utility; and

(b) Resells those paging services to another person for use primarily in the incorporated area of the city,

to maintain such records of the names and addresses of the persons to whom the paging services are resold as the governing body deems necessary.

2. The ordinance must include:

(a) The information that must be included in the records required to be maintained; and

(b) The length of time that the records must be maintained.

3. As used in this section, "public utility" means:

(a) A public utility as defined in NRS 704.020; and

(b) A provider of a "commercial mobile service" as defined in 47 U.S.C. § 332.".

Amend the title of the bill to read as follows:

"AN ACT relating to local governments; requiring certain cities and counties to establish requirements for the maintenance of records by certain resellers of paging services; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain cities and counties to establish requirements for maintenance of records by certain resellers of paging services. (BDR 20-578)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 139.

Bill read second time.

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

Amendment No. 838.

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. NRS 244.1505 is hereby amended to read as follows:

244.1505 1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the

county. The board may grant all or part of the money to a ~~[private organization, not for profit,]~~ *nonprofit organization created for religious, charitable or educational purposes* to be expended for the selected purpose.

2. *A board of county commissioners or its authorized representative may donate:*

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Stolen or embezzled property for which the county treasurer has obtained an order authorizing him to donate the property pursuant to subsection 6 of NRS 179.165,

to a nonprofit organization created for religious, charitable or educational purposes.

3. A grant *or donation* to a ~~[private]~~ *nonprofit* organization *created for religious, charitable or educational purposes* must be made by resolution . ~~[which]~~ *The resolution* must specify:

(a) The purpose of the grant ~~[;~~

~~(b) The]~~ *or donation;*

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon ~~[its expenditure.]~~ *the expenditure of the grant or the use of the donated property.*

4. *As used in this section:*

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a city may expend money for any purpose that will provide a substantial benefit to the inhabitants of the city. The governing body may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose.

2. The governing body of a city or its authorized representative may donate commodities, supplies, materials and equipment that the governing body determines have reached the end of their useful lives to a nonprofit organization created for religious, charitable or educational purposes.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations on the expenditure of the grant or the use of the donated property.

4. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.".

Amend the title of the bill, sixth line, after the semicolon by inserting: "extending the authority of a board of county commissioners to make charitable grants to include certain property; authorizing the governing body of a city to make charitable grants of money or certain property to certain nonprofit organizations;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

Senate Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 863.

Amend sec. 7, page 7, by deleting line 5 and inserting: "*investigation* to the division of mental health and developmental services of the".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 291.

Bill read second time.

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

Amendment No. 869.

Amend section 1, page 1, line 6, by deleting "*draught*" and inserting: "*amount of water drawn*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

Assemblyman Anderson withdrew Amendment No. 769 to Senate Bill No. 314.

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

Amendment No. 890.

Amend section 1, page 1, by deleting line 2 and inserting:

"5.020 1. Except as otherwise provided in subsection ~~[2,]~~ *3 and NRS*".

Amend section 1, page 1, by deleting lines 5 through 9 and inserting:

"governing body of that city. ~~[He shall hold his office for 1 year, unless a longer period is]~~ *The term of office of a municipal judge is the period* fixed by ~~[the]~~ *:*

(a) An ordinance adopted by the city if the city is organized under general law; or

(b) The charter of the city ~~[, in which case he shall hold his office for that longer period.]~~ *if the city is organized under a special charter.*

Before entering upon his duties, a municipal judge shall take the constitutional oath of office.

2. A municipal judge must:".

Amend section 1, page 1, line 10, by deleting "the" and inserting "this".

Amend section 1, page 1, line 13, by deleting "and".

Amend section 1, page 1, line 14, by deleting "city." and inserting:

"city; and

(d) Not have ever been removed or retired from any judicial office by the commission on judicial discipline.".

Amend section 1, page 1, line 15, by deleting "2." and inserting "~~[2.]~~ *3.*".

Amend section 1, page 1, after line 18, by inserting:

"~~[3.]~~ *4.* For the purposes of this section, a person shall not be ineligible to be a candidate for the office of municipal judge if a decision to remove or retire him from a judicial office is pending appeal before the supreme court or has been overturned by the supreme court.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill, first line, after "authorizing" by inserting "certain".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 864.

Amend section 1, page 2, by deleting lines 4 and 5 and inserting:

"accredited by the state to treat persons who abuse drugs and alcohol; ~~[and~~

~~(d) Four]~~

(d) One member who is employed by the bureau and has experience in matters concerning budgeting and experience in working with the programs of the bureau;

(e) One member who is employed by the division of mental health and developmental services of the department of human resources who has relevant experience, which may include, without limitation, experience in matters concerning budgeting and experience in working with programs of the division of mental health and developmental services of the department of human resources;

(f) One member who represents the interests of private businesses concerning substance abuse in the workplace; and

(g) Three members who represent the general public ~~[.]~~ *, one of whom is the parent of a child who has a mental illness or who has or has had a problem with substance abuse.*".

Amend sec. 2, page 3, line 1, by deleting "Seven" and inserting~~]~~ "~~[Seven~~ *Eight*".

Amend sec. 3, page 3, by deleting lines 21 through 24 and inserting:

"(a) Make grants *pursuant* to ~~[programs for substance abuse education, prevention, enforcement and treatment;]~~ *subsection 5 of NRS 458.420;* and".

Amend sec. 4, page 3, by deleting line 33 and inserting:

"1. Develop , ~~[and]~~ coordinate *and adopt* a state master plan . ~~[that must]~~ *The plan:*".

Amend sec. 4, pages 3 and 4, by deleting line 42 on page 3 and lines 1 and 2 on page 4 and inserting:

"~~[(d)]~~ *(3)* The order of priority concerning the efforts required to achieve the goals and objectives of the commission; and".

Amend sec. 4, page 4, line 3, by deleting "~~(e)~~" and inserting "~~[(e)".~~

Amend sec. 4, page 4, between lines 5 and 6, by inserting:

"(4) Suggestions and advice to the bureau concerning the programs of the bureau.".

Amend sec. 4, page 4, by deleting lines 25 through 27 and inserting:

"5. Make grants of available money to programs that provide substance abuse education, prevention, enforcement and treatment and to organizations that evaluate such programs.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 357.

Bill read second time and ordered to third reading.

Senate Bill No. 366.

Bill read second time.

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

Amendment No. 778.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 2, by deleting lines 39 and 40 and inserting:

"Sec. 6. This act becomes effective on January 1, 1996, and expires by limitation on December 31, [1999.] ~~*2001.*~~".

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 2.

Amend sec. 5, page 2, by deleting line 42 and inserting:

"Sec. 2. 1. This act becomes effective upon".

Amend sec. 5, page 3, by deleting lines 1 through 8 and inserting:

"2. Notwithstanding the provisions of NRS 244A.7643, a board of county commissioners that has imposed a surcharge pursuant to NRS 244A.7643 shall not impose such a surcharge on the mobile telephone service provided to each customer of that service who resides in the county on or after the date on which the advisory committee established in that county pursuant to NRS 244A.7645 notifies the board of county commissioners that the enhancement of the telephone system for reporting an emergency in that county has been completed in such a manner that when a person".

Amend sec. 5, page 3, line 10, by deleting "(1)" and inserting "(a)".

Amend sec. 5, page 3, line 12, by deleting "(2)" and inserting "(b)".

Amend sec. 5, page 3, after line 15 by inserting:

"3. A board of county commissioners that has imposed a surcharge pursuant to NRS 244A.7643 shall notify in a timely manner each telephone company and supplier that collects such a surcharge to cease collecting the surcharge:

(a) On each access line or trunk line of each customer to the local exchange of any telephone company providing those lines in the county on or after December 31, 2001.

(b) On the mobile telephone service provided to each customer of that service who resides in the county on or after the earlier of the following dates:

(1) December 31, 2001; or

(2) The date on which the advisory committee established in that county pursuant to NRS 244A.7645 notifies the board of county commissioners of that county that the enhancement of the telephone system for reporting an emergency in that county has been completed in the manner described in subsection 2.".

Amend the bill as a whole by deleting the text of the repealed section.

Amend the title of the bill to read as follows:

"AN ACT relating to telephone services; extending the prospective expiration of certain provisions concerning surcharges on telephone services in certain counties for the enhancement of the telephone systems for reporting emergencies in those counties; and providing other matters properly relating thereto.".

Amend the summary of the bill, third line, by deleting "(BDR 20-550)" and inserting "(BDR S-550)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 865.

Amend section 1, page 1, lines 18 and 19, by deleting "an application" and inserting:

"the consideration of a prisoner".

Amend sec. 2, page 4, line 3, by deleting "an application" and inserting:

"the consideration of a prisoner".

Amend sec. 3, page 5, by deleting lines 6 through 14 and inserting:

"213.130 1. The department of prisons shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the state board of parole commissioners of the eligibility of the prisoner to be considered for parole; and

(c) Before a meeting to consider the prisoner for parole, compile and provide to the board data that will assist the board in determining whether parole should be granted.".

Amend sec. 3, page 5, line 15, by deleting "*applying*" and inserting "*being considered*".

Amend sec. 3, page 5, line 19, after "*crime*" by inserting:

"*were admitted at the trial of the prisoner or were part of the report of the presentence investigation and*".

Amend sec. 3, page 5, line 21, after "*meeting.*" by inserting:

"*A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs.*".

Amend sec. 3, page 5, by deleting line 23 and inserting:

"*3.* Meetings to consider prisoners for parole may".

Amend sec. 3, page 5, line 27, by deleting:

"the application of".

Amend sec. 3, page 5, line 28, by deleting "whose application" and inserting "who".

Amend sec. 3, page 5, line 29, after "considered" by inserting "for parole".

Amend sec. 3, page 5, line 32, by deleting:

"any person applying" and inserting:

"a prisoner being considered".

Amend sec. 3, page 5, by deleting line 34 and inserting:

"consider the prisoner for parole. A prisoner must not be considered for parole".

Amend sec. 3, page 5, by deleting line 41 and inserting:

"to consider a prisoner for parole.".

Amend sec. 3, page 6, line 1, by deleting "an application" and inserting "a prisoner".

Amend sec. 3, page 6, line 3, by deleting "application," and inserting:

"parole of the prisoner,".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 452.

Bill read second time and ordered to third reading.

Senate Bill No. 464.

Bill read second time.

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

Amendment No. 774.

Amend sec. 2, page 1, line 8, after "*of*" by inserting:

"*not more than*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 471.

Bill read second time and ordered to third reading.

Senate Bill No. 495.

Bill read second time.

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

Amendment No. 884.

Amend sec. 13, page 8, by deleting lines 1 through 42 and inserting:

"(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least $15,000, calculated in accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the commissioner;

(b) Has a combined tangible net worth of all members in the association of at least $5,000,000;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the commissioner for authority to determine the documentation demonstrating solvency that an employer must provide to become a member of the association. The commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the commissioner;

(b) Has a combined tangible net worth of all members in the association of at least $5,000,000; and

(c) Has at least 15 members.

7. The commissioner may withdraw his approval of an application submitted pursuant to subsection 5 or 6 if he determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. ~~[Except as otherwise provided in NRS 616B.389, a]~~ *A* member of an association may terminate his membership at any time. To terminate his membership, a member must submit to the association's administrator a

notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The association's administrator shall, within 10 days after receipt of the notice, notify the commissioner of the employer's intent to withdraw from the association.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the commissioner of the addition and:

(1) If the association has not received authority from the commissioner pursuant to subsection 5 or 6, as applicable, provide to the commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the commissioner pursuant to subsection 5 or 6, as applicable, provide to the commissioner evidence that is satisfactory to the commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any other information the commissioner may reasonably require to determine whether the amount of security deposited with the commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the commissioner pursuant to subparagraph (1);

(b) Notify the commissioner and the administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or canceled, maintain coverage for that member for 30 days after notice is given pursuant to paragraph (b), unless the association first receives notice from the administrator that the member has:

(1) Become insured by the system;

(2) Been certified as a self-insured employer pursuant to NRS 616B.312;

(3) Become a member of another association of self-insured public or private employers; or

(4) Become insured by a private carrier.

11. If a member of an association changes his name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under his former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A

to 616D, inclusive, or ~~[chapter]~~ 617 of NRS during his period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.".

Amend the bill as a whole by renumbering sections 41 and 42 as sections 47 and 48 and adding new sections designated sections 41 through 46, following sec. 40, to read as follows:

"Sec. 41. Section 11 of Senate Bill No. 92 of this session is hereby amended to read as follows:

Sec. 11. NRS 616B.095 is hereby amended to read as follows:

616B.095 If the provisions of NRS 616B.224 concerning the state insurance fund, or the provisions of chapters 616A to 616D, inclusive, *or chapter 617* of NRS making the compensation to the workman provided in those chapters exclusive of any other remedy on the part of the workman, ~~[shall be]~~ *are* held invalid, each of those chapters ~~[shall]~~ *must* be thereby invalidated, except the provisions of NRS 616B.101, and an accounting according to the justice of the case ~~[shall]~~ *must* be had on ~~[moneys]~~ *money* received. In other respects an adjudication of invalidity of any part of this chapter or chapter 616A, 616C , ~~[or]~~ 616D *or 617* of NRS ~~[shall]~~ *must* not affect the validity of any of those chapters as a whole or any part thereof.

Sec. 42. Section 15 of Senate Bill No. 92 of this session is hereby amended to read as follows:

Sec. 15. NRS 616B.224 is hereby amended to read as follows:

616B.224 1. Every private or public employer who is not a self-insured employer or a member of an association of self-insured public or private employers shall, at intervals and on or before dates established by his insurer, furnish the insurer with:

(a) A true and accurate payroll showing:

(1) The total amount paid to employees for services performed;

(2) The amount of tips reported to him by every employee pursuant to 26 U.S.C. § 6053(a) whose tips in cash totaled $20 or more; and

(3) A segregation of employment in accordance with the requirements of the commissioner; and

(b) Any premium due pursuant to the terms of the policy of industrial insurance.

The payroll reports and any premium may be furnished to the insurer on different dates, as established by the insurer.

2. Failure of any employer to comply with the provisions of this section operates as a rejection of chapters 616A to 616D, inclusive, *and chapter 617* of NRS, effective on the date established by the insurer pursuant to subsection 1. The insurer shall notify the administrator of each such rejection.

3. The insurer shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the

requirements or effective rejection of chapters 616A to 616D, inclusive, and *chapter* 617 of NRS as otherwise provided in those chapters.

4. The system may impose a penalty not to exceed 10 percent of the premiums which are due for the failure of an employer insured by the system to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

5. To the extent permitted by federal law, the insurer shall vigorously pursue the collection of premiums that are due under the provisions of chapters 616A to 616D, inclusive, and *chapter* 617 of NRS even if an employer's debts have been discharged in a bankruptcy proceeding.

6. Every employer insured by the system shall pay its premiums to the state insurance fund. All money received by the system pursuant to this section must be deposited with the state treasurer to the credit of the state insurance fund.

Sec. 43. Section 41 of Senate Bill No. 92 of this session is hereby amended to read as follows:

Sec. 41. NRS 616D.050 is hereby amended to read as follows:

616D.050 1. Appeals officers, the administrator and the administrator's designee, in conducting hearings or other proceedings pursuant to the provisions of chapters 616A to 616D, inclusive, *or chapter 617* of NRS or regulations adopted pursuant to those chapters may:

(a) Issue subpoenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents.

(b) Administer oaths.

(c) Certify to official acts.

(d) Call and examine under oath any witness or party to a claim.

(e) Maintain order.

(f) Rule upon all questions arising during the course of a hearing or proceeding.

(g) Permit discovery by deposition or interrogatories.

(h) Initiate and hold conferences for the settlement or simplification of issues.

(i) Dispose of procedural requests or similar matters.

(j) Generally regulate and guide the course of a pending hearing or proceeding.

2. Hearing officers, in conducting hearings or other proceedings pursuant to the provisions of chapters 616A to 616D, inclusive, *or chapter 617* of NRS or regulations adopted pursuant to those chapters, may:

(a) Issue subpoenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents that are relevant to the dispute for which the hearing or other proceeding is being held.

(b) Maintain order.

(c) Permit discovery by deposition or interrogatories.

(d) Initiate and hold conferences for the settlement or simplification of issues.

(e) Dispose of procedural requests or similar matters.

(f) Generally regulate and guide the course of a pending hearing or proceeding.

Sec. 44. Section 43 of Senate Bill No. 92 of this session is hereby amended to read as follows:

Sec. 43. NRS 616D.080 is hereby amended to read as follows:

616D.080 1. Each officer who serves a subpoena is entitled to receive the same fees as a sheriff.

2. Each witness who appears, in obedience to a subpoena which has been issued pursuant to this chapter or chapter 616A, 616B , ~~[or]~~ 616C *or 617* of NRS, before an appeals officer, a hearing officer, the administrator or the administrator's designee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record. For subpoenas issued on behalf of this state or an officer or agency thereof, the fees and mileage are not required to be tendered at the same time that the subpoena is delivered to the person named therein.

3. The appeals officer, hearing officer, administrator or the administrator's designee shall:

(a) Authorize payment from his administrative budget of the fees and mileage due to such a witness; or

(b) Impose those costs upon the party at whose instance the witness was subpoenaed or, for good cause shown, upon any other party.

Sec. 45. Section 1 of Senate Bill No. 175 of this session is hereby amended to read as follows:

Section 1. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the administrator finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS or that the employer has provided and secured that compensation but has failed to maintain it, he shall make a determination thereon and may charge the employer an amount equal to the sum of:

(a) The premiums that would otherwise have been owed to the system or a private carrier pursuant to the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years; and

(b) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been paid.

The money collected pursuant to this subsection must be paid into the uninsured employers' claim fund.

2. The administrator shall deliver a copy of his determination to the employer. An employer who is aggrieved by the determination of the

administrator may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

3. Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of chapters 616A to 616D, inclusive, or chapter 617 of NRS, ~~[is:~~

~~(a) For the first offense, guilty of a misdemeanor.~~

~~(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a category C felony and shall be punished as provided in NRS 193.130.]~~ *shall be punished as follows:*

(a) Except as otherwise provided in paragraph (b), if it is a first offense, for a misdemeanor.

(b) If it is a first offense and, during the period the employer was doing business in this state without providing, securing or maintaining compensation, one of his employees suffers an injury arising out of and in the course of his employment that results in substantial bodily harm to the employee or the death of the employee, for a category C felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and by a fine of not less than $1,000 nor more than $50,000.

(c) If it is a second or subsequent offense committed within 7 years after the previous offense, for a category C felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and by a fine of not less than $1,000 nor more than $50,000.

4. In addition to any other penalty imposed pursuant to paragraph (b) or (c) of subsection 3, the court shall order the employer to:

(a) Pay restitution to an insurer who has incurred costs as a result of the violation in an amount equal to the costs that have been incurred minus any costs incurred that have otherwise been recovered; and

(b) Reimburse the uninsured employers' claim fund for all payments made from the fund on the employer's behalf, including any benefits, administrative costs or attorney's fees paid from the fund, that have not otherwise been recovered pursuant to NRS 616C.220.

5. Any criminal penalty imposed *pursuant to subsections 3 and 4* must be in addition to the amount charged pursuant to subsection 1.

Sec. 46. Senate Bill No. 175 of this session is hereby amended by adding thereto a new section designated sec. 2, following section 1, to read as follows:

Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend sec. 42, page 25, line 29, after "40" by inserting:

"to 46, inclusive,".

Amend sec. 42, page 25, line 30, by deleting "41" and inserting "47".

Amend sec. 42, page 25, line 31, by deleting "13,".

Amend sec. 42, page 25, line 32, by deleting "41" and inserting "47".

Amend sec. 42, page 25, after line 32, by inserting:

"3. Section 13 of this act becomes effective at 12:02 a.m. on July 1, 1999.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 514.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 861.

Amend sec. 3, page 2, by deleting lines 9 through 17.

Amend sec. 3, page 2, line 18, by deleting "*3.*" and inserting "*2.*".

Amend sec. 3, page 2, line 30, by deleting "*4.*" and inserting "*3.*".

Amend sec. 5, page 4, line 18, by deleting "*1*" and inserting "*2*".

Amend sec. 6, page 4, line 39, by deleting "*1*" and inserting "*2*".

Amend sec. 9, page 5, by deleting lines 31 through 38.

Amend sec. 9, page 5, line 39, by deleting "*3.*" and inserting "*2.*".

Amend sec. 9, page 6, line 8, by deleting "*4.*" and inserting "*3.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 531.

Bill read second time and ordered to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 439.

The following Senate amendment was read:

Amendment No. 764.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Notwithstanding the amendatory provisions of section 1 of this act to the contrary:

1. A permit for senior citizens issued by the division of state parks of the state department of conservation and natural resources before January 1, 2000, to a person who is a resident of this state and is 60 years of age or older remains valid until:

(a) The date of expiration of the permit; or

(b) The date on which the person to whom it is issued ceases to be a resident of this state,

whichever occurs first.

2. A person who holds a valid permit for senior citizens issued by the division of state parks of the state department of conservation and natural resources before January 1, 2000, may apply for the issuance of an annual permit described in paragraph (d) of subsection 1 of NRS 407.065 upon:

(a) Proof only that the person is a current resident of this state; and

(b) Payment of the administrative fee required by that paragraph.

3. The division of state parks of the state department of conservation and natural resources shall, upon receiving an application that satisfies the requirements of subsection 2, issue to the applicant an annual permit described in paragraph (d) of subsection 1 of NRS 407.065.

4. An annual permit issued pursuant to subsection 3 is renewable by the person to whom it is issued subject to the same terms and conditions applicable to the issuance of the permit.".

Amend sec. 4, page 3, by deleting line 33 and inserting:

"Sec. 5. 1. This act becomes effective on January 1, 2000.

2. Section 4 of this act expires by limitation on January 1, 2005.".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 439.

Remarks by Assemblyman de Braga.

Motion carried.

The following Senate amendment was read:

Amendment No. 847.

Amend sec. 2, page 3, line 18, by deleting "repairs," and inserting: "repairs and projects with a cost of less than $25,000,".

Amend sec. 2, page 3, line 20, by deleting "purposes" and inserting: "projects with a cost of $25,000 or more,".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 439.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 265.

The following Senate amendment was read:

Amendment No. 766.

Amend section 1, page 1, line 3, by deleting "*medically monitored* " and inserting "*modified medical* ".

Amend sec. 3, page 2, line 9, by deleting "freestanding".

Amend sec. 3, page 2, line 15, by deleting "*medically monitored* " and inserting "*modified medical* ".

Amend the title of the bill, second line, by deleting "medically monitored" and inserting "modified medical".

Amend the summary of the bill to read as follows:

"SUMMARY—Creates new category of medical facility for modified medical detoxification. (BDR 40-1088)".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 265.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 284.

The following Senate amendment was read:

Amendment No. 783.

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. Notwithstanding the provisions of section 3 of this act, the state board of health shall not adopt regulations requiring the fluoridation of a public water system serving the inhabitants of a county whose population is 100,000 or more, but less than 400,000, until the health division of the department of human resources certifies that sufficient funding has been obtained from sources of financial support, including, without limitation, grants from the Federal Government, for the payment of the initial costs of such a public water system to begin complying with the provisions of section 3 of this act.".

Amend sec. 5, page 3, line 29, by deleting "becomes" and inserting: "and section 5 of this act become".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 284.

Remarks by Assemblywoman Freeman.

Motion carried.

The following Senate amendment was read:

Amendment No. 809.

Amend sec. 3, page 2, line 3, by deleting "*100,000*" and inserting "*400,000*".

Amend sec. 4, page 3, line 25, by deleting "*100,000*" and inserting "*400,000*".

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 5.

Amend sec. 6, page 4, by deleting line 1 and inserting:

"Sec. 5. 1. This section becomes effective".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 284.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 360 and 369 be taken from their position on the General File and placed at the top of the General File.

Remarks by Assemblyman Perkins.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 287 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

Assemblyman Perkins moved that the reading of the history on Senate Bills on General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 360.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 866.

Amend sec. 2, page 1, line 6, after "*eye.*" by inserting:

"*The term includes, without limitation, a laser scope intended for use with a firearm.*".

Amend sec. 3, page 1, by deleting lines 7 through 15 and inserting:

"Sec. 3. *1. A person shall not knowingly direct light emitted from a laser pointer into or through a public place or at another person in a manner that would cause a reasonable person apprehension or fear of bodily harm, unless the person does so for a valid and lawful purpose.*

2. A person who violates the provisions of this section is guilty of a misdemeanor.".

Amend sec. 4, page 2, line 1, after "*not*" by inserting "*knowingly*".

Amend sec. 4, page 2, by deleting line 5 and inserting "*gross misdemeanor.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 369.

Bill read third time.

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

Amendment No. 889.

Amend sec. 3, page 2, by deleting lines 18 and 19 and inserting:

"*request, information furnished by an obligor to obtain the director's assistance in financing a project pursuant to NRS 349.400 to 349.670,*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 38.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 38:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 103:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Evans.

Assembly Bill No. 103 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 181:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 220.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 220:

YEAS—40.

NAYS—Angle.

EXCUSED—Evans.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 343:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Assembly Bill No. 346:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 22.

Resolution read third time.

Remarks by Assemblymen Anderson and Von Tobel.

Roll call on Assembly Joint Resolution No. 22:

YEAS—36.

NAYS—Angle, Carpenter, Goldwater, Gustavson, Von Tobel—5.

EXCUSED—Evans.

Assembly Joint Resolution No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Senate Bill No. 16:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 35:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblymen Price and Anderson.

Potential conflict of interest declared by Assemblymen Anderson, Giunchigliani, Bache and Parnell.

Roll call on Senate Bill No. 46:

YEAS—40.

NAYS—Angle.

EXCUSED—Evans.

Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 73:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 81:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.
Bill read third time.
Remarks by Assemblymen Bache, Goldwater and de Braga.
Roll call on Senate Bill No. 105:
YEAS—36.
NAYS—Angle, Gibbons, Goldwater, Gustavson, Price—5.
EXCUSED—Evans.
Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 106.
Bill read third time.
Remarks by Assemblywoman Parnell.
Roll call on Senate Bill No. 106:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 108.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Senate Bill No. 108:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 118.
Bill read third time.
Remarks by Assemblywoman Koivisto.
Roll call on Senate Bill No. 118:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 129.
Bill read third time.
Remarks by Assemblymen McClain and Nolan.
Potential conflict of interest declared by Assemblyman Nolan.
Roll call on Senate Bill No. 129:

YEAS—40.
NAYS—None.
NOT VOTING—Nolan.
EXCUSED—Evans.

Senate Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblywoman Gibbons.

Roll call on Senate Bill No. 161:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 161 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 163:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 179.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 179:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblymen Collins and Carpenter.

Roll call on Senate Bill No. 266:

YEAS—12.

NAYS—Anderson, Angle, Arberry, Bache, Berman, Brower, Buckley, Carpenter, Claborn, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Parnell, Perkins, Price, Von Tobel, Williams—29.

EXCUSED—Evans.

Senate Bill No. 266 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Senate Bill No. 303:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 304.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Senate Bill No. 304:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 318:

YEAS—40.

NAYS—Buckley.

EXCUSED—Evans.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 343.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 343:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 365.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Senate Bill No. 365:

YEAS—40.

NAYS—Gustavson.

EXCUSED—Evans.

Senate Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 371:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

Assemblyman Bache moved that Senate Bill No. 470 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 473 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 534.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 534:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 535.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 535:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 538.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 538:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 53.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 53:
YEAS—40.
NAYS—None.
NOT VOTING—Claborn.
EXCUSED—Evans.
Senate Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 202.
The following Senate amendment was read:
Amendment No. 748.
Amend sec. 2, page 2, line 21, by deleting "*maintenance,*" and inserting: "*maintenance of any highway under the jurisdiction of the department of transportation,*".
Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 202.
Remarks by Assemblywoman Buckley.
Motion carried.
Bill ordered enrolled.

Assembly Bill No. 588.

The following Senate amendment was read:

Amendment No. 760.

Amend sec. 3, page 3, line 3, after "inclusive," by inserting:

"or chapter 617".

Amend sec. 9, page 6, line 32, after "clerk" by inserting:

"or his designee".

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

"Sec. 11. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 588.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 639.

The following Senate amendment was read:

Amendment No. 763.

Amend section 1, page 1, line 9, by deleting "*Such*" and inserting:

"*Except as otherwise provided in paragraph (d), such*".

Amend section 1, page 2, between lines 14 and 15, by inserting:

"*The notice required pursuant to this paragraph must be published in a newspaper published and having general circulation within the county wherein the local government, or a major portion thereof, is situated. If no such newspaper is published in the county, then publication must be in any newspaper published in the state having general circulation in the county.*".

Amend sec. 3, page 2, line 39, after "332.039 *and*" by inserting:

"*paragraph (a) of subsection 1 of*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 639.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 108, 150, 169, 304, 409, 416, 471, 611; Assembly Joint Resolution No. 15; Assembly Concurrent Resolutions Nos. 65, 66; Senate Bills Nos. 14, 177, 241, 262, 315, 536; Senate Concurrent Resolutions Nos. 14, 45; Senate Joint Resolution No. 21.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to John White.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Cliff Dodge.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Welsh.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Conley, Bob Dolezal and Mark Swails.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Watson and Monte Waltens.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Baker, Morgan Barone, David Berman, Alicia Detrick, Lucy Dugan, Jeremy Groves, Hunter Heidrich, Kendra Kibler, Paige Lassiter, Drake Riley, Erin Roberts, Nicole Roberts, Allie Scurry, Matthew Sims, Stefan Sobiek, Kyle Sullivan, Anthony Thompson, Shayne Urrutia, Sydney Ward, Trevor Williams, Lauren Wrentmore, Ashley York, Chelsea Lancaster, Brittany Gonzales, Tara Acquafondata, Janna Ammons, Tara Bennett, Brianna Bullentini, Albert Chin, Chase Cobb, Naomi Garcia, Mike Guglielmo, Daniel Heider, Tristan Hill, Taylor Hutchinson, C.J. Karrasch, Gage Locke, Michelle Long, Allie McLoughlin, Allyson Menges, Jessica Montoya, Aubrie Neil, Elise Pferschy, Spencer Terry, Keri Trachok, Brent VanWyck, Lauren VanClitters, David Ward, Megan Yepez, Dalynne Moore, Corinn Cathcart, Shelly O'Neil, Valerie Roberts, Sharon Berman, Linda VanCitters, Cathy Trachok, Pamela VanWyck, Connie Long, Julie Acquafondata, Sandy Armentrouth and Gloria Tetzlaff.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Bailey.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Anderson, Andrew Candia, Juan Cervantez, Shannon Clayton, Kimberly Dennis, Rosa Diaz, Brandon Ehrlich, Anna Fast, Jayde Foody, Victor Garcia, Candice George, Carmen Gonzalez, Lindsay Goodnight, Christina Hanson, Erick Heller, Carolina Hernandez, Dristen Koop, Jaime Lappin-Hoover, Mario Lundy, Anahi Maldonado, Katherine Mauldin, Megan Petterson, Andrew Poehlman, Jesus Ramirez, Denise Rikalo, Anthony Roman, David Wages, John "Scott" Walker, Taryl Walker, Jane Starratt and Linda Lappin.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Robert Ahlsrom.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, May 15, 1999, at 8:00 a.m.

Motion carried.

Assembly adjourned at 1:29 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTH DAY

CARSON CITY (Saturday), May 15, 1999

Assembly called to order at 8:25 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Evans and Nolan, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord, on this day there are vintage airplanes on display, trains steaming up, charity walk-a-thons, picnics to honor our Armed Forces, and rummage sales. Here we sit. With some tongue-in-cheek we remember that even You decided to rest on Saturday! So, although we may not feel much like it today, we still pause to thank You for the privilege to serve. Please be with us as we look forward to future weekends the way we'd like them. I pray this prayer in the Name of Jesus. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 437, 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 74, 100, 136, 188, 207, 211, 234, 236, 270, 303, 314, 410, 459, 553, 554, 584, 601, 606, 620, 667, 678; Senate Bills Nos. 546, 547.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 76, Amendment No. 754; Assembly Bill No. 110,

Amendment No. 811; Assembly Bill No. 112, Amendment No. 812; Assembly Bill No. 252, Amendment No. 795; Assembly Bill No. 467, Amendment No. 818; Assembly Bill No. 603, Amendment No. 894; Assembly Bill No. 616, Amendment No. 817; Assembly Bill No. 617, Amendment No. 842; Assembly Bill No. 627, Amendment No. 777; Assembly Bill No. 645, Amendment No. 843, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 37.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.
Assemblywoman Koivisto moved the adoption of the resolution.
Remarks by Assemblywoman Koivisto.
Resolution adopted.

Senate Concurrent Resolution No. 3.
Assemblywoman Parnell moved the adoption of the resolution.
Remarks by Assemblywoman Parnell.
Resolution adopted.

Senate Concurrent Resolution No. 11.
Assemblywoman Freeman moved the adoption of the resolution.
Remarks by Assemblywoman Freeman.
Resolution adopted.

By the Committee on Education:

Assembly Joint Resolution No. 25—Expressing sympathy, support and condolences to the grieving families and students of Columbine High School, the community of Littleton, Colorado, and the residents of the State of Colorado relating to the recent tragedy in Littleton, Colorado.

Assemblyman Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 546.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 547.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved the reading of the history on Senate Bills on Second Reading and General File be dispensed with for this legislative day.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 341 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 397 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 514 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Berman moved that Senate Bill No. 145 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Berman.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 791.

Amend sec. 2, page 1, line 11, by deleting:

"*the defects or*" and inserting:

"*to the extent known the defects, and*".

Amend sec. 2, page 1, line 12, after "*residence*" by inserting "*or appurtenance*".

Amend sec. 2, page 1, by deleting lines 13 and 14 and inserting:

"*The notice must describe in reasonable detail each defect, the specific location of each defect, and the*".

Amend sec. 2, page 2, line 5, after "*a*" by inserting:

"*valid and reliable*".

Amend sec. 2, page 2, line 6, after "*residences*" by inserting "*and appurtenances*".

Amend sec. 2, page 2, line 18, after "*residence*" by inserting "*or appurtenance*".

Amend sec. 2, page 2, by deleting lines 29 and 30 and inserting:

"*(a) Establish a schedule for the addition of any additional parties to the complaint or to file any third-party complaint against an*".

Amend sec. 2, page 3, line 12, by deleting "*If*" and inserting:
"*Subject to the provisions of NRS 40.680, if*".

Amend sec. 2, page 3, line 22, after "*residence*" by inserting "*or appurtenance*".

Amend sec. 2, page 3, line 23, after "*by*" by inserting:
"*or on behalf of*".

Amend sec. 2, page 3, line 26, by deleting "*45*" and inserting "*60*".

Amend sec. 2, page 3, line 28, by deleting:
"*offer of settlement*" and inserting "*response*".

Amend sec. 2, page 3, line 32, by deleting:
"*offer of settlement*" and inserting "*response*".

Amend sec. 2, page 3, line 34, by deleting:
"*offer of settlement.*" and inserting "*response.*".

Amend sec. 2, page 3, line 35, by deleting:
"*offer of settlement*" and inserting:
"*response of the contractor*".

Amend sec. 2, page 3, line 36, by deleting "*offer*" and inserting:
"*response of the contractor*".

Amend sec. 5, page 4, by deleting lines 30 and 31 and inserting:
"*inclusive, and sections 2, 3, 4 and 6 of this act, a claimant may not commence an action against a subdivider or master developer for a constructional*".

Amend sec. 5, page 4, line 34, after "*licensed*" by inserting "*general*".

Amend sec. 5, page 4, line 35, by deleting "*unless, after*" and inserting:
"*unless:*

(a) The subdivider or master developer fails to provide to the claimant the name, address and telephone number of each contractor hired by the subdivider or master developer to construct the appurtenance within 30 days of the receipt by the subdivider or master developer of a request from the claimant for such information; or

(b) After".

Amend sec. 5, page 5, line 14, after "*4.*" by inserting:
"*Nothing in this section prohibits a person other than the claimant from commencing an action against a subdivider or master developer to enforce his own rights.*

5. The provisions of this section do not apply to a subdivider or master developer who acts as a general contractor or uses his license as a general contractor in the course of constructing the appurtenance that is the subject of the action.

6.".

Amend sec. 5, page 5, by deleting lines 15 through 17 and inserting:

"*(a) "Master developer" means a person who buys, sells or develops a planned unit development, including, without limitation, a person who enters into a development agreement pursuant to NRS*".

Amend sec. 6, page 5, line 22, after "*that*" by inserting "*is or*".

Amend sec. 6, page 5, line 36, after "*that*" by inserting "*is or*".

Amend sec. 6, page 5, line 40, after "*that*" by inserting "*is or*".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 40.625 is hereby amended to read as follows:

40.625 "Homeowner's warranty" means a warranty or policy of insurance:

1. Issued or purchased by or on behalf of a contractor for the protection of a claimant; or

2. Purchased by *or on behalf of* a claimant pursuant to NRS 690B.100 to 690B.180, inclusive.

The term includes a warranty contract issued by a risk retention group that operates in compliance with chapter 695E of NRS and insures all or any part of the liability of a contractor for the cost to repair a constructional defect in a residence.".

Amend sec. 9, page 6, line 29, by deleting "~~[or each" and inserting "or [each".~~

~~Amend sec. 9, page 6, line 30, after "residence]~~" by inserting "*appurtenance*".

Amend sec. 9, page 6, line 34, after "*residence*" by inserting "*or appurtenance*".

Amend sec. 9, page 6, by deleting line 37 and inserting:

"*components of the* residences ~~[or of the units of each multiple unit residence]~~ *and appurtenances* involved in the".

Amend sec. 9, page 6, line 38, by deleting "35-day" and inserting "~~[35-day]~~ *45-day*".

Amend sec. 9, page 7, line 4, after "residence" by inserting "*or appurtenance*".

Amend sec. 9, page 7, line 5, after "*by*" by inserting:

"*or on behalf of*".

Amend sec. 9, page 7, line 8, by deleting "45" and inserting "~~[45]~~ *60*".

Amend sec. 9, page 7, by deleting lines 9 and 10 and inserting:

"contractor ~~[may]~~ *shall* make a written ~~[offer of settlement]~~ *response* to the claimant. The ~~[offer:]~~ *response:*".

Amend sec. 9, page 7, line 16, by deleting "offer" and inserting "~~[offer]~~ *response*".

Amend sec. 9, page 7, line 17, by deleting "the" and inserting "~~[the]~~ *any*".

Amend sec. 9, page 7, line 19, by deleting "compensation." and inserting:

"compensation ~~[.]~~ *, which may include a contribution from a subcontractor.*".

Amend sec. 9, page 7, line 20, after "contractor" by inserting "*or his subcontractor*".

Amend sec. 9, page 7, line 21, after "contractor" by inserting "*or subcontractor*".

Amend sec. 9, page 7, line 26, by deleting "offer," and inserting "~~[offer,]~~ *response,*".

Amend sec. 9, page 7, line 27, by deleting "contractor." and inserting:
"contractor ~~[.]~~ *, or timely completion of the repairs is not reasonably possible.*".

Amend sec. 9, page 7, line 41, by deleting:
"offer of settlement" and inserting:
"~~[offer of settlement]~~ *response*".

Amend sec. 9, page 7, after line 42, by inserting:

"*6. As used in this section, "subcontractor" means a contractor who performs work on behalf of another contractor in the construction of a residence or appurtenance.*".

Amend sec. 10, page 8, line 3, after "settlement" by inserting:
"*made as part of a response*".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 40.687 is hereby amended to read as follows:

40.687 Notwithstanding any other provision of law:

1. A claimant shall, within 10 days after commencing an action against a contractor, disclose to the contractor all information about any homeowner's warranty that is applicable to the claim.

2. The contractor shall, no later than 10 days after ~~[any settlement offer]~~ *a response* is made pursuant to this chapter, disclose to the claimant any information about insurance agreements that may be obtained by discovery pursuant to rule 26(b)(2) of the Nevada Rules of Civil Procedure. Such disclosure does not affect the admissibility at trial of the information disclosed.

3. Except as otherwise provided in subsection 4, if either party fails to provide the information required pursuant to subsection 1 or 2 within the time allowed, the other party may petition the court to compel production of the information. Upon receiving such a petition, the court may order the party to produce the required information and may award the petitioning party reasonable attorney's fees and costs incurred in petitioning the court pursuant to this subsection.

4. The parties may agree to an extension of time to produce the information required pursuant to this section.

5. For the purposes of this section, "information about insurance agreements" is limited to any declaration sheets, endorsements and contracts of insurance issued to the contractor from the commencement of construction of the residence of the claimant to the date on which the request for the information is made and does not include information concerning any disputes between the contractor and an insurer or information concerning any reservation of rights by an insurer.".

Amend sec. 16, page 10, line 21, by deleting:
"*this section and*".

Amend sec. 16, page 10, lines 33 and 34, by deleting:
"~~[and subsection 1 of this section, where]~~," and inserting:

"and subsection 1 of this section, ~~[where]~~".

Amend sec. 17, page 11, line 2, by deleting:

"*this section and*".

Amend sec. 17, page 11, lines 14 and 15, by deleting:

"~~[and subsection 1 of this section, where]~~," and inserting:

"and subsection 1 of this section, ~~[where]~~".

Amend sec. 18, page 11, line 27, by deleting:

"*this section and*".

Amend sec. 18, page 11, lines 39 and 40, by deleting:

"~~[and subsection 1 of this section, where]~~," and inserting:

"and subsection 1 of this section, ~~[where]~~".

Amend sec. 19, page 12, lines 29 and 30, by deleting:

"*purchaser and notarized.*" and inserting "*purchaser.*".

Amend sec. 23, page 14, line 29, by deleting "*50*" and inserting "*35*".

Amend sec. 24, page 15, line 11, after "That" by inserting:

"*, except in an emergency, including, without limitation, the loss of heating, cooling, plumbing or electrical service by the insured,*".

Amend sec. 24, page 15, line 13, after "*claim.*" by inserting:

"*Work must commence on an emergency not later than 24 hours after the report of the claim. The commissioner may adopt regulations to define "emergency" for the purposes of this paragraph.*".

Amend sec. 25, page 15, by deleting lines 29 through 32 and inserting:

"protection, other than casualty insurance, shall not:

1. Engage in any *other* business ~~[other than the furnishing]~~ of insurance ~~[for home protection.]~~ *or real estate pursuant to chapters 645 to 645D, inclusive, of NRS.*

2. Assume reinsurance from any other insurer.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 49.

Bill read second time and ordered to third reading.

Senate Bill No. 97.

Bill read second time.

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

Amendment No. 910.

Amend section 1, page 1, line 3, by deleting "mental retardation" and inserting "developmental services".

Amend the title of the bill, first line, by deleting "mental retardation;" and inserting "developmental services;".

Amend the summary of the bill, first line, by deleting "mental retardation." and inserting "developmental services.".

Assemblywoman Buckley moved the adoption of the amendment.
Remarks by Assemblywoman Buckley.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 182.
Bill read second time and ordered to third reading.

Senate Bill No. 190.
Bill read second time and ordered to third reading.

Senate Bill No. 284.
Bill read second time and ordered to third reading.

Senate Bill No. 349.
Bill read second time and ordered to third reading.

Senate Bill No. 383.
Bill read second time and ordered to third reading.

Senate Bill No. 419.
Bill read second time and ordered to third reading.

Senate Bill No. 421.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 891.
Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A store that is principally devoted to the sale of food for human consumption off the premises may allow the smoking of tobacco in a public area of the store that is leased to or operated by a person who is licensed pursuant to NRS 463.160 if:

(a) The entire interior public area of the store is 10,000 square feet or less; or

(b) The area:

(1) Is segregated from the other public areas of the store by two or more walls or partial walls, or any combination thereof, in a configuration that includes at least one corner; and

(2) Contains a method of ventilation which substantially removes smoke from the area.

2. Except as otherwise provided in subsection 3, until January 1, 2010, a store that is principally devoted to the sale of food for human consumption off the premises may allow the smoking of tobacco in a public area of the store that is leased to or operated by a person who is licensed pursuant to

NRS 463.160 if the store was constructed before October 1, 1999, or received final approval for construction before October 1, 1999. On or after January 1, 2010, such a store may allow smoking in that public area only if the area contains a method of ventilation which substantially removes smoke from the area.

3. If at any time before January 1, 2010, a store described in subsection 2 remodels 25 percent or more of the square footage of the entire public area within the store, the store may continue to allow the smoking of tobacco in a public area of the store that is leased to or operated by a person who is licensed pursuant to NRS 463.160 only if the store includes as part of the remodel a method of ventilation which substantially removes smoke from the area.

4. For the purposes of this section "partial wall" or "wall" may include, without limitation, one or more gaming devices, as defined in NRS 463.0155, if the gaming devices are configured together or in conjunction with other structures to create a barrier that is similar to a partial wall or wall.

Sec. 2. NRS 202.249 is hereby amended to read as follows:

202.249 1. It is the public policy of the State of Nevada and the purpose of NRS 202.2491 and 202.2492 *and section 1 of this act* to place restrictions on the smoking of tobacco in public places to protect human health and safety.

2. The quality of air is declared to be affected with the public interest and NRS 202.2491 and 202.2492 *and section 1 of this act* are enacted in the exercise of the police power of this state to protect the health, peace, safety and general welfare of its people.

3. Health authorities, police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of NRS 202.2491 and 202.2492 ~~[.]~~ *and section 1 of this act.* Police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of NRS 202.2493 and 202.2494.

4. An agency, board, commission or political subdivision of this state, including any agency, board, commission or governing body of a local government, shall not impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco than are provided by NRS 202.2491, 202.2492, 202.2493 and 202.2494 ~~[.]~~ *and section 1 of this act.*".

Amend section 1, page 1, by deleting lines 2 and 3 and inserting:

"202.2491 1. Except as otherwise provided in subsections 5 and 6, *and section 1 of this act,* the smoking of tobacco in any form is prohibited if done in any:".

Amend section 1, page 2, by deleting line 16 and inserting:

"*section 1 of this act.*".

Amend section 1, pages 2 and 3, by deleting lines 37 through 43 on page 2 and lines 1 through 14 on page 3.

Amend section 1, page 3, line 15, by deleting "*8.*" and inserting "7.".

Amend section 1, page 3, line 20, by deleting "~~[8.]~~ *9.*" and inserting "8.".

Amend the bill as a whole by renumbering sec. 2 as sec. 6 and adding new sections designated sections 4 and 5, following section 1, to read as follows:

"Sec. 4. NRS 202.2492 is hereby amended to read as follows:

202.2492 1. A person who violates NRS 202.2491 *or section 1 of this act* is guilty of a misdemeanor.

2. In each health district, the district health officer shall, and, for areas of this state which are not within a health district, the state health officer shall, designate one or more of his employees to prepare, sign and serve written citations on persons accused of violating NRS 202.2491 ~~[.]~~ *or section 1 of this act.* Such an employee:

(a) May exercise the authority to prepare, sign and serve those citations only within the geographical jurisdiction of the district or state health officer by which he is employed; and

(b) Shall comply with the provisions of NRS 171.1773.

Sec. 5. NRS 202.24925 is hereby amended to read as follows:

202.24925 1. In addition to any criminal penalty, a person who violates NRS 202.2491 *or section 1 of this act* is liable for a civil penalty of $100 for each violation.

2. A health authority within whose jurisdiction a violation of NRS 202.2491 *or section 1 of this act* is committed shall:

(a) Collect the civil penalty, and may commence a civil proceeding for that purpose; and

(b) Deposit any money he collects pursuant to this section with the state treasurer for credit to the account for health education for minors, which is hereby created in the state general fund.

3. The superintendent of public instruction:

(a) Shall administer the account for health education for minors; and

(b) May, with the advice of the state health officer, expend money in the account only for programs of education for minors regarding human health.

4. The interest and income earned on the money in the account for health education for minors, after deducting any applicable charges, must be credited to the account.

5. All claims against the account for health education for minors must be paid as other claims against the state are paid.".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to public health; establishing certain requirements related to smoking in certain public areas of grocery".

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes certain requirements related to smoking in certain public areas of grocery stores. (BDR 15-1267)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Freeman.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 440.
Bill read second time and ordered to third reading.

Senate Bill No. 455.
Bill read second time and ordered to third reading.

Senate Bill No. 519.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 878.
Amend the bill as a whole by deleting section 1 and inserting:
"Section 1. (Deleted by amendment.)".
Amend the bill as a whole by deleting sec. 3. and inserting:
"Sec. 3. (Deleted by amendment.)".
Amend sec. 4, page 5, by deleting lines 33 through 43.
Amend the bill as a whole by deleting sec. 5.
Assemblywoman Freeman moved the adoption of the amendment.
Remarks by Assemblywoman Freeman.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 522.
Bill read second time and ordered to third reading.

Senate Bill No. 523.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 287 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Goldwater.
Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 424 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Remarks by Assemblyman Goldwater.
Motion carried.

Assemblyman Bache moved that Assembly Bill No. 350 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Bache.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 424.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 13.

Bill read third time.

Remarks by Assemblymen Parks, Chowning and Buckley.

Roll call on Senate Bill No. 13:

YEAS—36.

NAYS—Gibbons, Gustavson—2.

NOT VOTING—Humke.

EXCUSED—Carpenter, Evans, Nolan—3.

Senate Bill No. 13 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 30.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Senate Bill No. 30:

YEAS—39.

NAYS—None.

EXCUSED—Carpenter, Evans, Nolan—3.

Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 52:

YEAS—39.

NAYS—None.

EXCUSED—Carpenter, Evans, Nolan—3.

Senate Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblymen Leslie, Beers, Anderson, Humke and Arberry.

Roll call on Senate Bill No. 57:

YEAS—39.

NAYS—None.

EXCUSED—Carpenter, Evans, Nolan—3.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblymen Bache and Gustavson.

Roll call on Senate Bill No. 131:

YEAS—36.

NAYS—Angle, Beers, Gustavson—3.

EXCUSED—Carpenter, Evans, Nolan—3.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 139.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 139:

YEAS—39.

NAYS—None.

EXCUSED—Carpenter, Evans, Nolan—3.

Senate Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 148:

YEAS—39.

NAYS—None.

EXCUSED—Carpenter, Evans, Nolan—3.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 291.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 291:

YEAS—39.

NAYS—None.

EXCUSED—Carpenter, Evans, Nolan—3.

Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 314:
YEAS—39.
NAYS—None.
EXCUSED—Carpenter, Evans, Nolan—3.
Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 346.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Senate Bill No. 346:
YEAS—39.
NAYS—None.
EXCUSED—Carpenter, Evans, Nolan—3.
Senate Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 357.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 357:
YEAS—36.
NAYS—Gibbons, Gustavson—2.
EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.
Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 360.
Bill read third time.
Remarks by Assemblyman Brower.
Roll call on Senate Bill No. 360:
YEAS—38.
NAYS—None.
EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.
Senate Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 366.
Bill read third time.
Remarks by Assemblymen Bache and Gustavson.
Roll call on Senate Bill No. 366:

YEAS—37.
NAYS—Gustavson.
EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 366 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 369.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 369:

YEAS—38.
NAYS—None.
EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 395:

YEAS—38.
NAYS—None.
EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 452:

YEAS—38.
NAYS—None.
EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Senate Bill No. 464:

YEAS—38.
NAYS—None.
EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 464 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblymen Leslie, Goldwater and Bache.

Roll call on Senate Bill No. 471:

YEAS—35.

NAYS—Gibbons, Goldwater, Price—3.

EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 495.

Bill read third time.

Remarks by Assemblymen Hettrick and Lee.

Conflict of interest declared by Assemblyman Lee.

Roll call on Senate Bill No. 495:

YEAS—37.

NAYS—None.

NOT VOTING—Lee.

EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 531.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Senate Bill No. 531:

YEAS—38.

NAYS—None.

EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

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

Amendment No. 909.

Amend sec. 5, page 4, by deleting lines 7 and 8, and inserting:

"(g) Hardware and associated peripheral equipment and devices for computers;

(h) Software for computers;".

Amend sec. 5, page 4, line 9, by deleting "(h)" and inserting "(i)".

Amend sec. 5, page 4, line 10, by deleting "(i)" and inserting "(j)".

Amend sec. 5, page 4, line 12, by deleting "(j)" and inserting "(k)".

Amend sec. 5, page 4, line 16, by deleting "(k)" and inserting "(l)".

Amend sec. 5, page 4, line 19, by deleting "(l)" and inserting "(m)".

Amend sec. 5, page 4, line 22, by deleting "*(m)*" and inserting "*(n)*".

Amend the bill as a whole by adding a new section designated sec. 10, following sec. 9, to read as follows:

"Sec. 10. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 397.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 397:

YEAS—38.

NAYS—None.

EXCUSED—Carpenter, Evans, Giunchigliani, Nolan—4.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 287.

Bill read third time.

The following amendment was proposed by Assemblyman Goldwater:

Amendment No. 938.

Amend the title of the bill, second line, by deleting "an additional" and inserting "a".

Amend the summary of the bill, first line, by deleting "additional".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 350.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 961.

Amend section 1, page 2, by deleting lines 12 through 15 and inserting:

"*5. Except as otherwise provided in subsection 6, a colored reproduction or facsimile of the state seal may only be used if it is in substantially the*

following colors:



6. A person or entity that is granted permission to use the state seal pursuant to:

(a) Paragraph (a) of subsection 4 may use a reproduction or facsimile of the state seal that does not consist of the official colors provided in subsection 5 if the governor has authorized such use in the written permission.

(b) Paragraph (b), (c), (d) or (e) of subsection 4 may use a one-color, two-color or metallic reproduction or facsimile of the state seal in addition to or in lieu of the official colors provided in subsection 5.".

Amend section 1, page 2, line 16, by deleting "*6.*" and inserting "*7.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bills Nos. 683, 684 and 685.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 477.

The following Senate amendment was read:

Amendment No. 860.

Amend sec. 3, page 3, line 13, by deleting "*$5*" and inserting "*$2*".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 477.

Remarks by Assemblywoman Buckley.
Motion carried.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Williams.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 17, 1999, at 11:00 a.m.
Motion carried.

Assembly adjourned at 9:50 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 17, 1999

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Evans and Williams, who were excused.

Prayer by the Chaplain, Reverend Paul J. McCollum.

When the day of Pentecost came, they were all together in one place. Suddenly, a sound like the blowing of a violent wind came and filled the whole house.

Come, Spirit, Comforter and Consoler.
Heal the wounded. Soothe the anxious.
Be a consolation for all who grieve and ache.
Come, Spirit of wisdom and insight.
Draw us toward your goodness and light.
Direct our growth and guide our ways.
Come, Spirit, source of our Peace.
Deepen in us the action of peacemakers.
Heal the divisions that ravage the earth.
We pray for the Spirit of God
In the name of God; Creator of all,
In the name of Allah,
In the name of Yahweh,
And in the name of Buddha. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 152, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 168, 235, 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 154, 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 663, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 25, Amendment No. 834, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 15, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 173, 483, 535, 574, 576, 650; Assembly Joint Resolutions Nos. 20, 21.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 3, Amendment No. 819, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 800 to Senate Bill No. 197; Assembly Amendment No. 768 to Senate Bill No. 297.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Beers, Anderson, Angle, Arberry, Bache, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams:

Assembly Resolution No. 8—Congratulating Patrick Hummel, a ninth grader at The Meadows School in Las Vegas, for winning the 1999 National High School Championship of the United States Chess Federation.

WHEREAS, With over 80,000 members, the United States Chess Federation is the official sanctioning body for tournament chess in the United States and for United States participation in international chess events; and

WHEREAS, At 12 years of age, and after only 32 months of playing chess, Patrick Hummel attained the coveted chess title of United States Chess Federation Master, an accomplishment

achieved for the first time by anyone that age in the history of chess in America and rarely equaled in the world history of the game; and

WHEREAS, Patrick Hummel won three straight National Grade School Chess Championships in the sixth, seventh and eighth grades and the 1997 National High School Action Chess Championship; and

WHEREAS, Patrick Hummel scored 6 1/2 out of a possible 7 points and finished first in a championship field of 340 players to win the prestigious 1999 National High School Championship co-sponsored by the United States Chess Federation held April 9 through April 11 in Sioux Falls, South Dakota, a feat even more noteworthy as he is one of only three persons ever to win this tournament at the age of 14 years; and

WHEREAS, The weekend following the tournament in South Dakota, Patrick won the Nevada Scholastic Chess Championship in Reno which was sponsored by Nevada Chess, Inc., the Nevada affiliate of the United States Chess Federation, and as a result of this win, he will represent Nevada at the Denker Tournament of High School Champions, hosted by Nevada for the first time and scheduled to be held this August at the Sands Regency Hotel Casino in Reno; and

WHEREAS, Winning the Nevada championship gained Patrick Hummel enough rating points to earn him the title of Senior Master, the highest title awarded by the United States Chess Federation, and by this achievement Patrick became the second youngest Senior Master in the country; and

WHEREAS, Patrick Hummel is a freshman at The Meadows School in Las Vegas where he is a straight A honors student who has also distinguished himself in the field of mathematics by becoming the MATHCOUNTS 1997 Southern Nevada Champion, the 1998 Nevada Champion and a National Finalist at the 1998 competition in Washington, D.C., and has also completed the American High School Mathematics Examination which qualifies him to compete in the 17th Annual American Invitational Mathematics Examination; and

WHEREAS, Patrick Hummel balances his life with a wide range of activities, including swimming on The Meadows swim team, working out at the gym, playing the trumpet and studying Mandarin Chinese; and

WHEREAS, Patrick's parents, Paul and Carla Hummel, and the students and faculty of The Meadows School are very proud of this outstanding chess Master and multi-talented young man; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 70th session of the Nevada Legislature congratulate Patrick Hummel on his achievements in the game of chess, especially his most recent winning of the 1999 National High School Championship; and be it further

RESOLVED, That this body hereby urges the residents of the State of Nevada to recognize Patrick Hummel as a model of what can be accomplished when a person of any age pursues a goal with determination and dedication; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Patrick Hummel.

Assemblyman Beers moved the adoption of the resolution.

Remarks by Assemblyman Beers.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 687—AN ACT relating to prisons; authorizing the director of the department of prisons to allow the transfer of funds from the offenders' store fund to compensate a center for the purpose of making restitution for certain costs incurred by the center under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 194.

Bill read second time.

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

Amendment No. 921.

Amend sec. 2, page 3, line 30, by deleting "~~[10]~~ *15*" and inserting "10".

Amend sec. 3, page 4, line 15, by deleting "~~[10]~~ *15*" and inserting "10".

Amend the title of the bill to read as follows:

"AN ACT relating to local financial administration; extending the use of a fund to stabilize the operation of a local government to include mitigation of the effects of a natural disaster; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Extends use of fund to stabilize operation of local government. (BDR 31-83).".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 437.

Bill read second time and ordered to third reading.

Senate Bill No. 439.

Bill read second time.

The following amendment was proposed by Assemblyman Goldwater:

Amendment No. 1016.

Amend the bill as a whole by deleting sec. 17 and the text of the repealed section and renumbering sec. 18 as sec. 17.

Amend sec. 18, page 20, line 19, by deleting "17," and inserting "16,".

Amend the title of the bill, eighth line, by deleting:

"repealing certain prohibited acts;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater, Beers and Humke.

Amendment lost.

Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history of Senate Bills on General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 350:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Williams—2.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblymen Anderson and Lee.

Potential conflict of interest declared by Assemblymen Lee and Collins.

Assemblyman Anderson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. This is a relatively long statement for a very important bill. Senate Bill 32 makes various changes to provisions governing recovery of losses resulting from certain construction defects to residential real property. The bill provides that in a complex case, a claimant may commence an action in district court at the same time and in the same manner the service of the summons complaint is made. A claimant must serve the contractor with a written notice, specifying in reasonable detail, for each resident or aperture or unit in a multi-unit residency, the defect and damages that form the basis of the lawsuit. The bill also requires notice to be accompanied by a written opinion of the expert, documenting the existence and extent of each defect. The opinion may be based upon valid and reliable representation, sampling of residences and apertures, or multi-unit complexes, as applicable. The measure also requires the contractors to file an answer to the complaint and within 30 days of serving the answer, the contractor, the claimant or their representatives must meet and confer to establish three basic ideas: First, a schedule for the exchange of reports and other information; second, a schedule for the contractor and other parties to independently inspect the subject property; and third, a schedule for the test necessary to determine the nature, cause and effect of any defect or repair needed to remedy them.

Further, a schedule is required for adding additional parties and whether to schedule mediation for that and whether or not to seek the appointment of a special master. Additionally, SB 32 requires a second conference within 60 days after the deadline for filing all third party civil actions. This second conference is to allow all parties to meet and confer on the topic discussed in the first conference. Further, the bill requires a claimant to delineate and pursue the claim under the homeowner's warranty if it covers the affected residence or apertures. The bill also requires the parties to exchange the claims within specific time frames.

SB 32 requires certain limits to discovery in civil action or moreover, any applicable statutes of limitations in a non-complex case is under the 30 days after mediation is completed or waived. The measure also provides that a contractor who receives notice of a defect on an individual residence in a non-complex manner within one year of close of escrow, shall make the repairs within 45 days, if reasonably possible. However, the parties may agree to extend that time. Moreover, the bill prohibits filing a civil action against the developer or planned community for defects in an aperture to the extent the contract was performed by a licensed general contractor, unless the claimant has not made full recovery under the contractor, or the developer fails to provide the claimant with the name, address, telephone number of each contractor hired.

Mr. Speaker, if you like, I would be happy to provide each member with a copy of this extensive floor statement. I think it would be appropriate, given the seriousness of this piece of legislation.

Roll call on Senate Bill No. 32:
YEAS—39.
NAYS—Angle.
EXCUSED—Evans, Williams—2.
Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 49.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Senate Bill No. 49:
YEAS—40.
NAYS—None.
EXCUSED—Evans, Williams—2.
Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 97.
Bill read third time.
Remarks by Assemblywoman Berman.
Roll call on Senate Bill No. 97:
YEAS—40.
NAYS—None.
EXCUSED—Evans, Williams—2.
Senate Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 182.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 182:
YEAS—39.
NAYS—Berman.
EXCUSED—Evans, Williams—2.
Senate Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 190.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Senate Bill No. 190:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Williams—2.

Senate Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 284.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Senate Bill No. 284:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Williams—2.

Senate Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 287.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 287:

YEAS—32.
NAYS—Anderson, Angle, Buckley, Cegavske, Claborn, Gibbons, Gustavson, Mortenson—8.
EXCUSED—Evans, Williams—2.

Senate Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 341:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Williams—2.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 349.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 349:

YEAS—39.
NAYS—Angle.
EXCUSED—Evans, Williams—2.

Senate Bill No. 349 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 383.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 383:

YEAS—37.

NAYS—Carpenter, Dini, Parnell—3.

EXCUSED—Evans, Williams—2.

Senate Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 419.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 419:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Williams—2.

Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 421.

Bill read third time.

Remarks by Assemblymen Manendo, Ohrenschall and Buckley.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 421:

YEAS—34.

NAYS—Angle, Dini, Freeman, Gibbons, Mortenson—5.

NOT VOTING—Ohrenschall.

EXCUSED—Evans, Williams—2.

Senate Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 424.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 424:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Williams—2.

Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 440.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 440:

YEAS—36.

NAYS—Angle, Carpenter, Gustavson—3.

NOT VOTING—Mortenson.

EXCUSED—Evans, Williams—2.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 451.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 946.

Amend sec. 27, page 20, line 37, after "*prejudice*" by inserting: "*for that reason*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 451 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Chief Clerk's desk.

Senate Bill No. 455.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 455:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Williams—2.

Senate Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 519.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 519:

YEAS—38.

NAYS—Angle, Gustavson—2.

EXCUSED—Evans, Williams—2.

Senate Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 522.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 522:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Williams—2.

Senate Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 523.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Bill No. 523:

YEAS—37.

NAYS—Angle, Gibbons, Goldwater—3.

EXCUSED—Evans, Williams—2.

Senate Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 110.

The following Senate amendment was read:

Amendment No. 811.

Amend section 1, page 1, line 5, by deleting "*transportation*" and inserting "*on-site movement*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 110.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 603.

The following Senate amendment was read:

Amendment No. 894.

Amend section 1, page 2, by deleting line 5 and inserting:

"*(a) Sent by mail or, if requested by a party to whom notice must be provided pursuant to this paragraph, by electronic means if receipt of such an electronic notice can be verified, to:*".

Amend sec. 4, page 4, line 39, by deleting "by mail".

Amend sec. 4, page 5, by deleting line 5 and inserting:

"The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic

means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must".

Amend sec. 4, page 5, line 11, by deleting "by mail".

Amend sec. 4, page 5, by deleting line 13 and inserting:

"nearest to the property in question. The notice must be sent by mail or, if requested by an owner to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified, and be written in language".

Amend sec. 4, page 5, line 14, by deleting "It" and inserting "The notice".

Amend sec. 4, page 5, line 24, by deleting "mailing" and inserting "sending".

Amend sec. 5, page 6, by deleting lines 7 through 9 and inserting:

"Sec. 5. 1. This section becomes effective upon passage and approval.

2. For the purpose of adopting the local ordinances required by section 1 of this act, sections 1 to 4, inclusive, of this act become effective upon passage and approval. For all other purposes:

(a) Sections 1, 2 and 3 of this act become effective on October 1, 1999.

(b) Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 603.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 616.

The following Senate amendment was read:

Amendment No. 817.

Amend section 1, page 2, by deleting lines 17 through 20 and inserting:

"*4. For the purposes of this section, in accordance with the provisions of NRS 47.230, it may be reasonably inferred that a person intends to sell goods, wares, merchandise, a mixture, a preparation or a compound if the person knowingly possesses at least 26 salable units of the goods, wares, merchandise, mixture, preparation or compound.*".

Amend the title of the bill, second line, after "design;" by inserting:

"establishing a rebuttable inference regarding the existence of the intent to sell certain items;".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 616.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 74, 101, 136, 188, 202, 207, 211, 234, 236, 265, 270, 284, 303, 314, 410, 439, 459, 462, 509, 553, 554, 584, 588, 601, 606, 620, 639, 667, 678; Assembly Joint Resolution No. 2; Assembly Concurrent Resolutions Nos. 3, 37; Assembly Resolution No. 7; Senate Bills Nos. 46, 53, 73, 81, 105, 106, 108, 118, 129, 163, 179, 197, 216, 297, 303, 304, 318, 330, 343, 371, 377, 389, 492, 501, 526, 528, 534, 535, 538; Senate Joint Resolution No. 7.

REMARKS FROM THE FLOOR

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I had the opportunity to attend UNR's 109th Commencement. Actually, two of the members of our legislative family were graduates. Kelly Suzanne Gregory, from the College of Arts and Sciences—she is a Political Science major—and Julie Elizabeth Whitacre, from the School of Journalism, graduated yesterday. I had a lot of fun watching them. I just wanted to let this body know that we are really proud of them and if they are listening out there on the World Wide Web—congratulations. Ms. Whitacre is in Washington, D.C., now. Kelly Gregory is upstairs, in my colleague's, from southern Nevada, office. We just wanted to let them know we are proud of them. Thank you, Mr. Speaker.

ASSEMBLYWOMAN VON TOBEL:

Thank you, Mr. Speaker. I wanted to say congratulations to all the students from UNLV that graduated, including my stepdaughter Janci Foster. She graduated from the College of Health Sciences and is working at UMC. So, congratulations to all the UNLV grads.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to students from Billinghurst Jr. High School.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Hummel, Patrick Hummel and Carla Hummel.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Adams and Paul Adams.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, May 18, 1999, at 11:00 a.m. and that it do so in memory of Vivian Shirley McClay.

Motion carried.

Assembly adjourned at 12:34 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 18, 1999

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

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Reverend Paul J. McCollum

We stand before You Holy Spirit, conscious of our sinfulness, but aware that we gather in Your name. Come to us, remain with us, and enlighten our hearts. Guide us by Your wisdom, support us by Your power, for You are God. You desire justice for all. Enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor. Unite us to Yourself in the bond of love and keep us faithful to all that is true. As we gather in Your name, may we temper justice with love, so that all our decisions may be pleasing to You. We pray in the Name of God. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 50, 51, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Senate Bills Nos. 21, 435, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 125, 215, 391, 394, 457, 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 10, 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 211, 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 259, 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 204, 241, 253, 296, 397, 423.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 469.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 82, Amendment No. 901; Assembly Bill No. 152, Amendment No. 820; Assembly Bill No. 271, Amendment No. 885; Assembly Bill No. 295, Amendment No. 765; Assembly Bill No. 432, Amendment No. 948; Assembly Bill No. 452, Amendment No. 949; Assembly Bill No. 543, Amendment No. 905, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 799 to Senate Bill No. 35; Assembly Amendment No. 759 to Senate Bill No. 153; Assembly Amendment No. 801 to Senate Bill No. 161; Assembly Amendment No. 788 to Senate Bill No. 339; Assembly Amendment No. 802 to Senate Bill No. 365; Assembly Amendment No. 758 to Senate Bill No. 379.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 61 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 273 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.
Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 145 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblywoman Giunchigliani.
Motion carried.

Assemblyman Williams moved that Assembly Joint Resolution No. 6 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblymen Williams and Giunchigliani.
Motion carried.

Assemblyman Perkins moved that Senate Bill No. 181 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Perkins.
Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 320; Assembly Joint Resolution No. 24; Senate Bills Nos. 10, 21, 39, 50, 51, 117, 125, 211, 215, 259, 289, 310, 391, 394, 435, 445, 457, 475, 537 and 544 be placed on the Second Reading File.
Motion carried.

Assemblyman Bache moved that Senate Bill No. 407 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Bache.
Motion carried.

By Assemblywoman Giunchigliani; Senator O'Connell:

Assembly Joint Resolution No. 26—Proposing to amend the Constitution of the State of Nevada to exempt state contracts for the improvement, acquisition and construction of facilities for schools from the limit on general borrowing by the state.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 3. *1.* The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in

cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

2. The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for ~~[the]~~ *:*

(a) The protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof ~~[,]~~ *; and*

(b) The improvement, acquisition and construction of facilities for public elementary and secondary schools,

however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise. The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

Assemblyman Price moved that the vote whereby Assembly Joint Resolution No. 26 was referred to the Committee on Elections, Procedures, and Ethics be rescinded.

Remarks by Assemblyman Price.

Motion carried.

Assemblyman Price moved that Assembly Joint Resolution No. 26 be referred to the Committee on Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 67—Directing the Legislative Commission to conduct an interim study concerning misdemeanors.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 688—AN ACT relating to domestic relations; amending Assembly Bill No. 456 of the 1999 Legislative Session to revise the requirements for determining custody and rights to visitation of a parent who is convicted of first degree murder of the other parent of the child; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 469.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 663.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 848.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. Except as otherwise provided in subsection 3, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $5,000,000. The proceeds of the bonds must be allocated for the establishment of a railroad line similar to the former Virginia & Truckee Railroad from Virginia City through the Gold Hill area to Carson City, including, without limitation:

(a) Acquisition of the right of way necessary for the railway and any appurtenances thereto;

(b) Construction of the track, including any necessary preparation of the underlying surface; and

(c) Purchase or other acquisition of any associated equipment.

2. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold.

3. The State Board of Finance shall not issue the general obligation bonds pursuant to subsection 1 unless on or before July 1, 2003:

(a) The Tricounty Railway Commission has received commitments for at least $15,000,000 from other public or private sources, or both, for the establishment of the railroad line.

(b) The Tricounty Railway Commission has entered into a written agreement with the State Board of Examiners to repay the amount of these bonds by transferring to the State Treasurer at least 6 percent of the price charged or $1 per ticket sold, whichever is greater, per person to ride upon the railroad line once it is completed until $5,000,000 has been repaid to the State Treasurer. The agreement must set forth the terms of repayment.

(c) The State Board of Examiners has received a first security interest in favor of the State of Nevada upon the railroad track, the right of way acquired and all equipment and other assets of the Tricounty Railway Commission to the extent necessary, as determined by the State Board of Examiners, to secure the repayment of the $5,000,000.

4. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, In reliance on Assembly Bill No. 113 of the 1995 legislative session, the Tricounty Railway Commission of Carson City and Lyon and Storey counties has been working diligently to obtain the required $15 million from public and private sources to support the establishment of a railroad line similar to the former Virginia & Truckee Railroad from Virginia City through the Gold Hill area to Carson City; and

WHEREAS, This historic reconstruction has wide public support and will benefit the entire Western Nevada region; and

WHEREAS, It is important that the State of Nevada honor its 1995 commitment to contribute one-fourth of the costs of this project contingent upon the success of the local effort to raise the remainder; and

WHEREAS, If current financial conditions require the withdrawal of the 1995 appropriation, then the State of Nevada must find an alternative method to keep its commitment to this economic development project; now, therefore,".

Amend the title of the bill, by deleting the first through third lines and inserting:

"AN ACT relating to state financial administration; authorizing the issuance of general obligation bonds to pay a portion of the costs of establishing a certain tricounty railway; revising the provision governing the reversion of the appropriation made during the 68th session of the Nevada Legislature to the Tricounty Railway Commission of Carson City, Lyon and Storey counties; and providing".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions regarding Tricounty Railway Commission of Carson City, Lyon and Storey counties. (BDR S-1436)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history of all bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 194.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 194:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Humke—2.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 437.

Bill read third time.

Remarks by Assemblymen Nolan, Collins and Bache.

Potential conflict of interest declared by Assemblymen Collins and Lee.

Assemblyman Bache moved that Senate Bill No. 437 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Senate Bill No. 439.

Bill read third time.

Remarks by Assemblymen Parks and Beers.

Potential conflict of interest declared by Assemblyman Beers.

Roll call on Senate Bill No. 439:

YEAS—38.
NAYS—Collins, Goldwater, Manendo—3.
EXCUSED—Evans.

Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1022.

Amend sec. 3, page 2, line 34, by deleting "*issue*" and inserting: "*order the issuance of*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 145:

YEAS—39.
NAYS—Angle, Gustavson—2.
EXCUSED—Evans.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblymen Williams, Brower, Price, Leslie, Anderson, Angle and Arberry.

Assemblyman Arberry, Bache and Williams moved the previous question.

Motion carried.

The question being on the passage of Assembly Joint Resolution No. 6.

Roll call on Assembly Joint Resolution No. 6:

YEAS—27.

NAYS—Angle, Beers, Berman, Brower, Carpenter, Cegavske, Gibbons, Gustavson, Hettrick, Humke, Marvel, Nolan, Tiffany, Von Tobel—14.

EXCUSED—Evans.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 181:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Evans.

Senate Bill No. 181 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 407.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 407:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 68—Requesting the return to the Assembly from the Governor's office of Assembly Bill No. 552 of this session.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 68 be immediately transmitted to the Senate.

Motion carried unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 46.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 46.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Senate Concurrent Resolution No. 46 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 892.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 6 and 7 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. NRS 483.025 is hereby amended to read as follows:

483.025 ~~["0.02 percent]~~ *The phrase "concentration of alcohol of 0.02* or more but less than 0.10 ~~[percent by weight of alcohol]~~ in his blood ~~[" means a concentration of alcohol in the blood or breath of a person of]~~ *or breath" means* 0.02 gram or more but less than 0.10 gram ~~[by weight]~~ of alcohol per 100 milliliters of ~~[his]~~ *the* blood *of a person* or per 210 liters of his breath.

Sec. 2. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had *a concentration of alcohol of* 0.02 ~~[percent]~~ or more but less than 0.10 ~~[percent by weight of alcohol]~~ in his blood *or breath* at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62.227, 484.379 or 484.3795 follows a suspension ordered pursuant to subsection 1, the department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62.227, 484.379 or 484.3795, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 3. NRS 483.462 is hereby amended to read as follows:

483.462 1. A peace officer who has received the result of a test given pursuant to NRS 484.382 or 484.383 which indicates that a person less than 21 years of age to whom the test was given had *a concentration of alcohol of* 0.02 or more but less than 0.10 ~~[percent by weight of alcohol]~~ in his blood *or breath* shall prepare a written certificate indicating whether the peace officer:

(a) Had reasonable grounds to believe that the person was driving under the influence of alcohol;

(b) Served an order of suspension on the person pursuant to subsection 2; and

(c) Issued the person a temporary license pursuant to subsection 2.

2. If a person less than 21 years of age to whom a test is given pursuant to NRS 484.382 or 484.383 is present when a peace officer receives the result of the test and the test indicates that the person has *a concentration of alcohol of* 0.02 or more but less than 0.10 ~~[percent by weight of alcohol]~~ in his blood ~~[,]~~ *or breath,* the peace officer shall:

(a) Serve an order of suspension of the license, permit or privilege;

(b) Seize any license or permit of the person;

(c) Advise the person of his right to:

(1) Administrative and judicial review of the suspension; and

(2) Have a temporary license;

(d) If the person requests a temporary license, issue the person a temporary license on a form approved by the department which becomes effective 24 hours after he receives the temporary license and expires 120 hours after it becomes effective; and

(e) Transmit to the department:

(1) Any license or permit seized pursuant to paragraph (b); and

(2) The written certificate which the peace officer is required to prepare pursuant to subsection 1.

3. If a person less than 21 years of age to whom a test is given pursuant to NRS 484.382 or 484.383 is not present when a peace officer receives the result of the test and the test indicates that the person has *a concentration of*

alcohol of 0.02 or more but less than 0.10 ~~[percent by weight of alcohol]~~ in his blood ~~[,]~~ *or breath,* the peace officer shall transmit to the department a copy of the result of the test and the written certificate which the peace officer is required to prepare pursuant to subsection 1.

4. The department, upon receiving a copy of the result of the test and the written certificate transmitted by the peace officer pursuant to subsection 3, shall:

(a) Review the result of the test and the written certificate; and

(b) If the department determines that it is appropriate, issue an order to suspend the license, permit or privilege to drive of the person by mailing the order to the person at his last known address.

5. An order for suspension issued by the department pursuant to subsection 4 must:

(a) Explain the grounds for the suspension;

(b) Indicate the period of the suspension;

(c) Require the person to transmit to the department any license or permit held by the person; and

(d) Explain that the person has a right to administrative and judicial review of the suspension.

6. An order for suspension issued by the department pursuant to subsection 4 is presumed to have been received by the person 5 days after the order is deposited, postage prepaid, in the United States mail by the department. The date of mailing of the order may be shown by a certificate that is prepared by an officer or employee of the department specifying the date of mailing.

Sec. 4. NRS 483.463 is hereby amended to read as follows:

483.463 1. At any time during which the license, permit or privilege to drive is suspended pursuant to NRS 483.462, the person may request in writing a hearing by the department to review the order of suspension. A person is entitled to only one administrative hearing pursuant to this section.

2. Unless the parties agree otherwise, the hearing must be conducted within 15 days after receipt of the request or as soon thereafter as is practicable in the county in which the requester resides.

3. The director or his agent may:

(a) Issue subpoenas for:

(1) The attendance of witnesses at the hearing; and

(2) The production of relevant books and papers; and

(b) Require a re-examination of the requester.

4. The scope of the hearing must be limited to the issues of whether the person, at the time of the test:

(a) Was less than 21 years of age; and

(b) Had *a concentration of alcohol of* 0.02 ~~[percent]~~ or more but less than 0.10 ~~[percent by weight of alcohol]~~ in his blood ~~[,]~~ *or breath.*

5. The department shall issue the person a temporary license for a period that is sufficient to complete the administrative hearing.

6. Upon an affirmative finding on the issues listed in subsection 4, the department shall affirm the order of suspension. Otherwise, the order of suspension must be rescinded.

7. If the order of suspension is affirmed by the department, the person is entitled to judicial review of the issues listed in subsection 4 in the manner provided in chapter 233B of NRS.

8. The court shall notify the department upon issuing a stay. Upon receiving such notice, the department shall issue an additional temporary license for a period that is sufficient to complete the judicial review.

9. The hearing officer or the court shall notify the department if the hearing officer grants a continuance of the administrative hearing or the court grants a continuance after issuing a stay of the suspension. Upon receiving such notice, the department shall cancel any temporary license granted pursuant to this section and notify the holder by mailing an order of cancellation to the last known address of the holder.

Sec. 5. NRS 483.922 is hereby amended to read as follows:

483.922 1. Except as otherwise provided in NRS 484.383, a person who drives or is in actual physical control of a commercial motor vehicle within this state shall be deemed to have given consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the ~~[alcoholic content]~~ *concentration* of *alcohol in* his blood or breath or to detect the presence of a controlled substance in his system.

2. The tests must be administered pursuant to NRS 484.383 at the direction of a police officer who, after stopping or detaining the driver of a commercial motor vehicle, has reasonable grounds to believe that the driver was driving a commercial motor vehicle while under the influence of intoxicating liquor or a controlled substance.".

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

"*0.10* or more ~~[by weight of alcohol]~~ in his blood ~~[" includes a concentration of alcohol in the blood or breath of a person of]~~ *or breath" means* 0.10 gram or more ~~[by weight]~~ of alcohol ~~[:~~

~~1. Per]~~ *per* 100 milliliters of ~~[his blood; or~~

~~2. Per]~~ *the blood of a person or per* 210 liters of his breath.".

Amend the bill as a whole by adding new sections designated sections 8 through 41, following sec. 2, to read as follows:

"Sec. 8. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If a person is found guilty of a first violation, if the ~~[weight]~~ *concentration* of alcohol in the defendant's blood *or breath* at the time of the offense was 0.18 ~~[percent]~~ or more, or any second violation of NRS 484.379 within 7 years, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

2. If a person is convicted of a first violation of NRS 484.379 and he is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to

subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4 or 5, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) A counselor certified to make that evaluation by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;

(b) A physician certified to make that evaluation by the board of medical examiners; or

(c) A person who is approved to make that evaluation by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation,

who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this state outside an evaluation center shall not charge an offender more than $100 for the evaluation.

Sec. 9. NRS 484.3795 is hereby amended to read as follows:

484.3795 1. A person who:

(a) Is under the influence of intoxicating liquor;

(b) Has *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[;]~~ *or breath;*

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[;]~~ *or breath;*

(d) Is under the influence of a controlled substance, or under the combined influence of intoxicating liquor and a controlled substance; or

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree

which renders him incapable of safely driving or exercising actual physical control of a vehicle,

and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this state, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood *or breath* was tested, to cause ~~[the]~~ *him to have a concentration of* alcohol *of 0.10 or more* in his blood ~~[to equal or exceed 0.10 percent.]~~ *or breath.* A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 10. NRS 484.382 is hereby amended to read as follows:

484.382 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to a preliminary test of his breath for the purpose of determining the ~~[alcoholic content of]~~ *concentration of alcohol in* his breath when the test is administered at the direction of a police officer at the scene of a vehicle accident or collision or where he stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

2. If the person fails to submit to the test, the officer shall seize his license or permit to drive as provided in NRS 484.385 and arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 484.383.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 11. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the ~~[alcoholic content of]~~ *concentration of alcohol in* his blood or breath or the presence of a controlled substance when such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the ~~[alcoholic content of]~~ *concentration of alcohol in* the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test as set forth in subsection 7 if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this state or another jurisdiction in which death or substantial bodily harm to another person resulted from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

5. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or a controlled substance, the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the ~~[alcoholic content]~~ *concentration of alcohol* or presence of a controlled substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 12. NRS 484.384 is hereby amended to read as follows:

484.384 1. If the result of a test given under NRS 484.382 or 484.383 shows that a person had *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood *or breath* at the time of the test, his license, permit or privilege to drive must be revoked as provided in NRS 484.385 and he is not eligible for a license, permit or privilege for a period of 90 days.

2. If a revocation of a person's license, permit or privilege to drive under NRS 62.227 or 483.460 follows a revocation under subsection 1 which was based on his having *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[,]~~ *or breath,* the department shall cancel the revocation under that subsection and give the person credit for any period during which he was not eligible for a license, permit or privilege.

3. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 13. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood *or breath* or has a detectable amount of a controlled substance in his system, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation and to have a temporary license, and shall issue him a temporary license on a form approved by the

department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood *or breath* or had a detectable amount of a controlled substance in his system, the officer shall immediately prepare and transmit to the department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood *or breath* or with a detectable amount of a controlled substance in his system, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

5. As used in this section, "controlled substance" means any of the following substances for which a valid prescription has not been issued to the consumer:

(a) Amphetamine;
(b) Benzoylecgonine;
(c) Cocaine;
(d) Heroin;
(e) Lysergic acid diethylamide;

(f) Mecloqualone;
(g) Mescaline;
(h) Methamphetamine;
(i) Methaqualone;
(j) Monoacetylmorphine;
(k) Phencyclidine;
(l) N-ethylamphetamine;
(m) N, N-dimethylamphetamine;
(n) 2, 5-dimethoxyamphetamine;
(o) 3, 4-methylenedioxyamphetamine;
(p) 3, 4, 5-trimethoxyamphetamine;
(q) 4-bromo-2, 5-dimethoxyamphetamine;
(r) 4-methoxyamphetamine;
(s) 4-methyl-2, 5-dimethoxyamphetamine;
(t) 5-dimethoxy-alpha-methylphenethylamine; or
(u) 5-methoxy-3, 4-methylenedioxyamphetamine,

if the substance is classified in schedule I or II pursuant to NRS 453.166 or 453.176 at the time the substance is consumed.

Sec. 14. NRS 484.386 is hereby amended to read as follows:

484.386 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the ~~[percentage]~~ *concentration* of alcohol in a person's breath may be used to establish that ~~[percentage]~~ *concentration* only if two consecutive samples of the person's breath are taken and:

(a) The difference between the ~~[percentage]~~ *concentration* of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the ~~[percentage]~~ *concentration* of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 484.383, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the ~~[percentage]~~ *concentration* of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the ~~1603~~1603*concentration*.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, a police officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to NRS 484.383.

Sec. 15. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. The department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood *or breath* or a detectable amount of a controlled substance in his system. Upon an affirmative finding on this issue, the department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the department upon the issuance of a stay and the department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the department, and the department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

Sec. 16. NRS 484.3882 is hereby amended to read as follows:

484.3882 1. The committee on testing for intoxication shall:

(a) In the manner set forth in subsection 2, certify a device that the committee determines is designed and manufactured to be accurate and reliable for the purpose of testing a person's breath to determine the ~~[percent by weight]~~ *concentration* of alcohol in the person's breath; and

(b) Create, maintain and make available to the public, free of charge, a list of those devices certified by the committee, described by manufacturer and type.

2. To determine whether a device is designed and manufactured to be accurate and reliable for the purpose of testing a person's breath to determine the ~~[percent by weight]~~ *concentration* of alcohol in the person's breath, the committee may:

(a) Use the list of qualified products meeting the requirements for evidential breath-testing devices of the National Highway Traffic Safety Administration; or

(b) Establish its own standards and procedures for evaluating those devices and obtain evaluations of the devices from the director or his agent.

3. If such a device has been certified by the committee to be accurate and reliable pursuant to this section, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the ~~[percent by weight]~~ *concentration* of alcohol in the person's breath.

4. This section does not preclude the admission of evidence of the ~~[amount]~~ *concentration* of alcohol in a person's breath where the information is obtained through the use of a device other than one of a type certified by the committee.

Sec. 17. NRS 484.3884 is hereby amended to read as follows:

484.3884 1. The committee on testing for intoxication shall adopt regulations which:

(a) Prescribe standards and procedures for calibrating devices used for testing a person's breath to determine the ~~[percent by weight]~~ *concentration* of alcohol in the person's breath. The regulations must specify the period within which a law enforcement agency that uses such a device must calibrate it or have it calibrated by the director or his agent.

(b) Establish methods for ascertaining the competence of persons to calibrate such devices and provide for the examination and certification of those persons by the department. A certificate issued by the department may not be made effective for longer than 3 years.

(c) Prescribe the form and contents of records respecting the calibration of such devices which must be kept by a law enforcement agency and any other records respecting the maintenance or operation of those devices which it finds should be kept by such an agency.

2. The director shall issue a certificate to any person who is found competent to calibrate such a device or examine others on their competence in that calibration.

Sec. 18. NRS 484.3886 is hereby amended to read as follows:

484.3886 1. The committee on testing for intoxication shall adopt regulations which:

(a) Establish methods for ascertaining the competence of persons to:

(1) Operate devices for testing a person's breath to determine the ~~[percent by weight]~~ *concentration* of alcohol in the person's breath.

(2) Examine prospective operators and determine their competence.

(b) Provide for certification of operators and examiners by the department. A certificate issued by the department may not be made effective for longer than 3 years.

A person who is certified as an examiner is presumed to be certified as an operator.

2. The director shall issue a certificate to any person who is found competent to operate such a device or examine others on their competence in that operation.

3. A court shall take judicial notice of the certification of a person to operate devices of one of the certified types. If a test to determine the ~~[amount]~~ *concentration* of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to this section, it is presumed that the person operated the device properly.

4. This section does not preclude the admission of evidence of a test of a person's breath where the test has been performed by a person other than one who is certified pursuant to this section.

Sec. 19. NRS 484.3888 is hereby amended to read as follows:

484.3888 1. The committee on testing for intoxication may adopt regulations that require:

(a) The calibration of devices which are used to test a person's blood or urine to determine the ~~[amount]~~ *concentration* of alcohol or the presence of a controlled substance in the person's blood or urine;

(b) The certification of persons who make those calibrations;

(c) The certification of persons who operate devices for testing a person's blood or urine to determine the ~~[amount]~~ *concentration* of alcohol or presence of a controlled substance in the person's blood or urine; and

(d) The certification of persons who examine those operators.

2. The committee may adopt regulations that prescribe the essential procedures for the proper operation of the various types of devices used to test a person's blood or urine to determine the ~~[amount]~~ *concentration* of alcohol or the presence of a controlled substance in the person's blood or urine.

Sec. 20. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person arrested for driving a vehicle while under the influence of intoxicating liquor or a controlled substance shall be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests for the purpose of determining the ~~[alcoholic content]~~ *concentration* of *alcohol in* his blood *or breath* or the presence of a controlled substance in his blood.

2. The failure or inability to obtain such a test or tests by such person shall not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383.

Sec. 21. NRS 484.3935 is hereby amended to read as follows:

484.3935 If:

1. A manufacturer or technician in a laboratory prepares a chemical solution or gas to be used in calibrating a device for testing a person's breath to determine the ~~[percent by weight]~~ *concentration* of alcohol in his breath; and

2. The technician makes an affidavit *or declaration* that the solution or gas has the chemical composition that is necessary for calibrating the device,

it is presumed that the solution or gas has been properly prepared and is suitable for calibrating the device.

Sec. 22. NRS 484.394 is hereby amended to read as follows:

484.394 1. Any coroner, or other public official performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a motor vehicle, whether the person killed is a driver, passenger or pedestrian, cause to be drawn from each decedent, within 8 hours of the accident, a blood sample to be analyzed for the presence and ~~[amount]~~ *concentration* of alcohol.

2. The findings of the examinations are a matter of public record and must be reported to the department by the coroner or other public official within 30 days ~~[of]~~ *after* the death.

3. Blood-alcohol analyses are acceptable only if made by laboratories licensed to perform this function.

Sec. 23. NRS 484.3941 is hereby amended to read as follows:

484.3941 As used in NRS 484.3941 to 484.3947, inclusive, unless the context otherwise requires, "device" means a mechanism that:

1. Tests a person's breath to determine the concentration of alcohol in his breath; and

2. If the results of the test indicate that the person has a concentration of alcohol *of 0.02 or more* in his ~~[breath that is equal to or greater than 0.02 grams of alcohol per 210 liters of]~~ breath, prevents the motor vehicle in which it is installed from starting.

Sec. 24. NRS 484.3947 is hereby amended to read as follows:

484.3947 1. The committee on testing for intoxication shall on or before January 1, 1990, adopt regulations which:

(a) Provide for the certification of each model of those devices, described by manufacturer and model, which it approves as designed and manufactured to be accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol *of 0.02 or more* in his ~~[breath that is equal to or greater than 0.02 grams of alcohol per 210 liters of]~~ breath, prevent the motor vehicle in which it is installed from starting.

(b) Prescribe the form and content of records respecting the calibration of devices, which must be kept by the director or his agent, and other records respecting the maintenance and operation of the devices which it finds should be kept by the director or his agent.

2. The committee shall establish its own standards and procedures for evaluating the models of the devices and obtain evaluations of those models from the director or his agent.

3. If a model of a device has been certified by the committee to be accurate and reliable pursuant to subsection 1, it is presumed that, as designed and manufactured, each device of that model is accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a

concentration of alcohol *of 0.02 or more* in his ~~[breath that is equal to or greater than 0.02 grams of alcohol per 210 liters of]~~ breath, will prevent the motor vehicle in which it is installed from starting.

Sec. 25. NRS 484.791 is hereby amended to read as follows:

484.791 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

(a) Homicide by vehicle;

(b) Driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or with *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[;]~~ *or breath;*

(c) Driving or being in actual physical control of a vehicle while under the influence of any controlled substance, under the combined influence of intoxicating liquor and a controlled substance, or after ingesting, applying or otherwise using any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle;

(d) Failure to stop, give information or render reasonable assistance in the event of an accident resulting in death or personal injuries, as prescribed in NRS 484.219 and 484.223;

(e) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway, as prescribed in NRS 484.221 and 484.225;

(f) Reckless driving;

(g) Driving a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been canceled, revoked or suspended; or

(h) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section he must be taken without unnecessary delay before the proper magistrate as specified in NRS 484.803, except that in the case of either of the offenses designated in paragraphs (e) and (f) *of subsection 1* a peace officer has the same discretion as is provided in other cases in NRS 484.795.

Sec. 26. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS 488.410 and 488.420, the phrase ~~[".10 percent]~~ *"concentration of alcohol of 0.10* or more ~~[by weight of alcohol]~~ in his blood ~~[" includes a concentration of alcohol in the blood or breath of a person]~~ *or breath" means* 0.10 gram or more ~~[by weight of alcohol:~~

~~1. Per]~~ *per* 100 milliliters of ~~[his blood; or~~

~~2. Per]~~ *the blood of a person or per* 210 liters of his breath.

Sec. 27. NRS 488.407 is hereby amended to read as follows:

488.407 1. Except as otherwise provided in subsections 5 and 6, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this state shall be deemed to have given his consent to

an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the ~~[alcoholic content]~~ *concentration* of *alcohol in* his blood or breath or the presence of a controlled substance when such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was operating or exercising actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

2. If a person refuses to submit to such a test as directed by a peace officer, evidence of that refusal is admissible in any criminal action to determine whether the person was operating or exercising actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

3. The person to be tested must be informed that his refusal to submit to the test is admissible pursuant to subsection 2.

4. Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent, and any such test may be administered whether or not the person is informed that evidence of his refusal to submit to the test is admissible.

5. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but may be required to submit to a test of his breath or urine.

6. Except as otherwise provided in subsection 9, if the ~~[alcoholic content]~~ *concentration* of *alcohol in* the blood *or breath* of the person to be tested is in issue, he may refuse to submit to a blood test if means are reasonably available to perform a breath test. If the person requests a blood test and the means are reasonably available to perform a breath test, and he is subsequently convicted, he must pay for the cost of the substituted test, including the fees and expenses of witnesses in court.

7. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

8. Except as otherwise provided in subsections 5 and 7, a peace officer shall not direct a person to submit to a urine test.

9. Except as otherwise provided in this subsection, a person who refuses to submit to a test required by this section must not be tested. If an officer has reasonable cause to believe that:

(a) The person to be tested was operating or in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance; and

(b) The person thereby caused the death or substantial bodily harm of another,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following

the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the ~~[alcoholic content]~~ *concentration of alcohol in his blood or breath* or presence of a controlled substance in his blood.

Sec. 28. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[;]~~ *or breath;* or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[;]~~ *or breath,*

to operate or be in actual physical control of a vessel under power or sail on the waters of this state.

2. It is unlawful for any person who:

(a) Is under the influence of any controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or exercising actual physical control of a vessel under power or sail,

to operate or exercise actual physical control of a vessel under power or sail on the waters of this state.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood was tested, to cause ~~[the]~~ *him to have a concentration of 0.10 or more of* alcohol in his blood ~~[to equal or exceed 0.10 percent.]~~ *or breath.* A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

Sec. 29. NRS 488.420 is hereby amended to read as follows:

488.420 1. A person who:

(a) Is under the influence of intoxicating liquor;

(b) Has *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[;]~~ *or breath;*

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[;]~~ *or breath;*

(d) Is under the influence of a controlled substance, or under the combined influence of intoxicating liquor and a controlled substance; or

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or being in actual physical control of a vessel under power or sail,

and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his blood was tested, to cause ~~[the]~~ *him to have a concentration of* alcohol *of 0.10 or more* in his blood ~~[to equal or exceed 0.10 percent.]~~ *or breath.* A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 30. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail on the waters of this state shall be deemed to have given his consent to a preliminary test of his breath to determine the ~~[alcoholic content]~~ *concentration* of *alcohol in* his breath when the test is administered at the direction of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

2. If the person fails to submit to the test, the officer shall arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 31. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this state shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the ~~[alcoholic content]~~ *concentration* of *alcohol in* his blood or breath or the presence of a controlled substance when such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the ~~[alcoholic content]~~ *concentration of alcohol* of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A peace officer may direct the person to submit to a blood test as set forth in subsection 7 if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this state or another jurisdiction in which death or substantial bodily harm to another person resulted from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

5. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance, the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance in his blood.

Sec. 32. NRS 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the ~~[percentage]~~ *concentration* of alcohol in a person's breath may be used to establish that ~~[percentage]~~ *concentration* only if two consecutive samples of the person's breath are taken and:

(a) The difference between the ~~[percentage]~~ *concentration* of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the ~~[percentage]~~ *concentration* of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 488.460, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the ~~[percentage]~~ *concentration* of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the ~~[percentage.]~~ *concentration.*

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, a peace officer may

direct that reasonable force be used to obtain a sample or conduct a test pursuant to NRS 488.460.

Sec. 33. NRS 488.480 is hereby amended to read as follows:

488.480 **1.** If a person refuses to submit to a required chemical test provided for in NRS 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

2. A court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.460.

3. If a person submits to a chemical test provided for in NRS 488.460, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484.3882 and was calibrated, maintained and operated as provided by the regulations of the committee on testing for intoxication adopted pursuant to NRS 484.3884, 484.3886 or 484.3888.

5. If the device for testing breath has been certified by the committee on testing for intoxication to be accurate and reliable pursuant to NRS 484.3882, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the ~~[percent by weight]~~ *concentration* of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484.3886 or 484.3888, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the committee on testing for intoxication.

(b) Test has been performed by a person other than one who is certified by the director.

Sec. 34. NRS 488.490 is hereby amended to read as follows:

488.490 1. A person arrested for operating or exercising actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test for the purpose of determining the ~~[alcoholic content]~~ *concentration* of *alcohol in* his blood *or breath* or the presence of a controlled substance in his blood.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.

Sec. 35. NRS 488.510 is hereby amended to read as follows:

488.510 If:

1. A manufacturer or technician in a laboratory prepares a chemical solution or gas to be used in calibrating a device for testing a person's breath to determine the ~~[percent by weight]~~ *concentration* of alcohol in his breath; and

2. The technician makes an affidavit *or declaration* that the solution or gas has the chemical composition that is necessary for calibrating the device, it is presumed that the solution or gas has been properly prepared and is suitable for calibrating the device.

Sec. 36. NRS 488.520 is hereby amended to read as follows:

488.520 1. Any coroner, or other public officer performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a vessel under power or sail on the waters of this state, whether the person killed is the operator of the vessel or a passenger or other person, cause to be drawn from each decedent, within 8 hours after the accident, a blood sample to be analyzed for the presence and ~~[amount]~~ *concentration* of alcohol.

2. The findings of the examinations are a matter of public record and must be reported to the commission by the coroner or other public officer within 30 days after the death.

3. Analyses of blood alcohol are acceptable only if made by laboratories licensed to perform this function.

Sec. 37. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the director of the department of motor vehicles and public safety as being competent to operate devices of a type certified by the committee on testing for intoxication as accurate and reliable for testing a person's breath to determine the ~~[amount by weight]~~ *concentration* of alcohol in his breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who prepared a chemical solution or gas that has been used in calibrating a device for testing another's breath to determine the

~~[amount]~~ *concentration* of alcohol in his breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for accurately calibrating it.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the ~~[amount]~~ *concentration* of alcohol in his breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the committee on testing for intoxication;

(c) That the calibration was performed within the period required by the committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his sole custody or control and in substantially the same condition as when he first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison or organic solvent may be admitted in any criminal, civil or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his sole custody or control in substantially the same condition as when he first received it until delivering it to another; and

(c) The identity of the person to whom the affiant or declarant delivered it.

6. If, at or before the time of the trial, the defendant establishes that:

(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and

(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined,

the court may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify in court to any information contained in the affidavit or declaration.

8. The committee on testing for intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 38. NRS 50.320 is hereby amended to read as follows:

50.320 1. The affidavit or declaration of a chemist and any other person who has qualified in the district court of any county to testify as an expert witness regarding the presence in the breath, blood or urine of a person of alcohol, a controlled substance, or a chemical, poison or organic solvent, or the identity or quantity of a controlled substance alleged to have been in the possession of a person, which is submitted to prove:

(a) The quantity of the purported controlled substance; or

(b) The ~~[amount]~~ *concentration* of alcohol or the presence or absence of a controlled substance, chemical, poison or organic solvent, as the case may be,

is admissible in the manner provided in this section.

2. An affidavit or declaration which is submitted to prove any fact set forth in subsection 1 must be admitted into evidence when submitted during any administrative proceeding, preliminary hearing or hearing before a grand jury. The court shall not sustain any objection to the admission of such an affidavit or declaration.

3. The defendant may object in writing to admitting into evidence an affidavit or declaration submitted to prove any fact set forth in subsection 1 during his trial. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify in court to any information contained in the affidavit or declaration.

4. The committee on testing for intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 39. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has *a concentration of alcohol of* 0.10 ~~[percent]~~ or more ~~[by weight of alcohol]~~ in his blood ~~[;]~~ *or breath,* or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any

person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely exercising actual physical control of a firearm,

to have in his actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within his personal residence and had the firearm in his possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484.383 to 484.3947, inclusive, except that submission to the evidentiary test is required of any person who is directed by a police officer to submit to the test. If a person to be tested fails to submit to a required test as directed by a police officer, the officer may direct that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of 0.10 or more in his blood or breath" has the meaning ascribed to it in NRS 484.0135.

Sec. 40. The amendatory provisions of this act do not apply to offenses that were committed before October 1, 1999.

Sec. 41. Sections 15 and 33 of this act become effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to traffic laws; revising the definition of the phrase describing the minimum content of alcohol required to be in the blood or breath of a person for the person to be considered to be operating a vehicle or vessel under the".

Amend the summary of the bill, second line, by deleting "driving" and inserting:

"operating vehicles and vessels".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 903.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"who is transporting a child who is under 5 years of age ~~[and who weighs less than 40 pounds]~~ in a motor vehicle operated in this state which is".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to motor vehicles; revising the circumstances under which a child who is being transported in a motor vehicle in this state must be secured by a device for restraining a".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Buckley, Beers, Perkins and Bache.

Assemblyman Perkins moved that Senate Bill No. 154 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 168.

Bill read second time and ordered to third reading.

Senate Bill No. 235.

Bill read second time and ordered to third reading.

Senate Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 941.

Amend sec. 4, page 2, by deleting line 30 and inserting:

"violations committed before January 1, 2000.".

Amend sec. 5, page 2, by deleting line 31 and inserting:

"Sec. 5. This act becomes effective on January 1, 2000.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 300.

Bill read second time and ordered to third reading.

Senate Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 904.

Amend section 1, page 1, by deleting line 3 and inserting:

"*1. A person or*".

Amend section 1, pages 1 and 2, by deleting lines 9 through 13 on page 1 and lines 1 through 6 on page 2.

Amend section 1, page 2, line 7, by deleting "*3.*" and inserting "*2.*".

Amend section 1, page 2, line 9, by deleting "*4.*" and inserting "*3.*".

Amend the title of the bill by deleting the second through fourth lines and inserting:

"detection of moving traffic violations; providing that evidence obtained through the use of such a device is not admissible in a criminal or administrative proceeding; and providing".

Amend the summary of the bill by deleting the second line and inserting:

"traffic violations. (BDR 43-504)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Giunchigliani and Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 481.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 893.

Amend the bill as a whole by renumbering sections 1 through 32 as sections 2 through 33, and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 50 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in NRS 50.265 to 50.345, inclusive, unless the context otherwise requires, "prohibited substance" has the meaning ascribed to it in section 20 of this act.".

Amend section 1, page 2, by deleting lines 32 through 34 and inserting:

"urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison , ~~[or]~~ organic solvent *or another prohibited substance* may be admitted in any criminal, civil or administrative proceeding".

Amend sec. 2, page 3, by deleting lines 21 through 23 and inserting:

"expert witness regarding the presence in the breath, blood or urine of a person of alcohol, a controlled substance, or a chemical, poison , ~~[or]~~ organic solvent ~~[,]~~ *or another prohibited substance,* or the identity or quantity of a".

Amend sec. 2, page 3, by deleting line 28 and inserting:

"substance, chemical, poison , ~~[or]~~ organic solvent ~~[,]~~ *or another prohibited substance,* as the case may be,"

Amend sec. 3, page 4, by deleting line 11 and inserting:

", ~~[or]~~ organic solvent ~~[,]~~ *or another prohibited substance,*".

Amend sec. 3, page 5, by deleting line 2 and inserting:

"*poison, organic solvent or another prohibited substance.*".

Amend sec. 11, page 10, line 35, by deleting "*10*" and inserting "*11*".

Amend sec. 18, page 17, by deleting line 29 and inserting:

"*poison, organic solvent or another prohibited substance.*".

Amend sec. 18, page 17, between lines 38 and 39, by inserting:

"*3. As used in this section, "prohibited substance" has the meaning ascribed to it in section 20 of this act.*".

Amend sec. 19, page 18, by deleting lines 4 and 5 and inserting:

"*2. Cocaine or cocaine metabolite.*

3. Heroin or heroin metabolite (morphine or 6-monoacetyl morphine).".

Amend sec. 19, page 18, by deleting lines 7 through 11 and inserting:

"*5. Marihuana or marihuana metabolite.*

6. Methamphetamine.

7. Phencyclidine.".

Amend sec. 20, page 18, line 15, by deleting "*19*" and inserting "*20*".

Amend sec. 22, page 19, by deleting lines 8 through 11 and inserting:

"3. *It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his blood or urine that is equal to or greater than:*

Prohibited substance	*Urine*	*Blood*
Nanograms per milliliter		*Nanograms per milliliter*
(a) Amphetamine	*500*	*100*
(b) Cocaine	*150*	*50*
(c) Cocaine metabolite	*150*	*50*
(d) Heroin	*2,000*	*50*
(e) Heroin metabolite:		
(1) Morphine	*2,000*	*50*
(2) 6-monoacetyl morphine	*10*	*10*
(f) Lysergic acid diethylamide	*25*	*10*
(g) Marihuana	*10*	*2*
(h) Marihuana metabolite	*15*	*5*
(i) Methamphetamine	*500*	*100*
(j) Phencyclidine	*25*	*10*".

Amend sec. 27, page 26, by deleting lines 19 and 20 and inserting:

"*(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 5 of NRS 484.379,*".

Amend sec. 30, page 28, by deleting lines 31 and 32 and inserting:

"*whether* a controlled substance ~~[when]~~ *, chemical, poison, organic solvent or another prohibited substance is present, if* such a test is administered at the direction of a police".

Amend sec. 30, page 29, by deleting lines 31 and 32 and inserting:

"5. If the presence of a controlled substance *, chemical, poison, organic solvent or another prohibited substance* in the blood *or urine* of the".

Amend sec. 30, page 30, line 6, after "substance" by inserting:

"*or another prohibited substance*".

Amend sec. 31, page 30, by deleting lines 16 and 17 and inserting:

"his blood or has a detectable amount of a ~~[controlled]~~ *prohibited* substance in his ~~[system,]~~ *blood or urine,* if that person is present,"

Amend sec. 31, page 30, by deleting lines 29 and 30 and inserting:

"had a detectable amount of a ~~[controlled]~~ *prohibited* substance in his ~~[system,]~~ *blood or urine,* the officer shall immediately prepare and".

Amend sec. 31, page 30, by deleting lines 35 and 36 and inserting:

"blood or with a detectable amount of a ~~[controlled]~~ *prohibited* substance in his ~~[system,]~~ *blood or urine,* as determined by a chemical test.".

Amend sec. 31, page 31, by deleting lines 15 through 43 and inserting:

"~~[5. As used in this section, "controlled substance" means any of the following substances for which a valid prescription has not been issued to the consumer:~~

~~(a) Amphetamine;~~
~~(b) Benzoylecgonine;~~
~~(c) Cocaine;~~
~~(d) Heroin;~~
~~(e) Lysergic acid diethylamide;~~
~~(f) Mecloqualone;~~
~~(g) Mescaline;~~
~~(h) Methamphetamine;~~
~~(i) Methaqualone;~~
~~(j) Monoacetylmorphine;~~
~~(k) Phencyclidine;~~
~~(l) N-ethylamphetamine;~~
~~(m) N, N-dimethylamphetamine;~~
~~(n) 2, 5-dimethoxyamphetamine;~~
~~(o) 3, 4-methylenedioxyamphetamine;~~
~~(p) 3, 4, 5-trimethoxyamphetamine;~~
~~(q) 4-bromo-2, 5-dimethoxyamphetamine;~~
~~(r) 4-methoxyamphetamine;~~
~~(s) 4-methyl-2, 5-dimethoxyamphetamine;~~
~~(t) 5-dimethoxy-alpha-methylphenethylamine; or~~
~~(u) 5-methoxy-3, 4-methylenedioxyamphetamine,~~

~~if the substance is classified in schedule I or II pursuant to NRS 453.166 or 453.176 at the time the substance is consumed.]~~".

Amend sec. 32, page 32, by deleting lines 15 and 16 and inserting:

"alcohol in his blood or a detectable amount of a ~~[controlled]~~ *prohibited* substance in his ~~[system.]~~ *blood or urine.* Upon an affirmative".

Amend the bill as a whole by renumbering sections 33 through 48 as sections 35 through 50 and adding a new section designated sec. 34, following sec. 32, to read as follows:

"Sec. 34. NRS 484.3888 is hereby amended to read as follows:

484.3888 1. The committee on testing for intoxication may adopt regulations that require:

(a) The calibration of devices which are used to test a person's blood or urine to determine the amount of alcohol or the presence of a controlled substance *or another prohibited substance* in the person's blood or urine;

(b) The certification of persons who make those calibrations;

(c) The certification of persons who operate devices for testing a person's blood or urine to determine the amount of alcohol or presence of a controlled substance *or another prohibited substance* in the person's blood or urine; and

(d) The certification of persons who examine those operators.

2. The committee may adopt regulations that prescribe the essential procedures for the proper operation of the various types of devices used to test a person's blood or urine to determine the amount of alcohol or the presence of a controlled substance *or another prohibited substance* in the person's blood or urine.".

Amend sec. 34, page 33, by deleting lines 18 and 19 and inserting:

"*(b) Whether* a controlled substance *, chemical, poison, organic solvent or another prohibited substance is present* in his blood ~~[.]~~ *or urine.*".

Amend sec. 37, page 35, line 22, by deleting "*19*" and inserting "*20*".

Amend sec. 38, page 36, by deleting lines 9 through 12 and inserting:

"3. *It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this state with an amount of a prohibited substance in his blood or urine that is equal to or greater than:*

Prohibited substance	*Urine*	*Blood*
Nanograms per milliliter		*Nanograms per milliliter*
(a) Amphetamine	*500*	*100*
(b) Cocaine	*150*	*50*
(c) Cocaine metabolite	*150*	*50*
(d) Heroin	*2,000*	*50*
(e) Heroin metabolite:		
(1) Morphine	*2,000*	*50*
(2) 6-monoacetyl morphine	*10*	*10*
(f) Lysergic acid diethylamide	*25*	*10*
(g) Marihuana	*10*	*2*
(h) Marihuana metabolite	*15*	*5*
(i) Methamphetamine	*500*	*100*
(j) Phencyclidine	*25*	*10*".

Amend sec. 39, page 36, by deleting lines 35 and 36 and inserting:

"*(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,*".

Amend sec. 41, page 38, by deleting line 8 and inserting:

"substance ~~[when]~~ *, chemical, poison, organic solvent or another prohibited substance is present, if* such".

Amend sec. 41, page 39, by deleting lines 10 and 11 and inserting:

"5. If the presence of a controlled substance , *chemical, poison, organic solvent or another prohibited substance* in the blood *or urine* of the".

Amend sec. 41, page 39, line 29, after "substance" by inserting:

"*or another prohibited substance*".

Amend sec. 43, page 40, by deleting lines 39 and 40 and inserting:

"*(b) Whether* a controlled substance , *chemical, poison, organic solvent or another prohibited substance is present* in his blood ~~[,]~~ *or urine.*".

Amend sec. 45, page 41, by deleting lines 29 and 30 and inserting:

"records of a patient which relate to a test of his blood, breath or urine if:".

Amend sec. 45, page 41, by deleting lines 39 and 40 and inserting:

"controlled substance , *chemical, poison, organic solvent or another prohibited substance* in the blood, breath or urine of the patient.".

Amend sec. 45, page 42, between lines 9 and 10, by inserting:

"*5. As used in this section, "prohibited substance" has the meaning ascribed to it in section 20 of this act.*".

Amend the bill as a whole by renumbering sections 49 and 50 as sections 53 and 54 and adding new sections designated sections 51 and 52, following sec. 48, to read as follows:

"Sec. 51. Section 2 of Assembly Bill No. 620 of this session is hereby amended to read as follows:

Sec. 2. NRS 488.480 is hereby amended to read as follows:

488.480 **1.** If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420.

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified ~~[,]~~ *pursuant to NRS 484.3882 and was* calibrated, maintained and operated as provided by the regulations of the committee on testing for intoxication adopted pursuant to NRS ~~[484.3882,]~~ 484.3884, 484.3886 or 484.3888.

5. If the device for testing breath has been certified by the committee on testing for intoxication to be accurate and reliable pursuant to ~~[subsection 1 of]~~ NRS 484.3882, it is presumed that, as designed and manufactured, the

device is accurate and reliable for the purpose of testing a person's breath to determine the percent by weight of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484.3886 or 484.3888, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the committee on testing for intoxication.

(b) Test has been performed by a person other than one who is certified by the director.

Sec. 52. Section 2 of Assembly Bill No. 678 of this session is hereby amended to read as follows:

Sec. 2. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 483.025 to 483.190, inclusive, *section 1 of this act* and section 11 of ~~[this act]~~ *Senate Bill No. 481 of this session* have the meanings ascribed to them in those sections.".

Amend the title of the bill, third line, by deleting:

"blood, urine or other bodily substance;" and inserting:

"blood or urine;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblymen Anderson moved that upon return from the printer Senate Bill No. 481 be re-referred to the Committee on Ways and Means.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

Senate Joint Resolution No. 3.

Resolution read second time and ordered to third reading.

Senate Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 947.

Amend the bill as a whole by renumbering sections 192 and 193 as sections 194 and 195 and adding new sections designated sections 192 and 193, following sec. 191, to read as follows:

"Sec. 192. Section 1 of Senate Bill No. 121 of this session is hereby amended to read as follows:

Section 1. Chapter 113 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, in a county whose population is 400,000 or more, a seller may not sign a sales agreement with the initial purchaser of a residence unless the seller, at least 24 hours before the time of the signing, provides the initial purchaser with a disclosure document that contains:

(a) A copy of the most recent gaming enterprise district map that has been made available for public inspection pursuant to NRS 463.309 by the city or town in which the residence is located or, if the residence is not located in a city or town, by the county in which the residence is located; and

(b) The location of the gaming enterprise district that is nearest to the residence, regardless of the jurisdiction in which the nearest gaming enterprise district is located.

The seller shall retain a copy of the disclosure document that has been signed by the initial purchaser acknowledging the time and date of receipt by the initial purchaser of the original document.

2. The information contained in the disclosure document required by subsection 1 must:

(a) Be updated not less than once every 6 months;

(b) Advise the initial purchaser that gaming enterprise districts are subject to change; and

(c) Provide the initial purchaser with instructions on how to obtain more current information regarding gaming enterprise districts.

3. The initial purchaser of a residence may waive the 24-hour period required by subsection 1 if the seller provides the initial purchaser with the information required by subsections 1 and 2 and the initial purchaser signs a written waiver. The seller shall retain a copy of the written waiver that has been signed by the initial purchaser acknowledging the time and date of receipt by the initial purchaser of the original document.

4. As used in this section, "seller" has the meaning ascribed to it in NRS 113.070.

Sec. 193. Section 2 of Senate Bill No. 121 of this session is hereby amended to read as follows:

Sec. 2. NRS 113.070 is hereby amended to read as follows:

113.070 1. ~~[Except as otherwise provided in subsection 3, in a county whose population is 400,000 or more, a seller may not sign a sales agreement with the initial purchaser of a residence unless the seller, at least 24 hours before the time of the signing, provides the initial purchaser with a disclosure document that contains:~~

~~(a) A copy of the most recent gaming enterprise district map that has been made available for public inspection pursuant to NRS 463.309 by the city or town in which the residence is located or, if the residence is not located in a city or town, by the county in which the residence is located; and~~

~~(b) The location of the gaming enterprise district that is nearest to the residence, regardless of the jurisdiction in which the nearest gaming enterprise district is located.~~

~~residence may waive the 24-hour period required by subsection 1 if the seller provides the initial purchaser with the information. The seller shall retain a copy of the disclosure document which has been signed by the initial purchaser acknowledging the time and date of receipt by the initial purchaser of the original document.~~

~~2. The information contained in the disclosure document required by subsection 1 must:~~

~~(a) Be updated no less than once every 4 months;~~

~~(b) Advise the initial purchaser that gaming enterprise districts are subject to change; and~~

~~(c) Provide the initial purchaser with instructions on how to obtain more current information.~~

~~3. The initial purchaser of a required by subsections 1 and 2 and the initial purchaser signs a written waiver. The seller shall retain a copy of the written waiver which has been signed by the initial purchaser acknowledging the time and date of receipt by the initial purchaser of the original document.~~

~~4.~~] Before the initial purchaser of a residence signs a sales agreement [~~,~~] *or opens escrow, whichever occurs earlier,* the seller shall, by separate written document, disclose to [~~him~~] *the initial purchaser* the zoning [~~designations~~] *classifications* and the designations in the master plan regarding land use [~~,~~] adopted pursuant to chapter 278 of NRS , *and the general land uses described therein,* for the adjoining parcels of land. *The written document must contain a statement with the following language:*

Zoning classifications describe the land uses currently permitted on a parcel of land. Designations in the master plan regarding land use describe the land uses that the governing city or county proposes for a parcel of land. Zoning classifications and designations in the master plan regarding land use are established and defined by local ordinances. If the zoning classification for a parcel of land is inconsistent with the designation in the master plan regarding land use for the parcel, the possibility exists that the zoning classification may be changed to be consistent with the designation in the master plan regarding land use for the parcel. Additionally, the local ordinances that establish and define the various zoning classifications and designations in the master plan regarding land use are also subject to change.

2. If the residence is located within a subdivision, the disclosure *made pursuant to subsection 1* must be made regarding all parcels of land adjoining the unit of the subdivision in which the residence is located. If the residence is located on land divided by a parcel map and not located within a subdivision, the disclosure must be made regarding all parcels of land adjoining the parcel map. Such a disclosure must be made regardless of whether the adjoining parcels are owned by the seller. The seller shall retain

a copy of the disclosure document which has been signed by the initial purchaser acknowledging the date of receipt by the initial purchaser of the original document.

~~[5.]~~ *3.* The information contained in the disclosure document required by subsection ~~[4]~~ *1* must:

(a) Be updated ~~[no]~~ *not* less than once every 6 months, if the information is available from the local government;

(b) *Advise the initial purchaser that the master plan is for the general, comprehensive and long-term development of land in the area and that the designations in the master plan regarding land use provide the most probable indication of future development which may occur on the surrounding properties;*

(c) Advise the initial purchaser that the master plan and zoning ordinances and regulations adopted pursuant to the master plan are subject to change; and

~~[(c)]~~ *(d)* Provide the initial purchaser with instructions on how to obtain more current information ~~[.~~

~~6.]~~ *regarding zoning classifications and designations in the master plan regarding land use.*

4. As used in this section, "seller" means a person who sells or attempts to sell any land or tract of land in this state which is divided or proposed to be divided over any period into two or more lots, parcels, units or interests, including, but not limited to, undivided interests, which are offered, known, designated or advertised as a common unit by a common name or as a part of a common promotional plan of advertising and sale.".

Amend sec. 193, page 89, by deleting line 31 and inserting:

"Sec. 195. 1. This act becomes effective on July 1, 1999.

2. The amendatory provisions of section 188 of this act expire by limitation on November 30, 1999.".

2. The amendatory provisions of section 188 of this act expire by limitation on November 30, 1999.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 320.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 24.

Resolution read second time and ordered to third reading.

Senate Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 912.

Amend sec. 15, page 5, by deleting lines 8 and 9 and inserting:

"*advisory committee consists of:*

(a) One member who is the chairman of a tribal council or chief of a Nevada Indian tribe and is appointed by the governing body of a unit of the Indian Health Service that is designated to serve the health care needs of Indians in the eastern portion of this state. The appointed member may designate a representative to serve in his absence.

(b) One member who is the chairman of a tribal council or chief of a Nevada Indian tribe and is appointed by the governing body of a unit of the Indian Health Service that is designated to serve the health care needs of Indians in the western portion of this state. The appointed member may designate a representative to serve in his absence.

(c) One member who is appointed by the Inter-Tribal Council of Nevada, Inc.

(d) One member who is appointed by the governing board of an organization that is partially funded by the Indian Health Service and which specifically serves the health care needs of Indians in each county whose population is more than 100,000, but less than 400,000.

(e) One member who is appointed by the governing board of an organization that is partially funded by the Indian Health Service and which specifically serves the health care needs of Indians in each county whose population is 400,000 or more.".

Amend sec. 16, page 5, by deleting lines 18 through 21 and inserting:

"Sec. 16. *1. Each member of the advisory committee serves without compensation.*".

Amend sec. 17, page 5, line 33, by deleting "*Advise*" and inserting:

"*Provide written reports, analysis and advice to*".

Amend sec. 17, page 5, line 38, after "*Make*" by inserting "*written*".

Amend sec. 17, page 5, by deleting lines 40 through 42 and inserting:

"*2. The commission shall:*

(a) Consider the advice and recommendations of the advisory committee and make any appropriate written recommendations to the director of the department of human resources as a result of this review; and

(b) Provide the necessary staff to assist the advisory committee in performing its duties, including, without limitation, staff to assist in preparing written reports and analysis pursuant to subsection 1.".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 972.

Amend section 1, page 3, line 27, by deleting "related to" and inserting: "~~[related to]~~ *necessary for*".

Amend section 1, page 3, line 30, by deleting "*related to*" and inserting "*necessary for*".

Amend section 1, page 3, line 32, by deleting "*related to*" and inserting "*necessary for*".

Amend section 1, page 3, line 34, by deleting "*related to*" and inserting "*necessary for*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 39.

Bill read second time.

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

Amendment No. 1017.

Amend sec. 60, page 33, line 4, by deleting "Once" and inserting: "Except as otherwise provided in section 1 of *Assembly Bill No. 275 of* this ~~[act,]~~ *session,* once".

Amend sec. 61, page 33, line 16, after "Association," by inserting: "the Government National Mortgage Association,".

Amend sec. 61, page 33, line 28, by deleting "and above".

Amend sec. 61, page 34, line 42, by deleting "3" and inserting "5".

Amend sec. 61, page 35, line 13, by deleting "and".

Amend sec. 61, page 35, line 15, by deleting "equivalent." and inserting: "equivalent; and

(s) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.".

Amend sec. 61, page 35, line 39, after "enter" by inserting "into".

Amend the bill as a whole by deleting sections 69 and 70 and inserting:

"Secs. 69 and 70. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 72 through 75 and inserting:

"Secs. 72-75. (Deleted by amendment.)".

Amend sec. 76, page 45, line 17, by deleting "Whenever any" and inserting "If a".

Amend sec. 77, page 45, by deleting lines 24 through 27 and inserting:

"356.200 1. With unanimous consent of his bondsmen, a county officer, other than a county treasurer, may deposit county money received by the office of the county officer in an insured bank, insured credit union or insured savings and loan association located in the State of Nevada.".

Amend sec. 77, page 45, line 28, by deleting "Whenever" and inserting "If".

Amend sec. 77, page 45, line 30, by deleting "such an" and inserting "the".

Amend sec. 77, page 45, by deleting lines 33 through 35 and inserting:

"4. The balance in each such account, as certified by the proper officer of the bank, credit union or savings and loan association in which the money is deposited, and by oath of the county treasurer, may be accounted for by the county as cash.".

Amend sec. 77, page 45, line 36, by deleting:

"bank , *credit union*" and inserting:

"bank, credit union".

Amend sec. 77, page 46, line 3, by deleting:

"bank , *credit union*" and inserting:

"bank, credit union".

Amend sec. 77, page 46, line 7, by deleting "~~[1st]~~ *first*" and inserting "first".

Amend sec. 88, page 50, by deleting sec. 88 and inserting:

"Sec. 88 (Deleted by amendment.)".

Amend sec. 90, page 51, by deleting line 17 and inserting:

"408.383 1. Except as otherwise provided in subsections 2 and 11, the director".

Amend sec. 90, page 52, between lines 37 and 38, by inserting:

"9. A contractor shall disburse money paid to him pursuant to this section, including any interest that the contractor receives, to his subcontractors and suppliers within 15 days after he receives the money in the proportion that the value of the work performed by each subcontractor or the materials furnished by each supplier bears to the total amount of the contract between the principal contractor and the department.

10. Money payable to a subcontractor or supplier accrues interest at a rate equal to the lowest daily prime rate at the three largest banks in the United States on the date the subcontract or order for supplies was executed plus 2 percent, from 15 days after the money was received by the principal contractor until the date of payment.

11. If a contractor withholds more than 10 percent of a payment required by subsection 9, the subcontractor or supplier may inform the director in writing of the amount due. The director shall attempt to resolve the dispute between the contractor and the subcontractor or supplier within 20 working days after the date that the director receives notice of the amount due. If the dispute is not resolved within 20 working days after the date that the director receives notice of the amount due, the contractor shall deposit the disputed amount in an escrow account that bears interest. The contractor, subcontractor or supplier may pursue any legal or equitable remedy to resolve the dispute over the amount due. The director may not be made a

party to any legal or equitable action brought by the contractor, subcontractor or supplier.".

Amend sec. 150, page 90, line 4, by deleting "state," and inserting "state."

Amend sec. 150, page 90, line 7, after "inclusive," by inserting: "or chapter 617".

Amend sec. 150, page 90, line 14, by deleting "employer," and inserting "employer".

Amend sec. 150, page 90, line 23, by deleting "property," and inserting "property".

Amend sec. 150, page 90, line 28, by deleting "property," and inserting "property".

Amend sec. 150, page 90, line 41, after "inclusive," by inserting: "or chapter 617".

Amend sec. 197, page 110, line 40, by deleting "Every" and inserting "A".

Amend sec. 197, page 110, by deleting line 42 and inserting: "the trust company, and all investments made by the trust company as a fiduciary must".

Amend sec. 197, page 111, line 3, by deleting "Holding" and inserting: "When it holds".

Amend sec. 197, page 111, line 14, by deleting "Acting" and inserting: "When it acts".

Amend sec. 197, page 111, line 17, after "the" by inserting "trust".

Amend sec. 197, page 111, line 22, after "of the" by inserting "trust".

Amend sec. 197, page 111, line 23, by deleting "Every" and inserting "A".

Amend sec. 197, page 111, by deleting lines 32 through 36 and inserting:

"4. Except as otherwise provided in subsection 5, the assets forming the capital of a trust company must:

(a) Be governmental obligations or insured deposits that mature within 3 years after acquisition.

(b) Have an aggregate market value that equals or exceeds 60".

Amend sec. 197, page 111, line 40, after "of the" by inserting "trust".

Amend the bill as a whole by renumbering sec. 220 as sec. 221 and adding a new section designated sec. 220, following sec. 219, to read as follows:

"Sec. 220. Section 50 of Assembly Bill No. 584 of this session is hereby amended to read as follows:

Sec. 50. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the department or if a determination has been made against him which remains unpaid, the department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of ~~[the]~~ *this* state or any political subdivision or agency of ~~[the]~~ *this* state, who has in his possession or under his control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before ~~[it]~~ *the department* presents the claim of the delinquent taxpayer to the state controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the ~~[department's notice.]~~ *notice of the department.*

3. After receiving the demand to transmit, the ~~[persons so]~~ *person* notified *by the demand* may not transfer or otherwise dispose of the credits, other personal property, or debts in ~~[their]~~ *his* possession or under ~~[their]~~ *his* control at the time ~~[they]~~ *he* received the notice until the department consents to a transfer or other disposition.

4. ~~[All persons so]~~ *Every person* notified *by a demand to transmit* shall, within 10 days after receipt of the demand to transmit, inform the department of, and transmit to the department all such credits, other personal property, or debts in ~~[their]~~ *his* possession, under ~~[their]~~ *his* control or owing by ~~[them]~~ *him* within the time and in the manner requested by the department. Except as otherwise provided in subsection 5, no further notice is required to be served to ~~[those persons.]~~ *that person.*

5. If the property of the delinquent taxpayer consists of a series of payments owed to him, the person who owes or controls the payments shall transmit the payments to the department until otherwise notified by the department. If the debt of the delinquent taxpayer is not paid within 1 year after the department issued the original demand to transmit, ~~[it]~~ *the department* shall issue another demand to transmit to the person responsible for making the payments informing him to continue to transmit payments to the department or that his duty to transmit the payments to the department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to the branch or office of the bank, credit union or other depository institution at which the

deposit is carried or at which the credits or personal property is held.

7. If any person ~~[so]~~ notified *by the notice of the delinquency* makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, he is liable to the state for any indebtedness due pursuant to ~~[NRS 482.313,]~~ this chapter , or chapter 362, 364A, ~~[365,]~~ 369, 370, 372, 372A, ~~[373,]~~ 374, 377, 377A ~~[, 444A, 585, 590]~~ or *444A of NRS, NRS 482.313, or chapter 585 or* 680B of NRS from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.".

Amend the bill as a whole by adding a new section designated sec. 222, following sec. 220, to read as follows:

"Sec. 222. Sections 76, 77, 90, 150 and 197 of this act become effective at 12:01 a.m. on October 1, 1999.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 50.

Bill read second time and ordered to third reading.

Senate Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1037.

Amend section 1, pages 1 and 2, by deleting lines 2 through 11 on page 1 and lines 1 through 25 on page 2, and inserting:

"391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for his classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the teacher has submitted evidence satisfactory to the school district of his current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

No increase in salary may be given during a particular school year to a teacher who submits evidence of certification after September 15 of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. In determining the salary of a *licensed* teacher who is employed by a school district after ~~[having]~~ *the teacher has* been employed by another school district in this state, the present employer shall, except as otherwise provided in subsection ~~[4.]~~ *5:*

(a) Give the teacher the same credit for previous teaching service as he was receiving from his former employer at the end of his former employment; and

(b) Give ~~[him]~~ *the teacher* credit for his final year of service with his former employer, if credit for that service is not included in credit given pursuant to paragraph (a).

4. *A school district may give the credit required by subsection 3 for previous teaching service earned in another state if the commission has approved the standards for licensing teachers of that state. The commission shall adopt regulations that establish the criteria by which the commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the commission has authorized reciprocal licensure of educational personnel from the state under consideration.*

5. This section does not:

(a) Require a school district to allow a teacher more credit for previous teaching service than the maximum credit for teaching experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher credit for his previous teaching service on the ground that the service differs in kind from the teaching experience for which credit is otherwise given by the school district.

~~[5.]~~ *6.* As used in this section, "previous teaching service" means the total of:

(a) Any period of teaching service for which a teacher received credit from his former employer at the beginning of his former employment; and

(b) His period of teaching service in his former employment.".

Amend sec. 4, page 2, line 34, by deleting:

"upon passage and approval" and inserting:

"at 12:01 a.m. on July 1, 1999,"

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 975.

Amend section 1, page 1, line 13, after "commission." by inserting:

"*A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this state.*".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblywoman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.

Bill read second time.

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

Amendment No. 942.

Amend section 1, page 1, lines 2 and 3, by deleting "*state treasurer*" and inserting:

"*secretary of state*".

Amend sec. 2, page 1, line 6, by deleting "*state treasurer*" and inserting:

"*secretary of state*".

Amend the bill as a whole by deleting sections 18 and 19, renumbering sections 20 through 26 as sections 19 through 25 and adding a new section designated sec. 18, following sec. 17, to read as follows:

"Sec. 18. NRS 225.080 is hereby amended to read as follows:

225.080 The secretary of state shall:

1. Attest all the official acts and proceedings of the governor, and affix the seal of the state, with proper attestations, to all commissions, pardons and other public instruments to which the signature of the governor is required. A copy of these instruments must be filed in the office of the secretary of state.

2. Lay all papers, minutes and vouchers relative to the official acts and proceedings of the governor before either house of the legislature when required by that house.

3. Keep the official bond of the treasurer, while the bond is in force.

4. Permit all the records and transactions of his office to be open at all times to the inspection and examination of any committee of either house of the legislature.

5. Furnish information, in writing, upon any subject relating to the duties of his office to the governor, whenever required.

6. Deliver, in good order and condition, to his successor, all records, books, papers and other things belonging to his office.

7. *Serve as the administrator of unclaimed property.*".

Amend sec. 22, page 13, line 24, by deleting "*state treasurer*" and inserting:

"*secretary of state*".

Amend sec. 22, page 13, line 29, by deleting "*state treasurer*" and inserting:

"*secretary of state*".

Amend sec. 23, page 14, line 8, by deleting "*state treasurer*" and inserting:

"*secretary of state*".

Amend sec. 23, page 14, line 13, by deleting "*state treasurer*" and inserting:

"*secretary of state*".

Amend sec. 26, page 14, line 23, by deleting ""state treasurer" and inserting:

""secretary of state".

Amend sec. 26, page 14, line 27, by deleting ""state treasurer" and inserting:

""secretary of state".

Amend the title of the bill by deleting the third and fourth lines and inserting:

"secretary of state; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "state treasurer." and inserting:

"secretary of state.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 859.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 501.341 is hereby amended to read as follows:

501.341 The headquarters of the division must be maintained at ~~[Reno. Other]~~ *such a location in the state, and other* offices may be established throughout the state in *such* number and location , as will, in the opinion of the administrator and commission, provide an efficient divisional operation.".

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. The division shall contract with a private entity to conduct a drawing and to award and issue the tags for a special season.*".

Amend section 1, page 1, line 6, after "*selection.*" by inserting:

"*The contract must provide for the acquisition by the division of the ownership of the computer program at the end of the term of the contract.*".

Amend section 1, page 1, line 15, by deleting:

"*Within 10 days*" and inserting:

"*As soon as practicable*".

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sec. 6 as sec. 4.

Amend the bill as a whole by deleting sec. 7.

Amend the title of the bill to read as follows:

"AN ACT relating to the division of wildlife of the state department of conservation and natural resources; allowing a change in the location of the headquarters of the division; requiring the division to contract with a private entity to conduct a drawing to award and issue tags for a special season; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes regarding operation of division of wildlife of state department of conservation and natural resources. (BDR 45-718)".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblymen de Braga, Giunchigliani and Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 215.

Bill read second time.

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

Amendment No. 922.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 8 as sections 2 through 7.

Amend sec. 5, page 4, line 7, by deleting "~~[30]~~ *45*" and inserting "30".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 944.

Amend sec. 2, page 5, by deleting lines 31 and 32 and inserting:

"*(c) A business that creates or produces motion pictures. As used in this paragraph,*".

Amend sec. 7, page 9, by deleting lines 5 through 12 and inserting:

"2. "Production" means ~~[:~~

~~(a) A stage production; or~~

~~(b) A motion picture, as that term is defined in NRS 231.020, that uses artists.]~~ *a stage production, concert, trade show, exhibition, convention or sporting event.* The term includes the technical personnel used to create and produce the production.".

Amend sec. 7, page 9, by deleting lines 15 through 21 and inserting:

"or attempts to organize a production. ~~[The term also includes a company that, in connection with the production of a motion picture within this state:~~

~~(a) Is hired or established to organize or manage the payroll of the production and is the employer of record of any or all of the persons engaged in the production; or~~

~~(b) Is responsible for all of the debts and obligations incurred by a motion picture company in the production.]~~".

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 and 11 as sections 9 and 10.

Amend sec. 10, page 11, by deleting lines 6 through 11 and inserting:

"608.300 to 608.330, inclusive ~~[:~~

~~1. Is]~~ , *is* guilty of a misdemeanor . ~~[; and~~

~~2. May be prohibited by the division of motion pictures of the commission on economic development from proceeding with the production until the division determines that he is in compliance with those provisions.]~~".

Amend sec. 11, page 11, line 12, by deleting "is" and inserting:

"and 608.325 are".

Amend the text of repealed sections by adding the text of NRS 608.325.

Amend the title of the bill to read as follows:

"AN ACT relating to business; revising the requirements for certain businesses to qualify for a partial abatement of certain taxes imposed on the personal property of the business or to comply with certain duties imposed for the privilege of conducting business in this state; increasing the membership of the commission on tourism; revising the provisions concerning legislative appropriations to the commission on economic development for awarding grants to develop certain programs for occupational education; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 289.

Bill read second time and ordered to third reading.

Senate Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 935.

Amend sec. 6, page 2, line 8, by deleting the period and inserting:

"*and may designate another person to serve on his behalf.*".

Amend sec. 6, page 2, by deleting lines 19 through 24 and inserting:

"*3. The members of the commission shall elect a chairman and vice chairman by a majority vote. After the initial election, the chairman and vice chairman serve in the office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the commission shall elect a chairman or vice*".

Amend sec. 8, page 3, by deleting lines 6 through 19 and inserting:

"*knowledge of the residents of this state concerning the livestock industry on grazing lands;*

2. Establish programs to provide information to the residents of this state concerning the livestock industry on grazing lands;

3. Conduct advertising campaigns to promote the livestock industry on grazing lands;

4. Support the responsible control, management or use of grazing lands;

5. Compile information concerning the livestock industry on grazing lands and disseminate that information to each state grazing board;

6. Make determinations concerning the availability of forage on grazing lands; and

7. Take any action it determines is necessary to stabilize the livestock industry on grazing lands.".

Amend sec. 9, page 3, line 21, by deleting "*agency or*" and inserting "*agency,*".

Amend sec. 9, page 3, line 22, after "*organization*" by inserting:

"*or any representatives of an industry*".

Amend sec. 9, page 3, line 29, by deleting "*industry;*" and inserting:

"*industry on grazing lands;*".

Amend sec. 11, pages 3 and 4, by deleting lines 37 through 43 on page 3 and lines 1 through 17 on page 4 and inserting:

"Sec. 11. *1. The commission shall, not later than January 15 of each year, charge and collect from each person who grazed cattle or sheep on grazing lands during the preceding calendar year a fee of 10 cents for each animal unit month that he was authorized by the United States Forest Service or the Bureau of Land Management to use during the immediately preceding year.*

2. A person who pays the fee required by this section may, not earlier".

Amend sec. 11, page 4, line 26, by deleting "*4.*" and inserting "*3.*".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. *1. On or before June 1 of each year, the commission shall submit to the director of the department of administration a financial statement setting forth:*

(a) The assets and obligations of the commission; and

(b) The amount of the fees, if any:

(1) Collected by the commission pursuant to the provisions of section 11 of this act for the immediately preceding calendar year; and

(2) Refunded by the commission pursuant to that section for that year.

2. On or before July 1 of each year, the governor shall proclaim the percentage of the fees collected pursuant to subsection 1 of section 11 of this act for the immediately preceding calendar year that were refunded by the commission pursuant to the provisions of subsection 2 of section 11 of this act. The director of the department of administration shall transmit a copy of the proclamation to the director of the legislative counsel bureau.".

Amend sec. 16, page 5, line 26, by deleting "become" and inserting:

":

1. Become".

Amend sec. 16, page 5, after line 29, by inserting:

"2. Expire by limitation on December 31 of the first year during which the governor proclaims that the amount of the fees refunded by the rangeland resources commission pursuant to the provisions of section 11 of this act for the immediately preceding calendar year is more than 50 percent of the fees collected by the commission pursuant to that section for that calendar year. The commission may continue to operate after December 31 of the year the proclamation is issued to dispose of any property owned by the commission and to take any other action necessary to dissolve the commission, but in no case may the commission charge or collect any fees pursuant to the provisions of sections 2 to 14, inclusive, of this act after the provisions of this act expire by limitation, other than to collect any fees owed for a previous year. If the provisions of this act expire by limitation pursuant to this subsection, the commission shall, as soon as practicable after taking all actions necessary to dissolve the commission, refund any money remaining in the account created by section 12 of this act to each person who paid the fee required by section 11 of this act for the calendar year immediately preceding the year in which the provisions expire by limitation and who did not receive a refund of that fee pursuant to that section. Each of those persons must be paid a pro rata share of the remaining amount based on the ratio of the number of animal unit months for which he paid the fee to the total fees paid for animal unit months and not refunded.".

Amend the title of the bill by deleting the third line and inserting:

"unit months that are authorized for use on grazing".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 391.

Bill read second time.

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

Amendment No. 920.

Amend section 1, page 1, line 2, by deleting "14," and inserting "12,".

Amend sec. 3, page 1, line 8, by deleting "*11*" and inserting "*10*".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 13 as sections 5 through 12.

Amend sec. 7, page 2, line 19, after "*raise*" by inserting "*or keep*".

Amend sec. 9, page 2, line 36, by deleting:

"*two and one-half*" and inserting "*three*".

Amend sec. 9, page 2, line 38, after "*raising*" by inserting "*or keeping*".

Amend sec. 10, page 3, line 4, by deleting:

"*11 to 14, inclusive,*" and inserting:

"*10, 11 and 12*".

Amend sec. 12, page 4, by deleting lines 3 and 4 and inserting:

"*(1) Any minimum requirements for the development of infrastructure that have been determined by the coalition;*".

Amend sec. 13, page 4, line 23, after "Sec. 13." by inserting "*1.*".

Amend sec. 13, page 4, between lines 25 and 26, by inserting:

"*2. As used in this section, "master development agreement" means a written agreement:*

(a) Between a governing body and a person who has a legal or equitable interest in land that is entered into upon the application of the person who wishes to develop that land;

(b) To enable the governing body to distribute equitably the costs to develop infrastructure for an area of land that is largely undeveloped; and

(c) That is based on an analysis of the need for infrastructure that is prepared pursuant to section 11 of this act.".

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 18 as sections 13 through 16.

Amend sec. 15, page 4, line 35, by deleting "*14,*" and inserting "*12,*".

Amend sec. 15, page 4, line 37, by deleting "*8,*" and inserting "*7,*".

Amend sec. 18, page 8, line 1, by deleting "9" and inserting "8".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Senate Bill No. 391 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Chief Clerk's desk.

Senate Bill No. 394.

Bill read second time.

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

Amendment No. 870.

Amend section 1, page 1, line 2, by deleting:

"2 to 6, inclusive," and inserting:

"2, 3 and 4".

Amend sec. 2, page 1, by deleting lines 3 and 4 and inserting:

"Sec. 2. *"Regional planning coalition" means the regional planning coalition described in section 3 of this act.*".

Amend the bill as a whole by deleting sections 4 and 5 and renumbering sections 6 through 14 as sections 4 through 12.

Amend sec. 6, page 2, by deleting line 20 and inserting:

"Sec. 4. *1. In a county whose population is 400,000 or more, the regional planning coalition shall cooperate*".

Amend sec. 6, page 2, lines 28 and 29, by deleting:

"*a regional land use coordinating entity*" and inserting:

"*the regional planning coalition*".

Amend sec. 6, page 2, lines 41 and 42, by deleting:

"*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 6, page 3, lines 3 and 4, by deleting:

"*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 7, page 3, lines 23 and 24, by deleting:

"*2 to 6, inclusive,*" and inserting:

"*2, 3 and 4*".

Amend sec. 8, page 3, by deleting lines 29 and 30 and inserting:

"*1. In a county whose population is 400,000 or more, the commission shall cooperate with the local air pollution control board and the regional planning coalition in the county in*".

Amend sec. 8, page 3, line 40, by deleting:

"*land use coordinating entity;*" and inserting "*planning coalition;*".

Amend sec. 8, page 4, lines 2 and 3, by deleting:

"*land use coordinating entity;*" and inserting "*planning coalition;*".

Amend sec. 8, page 4, line 9, by deleting:

"*land use coordinating entity'*" and inserting "*planning coalition'*".

Amend sec. 9, page 4, line 12, by deleting:

"10 and 11" and inserting:

"8 and 9".

Amend sec. 10, page 4, line 13, by deleting "*a*" and inserting "*the*".

Amend sec. 10, page 4, by deleting lines 14 and 15 and inserting:

"*local air pollution control board in a county whose population is 400,000 or more shall cooperate with the regional planning coalition and the regional transportation commission in*".

Amend sec. 10, page 4, line 24, by deleting:

"*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 10, page 4, line 29, by deleting:

"*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 10, page 4, line 36, by deleting:

"*land use coordinating entity'*" and inserting "*planning coalition'*".

Amend sec. 12, page 6, line 10, by deleting:

"*10 and 11*" and inserting:

"*8 and 9*".

Amend sec. 12, page 6, line 17, by deleting:

"*10 and 11*" and inserting:

"*8 and 9*".

Amend sec. 13, page 6, line 37, by deleting "100,000" and inserting "400,000".

Amend sec. 13, page 6, by deleting lines 38 through 42 and inserting:

"city within such a county, each planning commission, as required pursuant to subsection 3 of NRS 445B.595, and the local air pollution control board, regional planning coalition and regional transportation commission within the county shall, on or before October 1, 2000, submit a concise statement of the effects on air quality by complex sources to the".

Amend sec. 13, page 7, line 6, by deleting:

"land use coordinating entity"" and inserting "planning coalition"".

Amend sec. 14, page 7, by deleting lines 11 through 15 and inserting:

"Sec. 12. 1. This section and section 11 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 5, 7, 9 and 10 of this act become effective on October 1, 1999.

3. Sections 4, 6 and 8 of this act become effective on July 1, 2001.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 435.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 987.

Amend sec. 4, page 3, by deleting lines 3 through 8.

Amend sec. 4, page 3, line 9, by deleting "*5.*" and inserting "*4.*".

Amend sec. 4, page 3, line 12, by deleting "*6.*" and inserting "*5.*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 986.

Amend sec. 3, page 3, by deleting lines 21 through 30 and inserting:

"*(d) Instruction relating to child abuse.*

(e) The economics of the American system of free enterprise.

(f) American Sign Language.

(g) Environmental education.

(h) Adult roles and responsibilities.

A course of study established for paragraph (a) may include one or more of the subjects listed in paragraphs (b) to (h), inclusive.".

Amend sec. 6, page 4, by deleting line 3 and inserting:

"Sec. 6. NRS 389.050, 389.060, 389.075, 389.080,".

Amend sec. 6, page 4, line 4, by deleting "389.085,".

Amend the bill as a whole by deleting the text of repealed sections and inserting the leadlines of repealed sections, following sec. 7, to read as follows:

"

LEADLINES OF REPEALED SECTIONS

389.050 Instruction in high school in citizenship and physical training; employment of teachers of physical training.

389.060 Instruction in physiology, hygiene and cardiopulmonary resuscitation.

389.075 Instruction relating to child abuse.

389.080 Instruction in economics of American system of free enterprise.

389.083 American Sign Language: Approval of course work; credit as foreign language.

389.110 Environmental education: Instruction in environmental preservation and protection, principles of ecology and conservation of resources.

389.120 Environmental education: Counseling programs.

389.130 Environmental education: Programs for outdoor education and camping.

389.140 Environmental education: Duties of superintendent of public instruction.

389.170 Course of study: Technology.

389.190 Course of study: Adult roles and responsibilities.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

The following amendment was proposed by Assemblywoman Angle:

Amendment No. 1026.

Amend sec. 3, page 2, line 38, by deleting "*reading,*" and inserting:

"*reading that is supported by scientifically-based reading research,*".

Amend sec. 3, page 2, after line 42, by inserting:

"*As used in this subsection, "scientifically-based reading research" has the meaning ascribed to it in the Reading Excellence Act, Title VIII of Public Law 105-277.*".

Assemblywoman Angle moved the adoption of the amendment.

Remarks by Assemblymen Angle and Williams.

Assemblymen Angle, Hettrick and Cegavske requested a Roll Call vote on Amendment No. 1026 to Senate Bill No. 445.

Roll call on Amendment No. 1026 to Senate Bill No. 445:

YEAS—15.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, Manendo, McClain, Mortenson, Neighbors, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Williams—25.

EXCUSED—Berman, Evans—2.

Amendment lost.

Bill ordered reprinted, engrossed and to General File.

Senate Bill No. 457.

Bill read second time.

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

Amendment No. 872.

Amend sec. 3, page 1, by deleting lines 8 through 10 and inserting:

"Sec. 3. *"Park project" means facilities intended for the recreation of persons who live or work within a service area, including, without limitation, any permanent appurtenances necessary for such facilities. The term does not include a:*

1. Project that is more than 50 acres in size;

2. Golf course; or

3. Recreational trail or bike path, unless the trail or path is located on a parcel of land which has been improved as a park.".

Amend sec. 4, page 1, line 11, after "*fee*" by inserting:

"*for a park project*".

Amend the title of the bill, third line, after "impact fee" by inserting:

"for a park project".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 475.

Bill read second time.

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

Amendment No. 992.

Amend sec. 37, page 28, line 20, by deleting "12" and inserting "13".

Amend sec. 37, page 29, between lines 2 and 3, by inserting:

"(m) One member appointed by the Nevada Contractors Association.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from the printer Assembly Bill No. 475 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed and to Chief Clerk's desk.

Senate Bill No. 537.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 883.

Amend sec. 2, page 9, by deleting lines 25 through 27 and inserting:

"*a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.*".

Amend sec. 6, page 13, by deleting line 14 and inserting:

"231.020 As used in NRS ~~[231.030 to 231.130,]~~ *231.020 to 231.139,* inclusive, *and*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 544.

Bill read second time.

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

Amendment No. 873.

Amend the bill as a whole by adding new sections designated sections 2.3 and 2.6, following sec. 2, to read as follows:

"Sec. 2.3. NRS 286.160 is hereby amended to read as follows:

286.160 1. The board shall employ an executive officer who serves at the pleasure of the board. The executive officer shall select an operations officer, investment officer, manager of information systems, administrative assistant and administrative analyst whose appointments are effective upon confirmation by the board. The operations officer, investment officer, manager of information systems, administrative assistant and administrative analyst serve at the pleasure of the executive officer.

2. The executive officer, operations officer, investment officer, manager of information systems, administrative assistant and administrative analyst are entitled to annual salaries fixed by the board with the approval of the interim retirement *and benefits* committee of the legislature ~~[.]~~ *created pursuant to section 36.5 of this act.* The salaries of these employees are exempt from the limitations of NRS 281.123.

3. The executive officer must:

(a) Be a graduate of a 4-year college or university with a degree in business administration or public administration or equivalent degree.

(b) Possess at least 5 years' experience in a high level administrative or executive capacity, including responsibility for a variety of administrative functions such as retirement, insurance, investment or fiscal operations.

4. The operations officer and the investment officer must each be a graduate of a 4-year college or university with a degree in business administration or public administration or an equivalent degree.

5. Except as otherwise provided in NRS 284.143, the executive officer shall not pursue any other business or occupation or perform the duties of any other office of profit during normal office hours unless on leave approved in advance. The executive officer shall not participate in any business enterprise or investment in real or personal property if the system owns or has a direct financial interest in that enterprise or property.

Sec. 2.6. NRS 286.211 is hereby amended to read as follows:

286.211 1. The board shall, with the advice of the interim retirement *and benefits* committee ~~[,]~~ *of the legislature created pursuant to section 36.5 of this act:*

(a) Adopt regulations for the evaluation of requests for enrollment under the police and firemen's retirement fund; and

(b) Determine those positions eligible under the early retirement provisions for police officers and firemen.

2. Service in any position which has not been determined by the board to be eligible does not entitle a member to early retirement as a fireman or police officer.".

Amend sec. 10, page 5, by deleting lines 26 and 27 and inserting:

"*board with the approval of the interim retirement and benefits committee of the legislature created pursuant to section 36.5 of this act. The salary of the executive officer is*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. *1. A participating state employee whose position is only authorized for 4 to 6 months every other year and who plans to return to the same or a similar position for the next period during which such a position is authorized may retain his membership in and his dependents' coverage by the program after his employment ceases for:*

(a) Three full calendar months in addition to the period of extended coverage required by federal law following the termination of employment; or

(b) Twenty-one full calendar months, if no period of extended coverage is required by federal law.

2. An employee who elects to continue his participation in the program pursuant to subsection 1 shall pay the entire premium or contribution for his insurance until the date on which he is reemployed.

3. Failure to return to the same or a similar position for any reason, whether the decision was made by the former employee or the state, does not affect the application of this section.".

Amend sec. 12, pages 5 and 6, by deleting sec. 12 and inserting:

"Sec. 12. (Deleted by amendment.)".

Amend sec. 12.5, page 6, line 38, by deleting "*10*" and inserting "*5*".

Amend sec. 12.5, page 6, line 39, after "*program.*" by inserting:

"*In determining whether to approve a proposed contract, the board shall follow the criteria set forth in the regulations adopted by the board pursuant to subsection 4 and may consider the cumulative impact of groups that have left or are proposing to leave the program. Except as otherwise provided in this section, the board has discretion in determining whether to approve a contract. If the board approves a proposed contract pursuant to this subsection, the group that submitted the proposed contract is not authorized to leave the program until 120 days after the date on which the board approves the proposed contract.*".

Amend sec. 12.5, page 7, between lines 4 and 5, by inserting:

"*4. The board shall adopt regulations establishing the criteria pursuant to which the board will approve proposed contracts pursuant to subsection 2.*".

Amend sec. 15, page 9, by deleting lines 20 through 25 and inserting:

"2. To secure group health , ~~[or]~~ life *or workers' compensation* insurance for its officers and employees and their dependents, participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this state to secure such insurance for its members from an insurer licensed pursuant to the provisions of Title 57 of NRS.

3. In addition to the provisions of subsection 2, participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this state to:

(a) Facilitate contractual arrangements for the provision of medical services to its members' officers and employees and their dependents and for related administrative services.

(b) Procure health-related information and disseminate that information to its members' officers and employees and their dependents.".

Amend sec. 18, pages 10 and 11, by deleting lines 11 through 42 on page 10 and lines 1 through 7 on page 11 and inserting:

"*(a) One member who is an employee of the University and Community College System of Nevada, appointed by the governor upon consideration of any recommendations of organizations that represent employees of the University and Community College System of Nevada.*

(b) One member who is retired from public employment, appointed by the governor upon consideration of any recommendations of organizations that represent retired public employees.

(c) Two members who are employees of the state, appointed by the governor upon consideration of any recommendations of organizations that represent state employees.

(d) One member appointed by the governor upon consideration of any recommendations of organizations that represent employees of local governments that participate in the program.

(e) One member who is employed by this state in a managerial capacity and has substantial and demonstrated experience in risk management, portfolio investment strategies or employee benefits programs appointed by the governor. The governor may appoint the executive officer of the public employees' retirement system to fill this position.

(f) Two members who have substantial and demonstrated experience in risk management, portfolio investment strategies or employee benefits programs appointed by the governor.

(g) The director of the department of administration or his designee.

2. Of the six persons appointed to the board pursuant to paragraphs (a) to (e), inclusive, of subsection 1, at least one member must have an advanced degree in business administration, economics, accounting, insurance, risk management or health care administration, and at least two members must have education or proven experience in the management of employees' benefits, insurance, risk management, health care administration or business administration.

3. Each person appointed as a member of the board must:

(a) Except for a member appointed pursuant to paragraph (f) of subsection 1, have been a participant in the program for at least 1 year before his appointment;

(b) Except for a member appointed pursuant to paragraph (f) of subsection 1, be a current employee of the State of Nevada or another public employer that participates in the program or a retired public employee who is a participant in the program; and".

Amend sec. 18, page 11, line 13, by deleting "*section.*" and inserting: "*section or is removed by the governor.*".

Amend sec. 18, page 11, by deleting line 19 and inserting: "*governor. If the governor wishes to remove a member from the board for any reason other than malfeasance or misdemeanor, the governor shall provide the member with written notice which states the reason for and the effective date of the removal.*".

Amend sec. 20, page 13, line 9, by deleting "*all applicable*".

Amend sec. 20, page 13, by deleting lines 12 and 13 and inserting: "~~commission. For the purposes of~~] *interim retirement and benefits committee of the legislature created pursuant to section 36.5 of this act.*".

Amend sec. 24, page 15, by deleting line 17 and inserting: "*interim retirement and benefits committee of the legislature created pursuant to section 36.5 of this act. The salaries*".

Amend the bill as a whole by adding a new section designated sec. 36.5, following sec. 36, to read as follows:

"Sec. 36.5. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created an interim retirement and benefits committee of the legislature to review the operation of the public employees' retirement system and the public employees' benefits program and to make recommendations to the public employees' retirement board and the board of the public employees' benefits program, the legislative commission and the legislature. The interim retirement and benefits committee consists of six members appointed as follows:

(a) Three members of the senate, one of whom is the chairman of the committee on finance during the preceding session and two of whom are appointed by the majority leader of the senate.

(b) Three members of the assembly, one of whom is the chairman of the committee on ways and means and two of whom are appointed by the speaker of the assembly.

2. The immediate past chairman of the senate standing committee on finance is the chairman of the interim retirement and benefits committee for the period ending with the convening of each odd-numbered session of the legislature. The immediate past chairman of the assembly standing committee on ways and means is the chairman of the interim retirement and benefits committee during the next legislative interim, and the chairmanship alternates between the houses of the legislature according to this pattern.

3. The interim retirement and benefits committee may exercise the powers conferred on it by law only when the legislature is not in regular or special session and shall meet at the call of the chairman.

4. The director of the legislative counsel bureau shall provide a secretary for the interim retirement and benefits committee.

5. The members of the interim retirement and benefits committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided by NRS 218.2207 for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem allowances, compensation and travel expenses of the members of the committee must be paid from the legislative fund.".

Amend the bill as a whole by adding a new section designated sec. 42.5, following sec. 42, to read as follows:

"Sec. 42.5. Section 18 of this act is hereby amended to read as follows:

Sec. 18. NRS 287.041 is hereby amended to read as follows:

287.041 1. There is hereby created the board of the public employees' benefits program. The board consists of ~~[nine]~~ *seven* members appointed as follows:

(a) One member who is an employee of the University and Community College System of Nevada, appointed by the governor upon consideration of any recommendations of organizations that represent employees of the University and Community College System of Nevada.

(b) One member who is retired from public employment, appointed by the governor upon consideration of any recommendations of organizations that represent retired public employees.

(c) Two members who are employees of the state, appointed by the governor upon consideration of any recommendations of organizations that represent state employees.

(d) One member appointed by the governor upon consideration of any recommendations of organizations that represent employees of local governments that participate in the program.

(e) One member who is employed by this state in a managerial capacity and has substantial and demonstrated experience in risk management, portfolio investment strategies or employee benefits programs appointed by the governor. The governor may appoint the executive officer of the public employees' retirement system to fill this position.

(f) ~~[Two members who have substantial and demonstrated experience in risk management, portfolio investment strategies or employee benefits programs appointed by the governor.~~

~~(g)~~] The director of the department of administration or his designee.

2. Of the six persons appointed to the board pursuant to paragraphs (a) to (e), inclusive, of subsection 1, at least one member must have an advanced degree in business administration, economics, accounting, insurance, risk management or health care administration, and at least two members must have education or proven experience in the management of employees' benefits, insurance, risk management, health care administration or business administration.

3. Each person appointed as a member of the board must:

(a) ~~[Except for a member appointed pursuant to paragraph (f) of subsection 1, have]~~ *Have* been a participant in the program for at least 1 year before his appointment;

(b) ~~[Except for a member appointed pursuant to paragraph (f) of subsection 1, be]~~ *Be* a current employee of the State of Nevada or another public employer that participates in the program or a retired public employee who is a participant in the program; and

(c) Not be an elected officer of the State of Nevada or any of its political subdivisions.

4. Except as otherwise provided in this subsection, after the initial terms, the term of an appointed member of the board is 4 years and until his successor is appointed and takes office unless the member no longer possesses the qualifications for appointment set forth in this section or is removed by the governor. If a member loses the requisite qualifications within the last 12 months of his term, the member may serve the remainder

of his term. Members are eligible for reappointment. A vacancy occurring in the membership of the board must be filled in the same manner as the original appointment.

5. The appointed members of the board serve at the pleasure of the governor. If the governor wishes to remove a member from the board for any reason other than malfeasance or misdemeanor, the governor shall provide the member with written notice which states the reason for and the effective date of the removal.".

Amend the bill as a whole by deleting sections 43 through 46 and inserting:

"Secs. 43-46. (Deleted by amendment.)".

Amend sec. 47, page 29, lines 12 and 13, by deleting:

"*July 1, 1999.*" and inserting:

"*the members of the board of the public employees' benefits program are appointed pursuant to section 48 of Senate Bill No. 544 of this session.*".

Amend sec. 47, page 29, lines 15 and 16, by deleting:

"*July 1, 1999.*" and inserting:

"*the members of the board of the public employees' benefits program are appointed pursuant to section 48 of Senate Bill No. 544 of this session.*".

Amend the bill as a whole by adding a new section designated sec. 47.5, following sec. 47, to read as follows:

"Sec. 47.5. NRS 286.113 and 287.0432 are hereby repealed.".

Amend sec. 49, page 30, by deleting lines 1 through 6 and inserting:

"Sec. 49. 1. This section and sections 41, 47 and 48 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, 13 to 40, inclusive, 42 and 50 of this act become effective on July 1, 1999.

3. Section 12.5 of this act becomes effective on July 1, 1999, for the purpose of adopting regulations, and on January 1, 2001, for all other purposes.

4. Section 18 of this act expires by limitation on July 1, 2003.

5. Section 42.5 of this act becomes effective on July 1, 2003.".

Amend the text of repealed sections by adding the text of NRS 286.113.

Amend the title of the bill by deleting the seventh and eighth lines and inserting:

"and the executive officer to complete continuing education; authorizing certain periodic state employees to receive extended coverage from the public employees' benefits program; renaming the interim retirement committee and expanding its duties to include the review of the operation of the public".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 68.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 166.

The following Senate amendment was read:

Amendment No. 422.

Amend section 1, pages 1 and 2, by deleting lines 1 through 13 on page 1 and lines 1 through 31 on page 2, and inserting:

"Section 1. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in ~~[NRS 202.265 and this section, a permittee shall not carry a concealed firearm into:~~

~~(a) Any facility of a law enforcement agency;~~

~~(b) A prison, county or city jail or detention facility;~~

~~(c) A courthouse or courtroom;~~

~~(d) Any facility of a public or private school;~~

~~(e) Any facility of a vocational or technical school, or of the University and Community College System of Nevada;~~

~~(f) Any other building owned or occupied by the Federal Government, the state or a local government; or~~

~~(g) Any other place in which the carrying of a concealed firearm is prohibited by state or federal law.~~

~~2. The provisions of this section do not prohibit a permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing other permittees to carry a concealed firearm in his courtroom.~~

~~3. The provisions of this section are not applicable to an employee of the facility identified in subsection 1 while on the premises of that facility.~~

~~4. The provisions of this section do not apply to a permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this state.~~

~~5. A violation of the provisions of subsection 1 is a misdemeanor.]~~ *subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.*

2. A permittee shall not carry a concealed firearm while he is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while he is on the premises of:

(a) A public building that is located on the property of a public school or the property of the University and Community College System of Nevada, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to paragraph (c) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this state from carrying a concealed firearm while he is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section, "public building" means any building or office space occupied by:

(a) Any component of the University and Community College System of Nevada and used for any purpose related to the system; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The amendatory provisions of this act do not apply to offenses committed before the effective date of this act.".

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 422 to Assembly Bill No. 166.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 841.

Amend the bill as a whole by renumbering section 1 as sec. 8 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. To obtain approval from a sheriff to carry a firearm, an applicant for a permit must present to the sheriff a certificate or other documentation that:*

(a) Identifies the make, model and caliber of the firearm for which approval is sought;

(b) Is issued by an instructor of a course in firearm safety which is approved by a sheriff pursuant to subparagraph (1) of paragraph (d) of subsection 2 of NRS 202.3657 or which is offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety; and

(c) Indicates that the applicant has demonstrated competence in the use of the firearm.

2. A permittee may seek approval from the sheriff to carry a firearm for which approval was not sought in his application. To obtain approval from a sheriff for an additional firearm, the permittee must present to the sheriff a certificate or other documentation that:

(a) Identifies the make, model and caliber of the firearm for which approval is sought;

(b) Is issued by an instructor of a course in firearm safety which is approved by a sheriff pursuant to subparagraph (1) of paragraph (d) of subsection 2 of NRS 202.3657 or which is offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety; and

(c) Indicates that the permittee has demonstrated competence in the use of the firearm.

3. If a sheriff approves a firearm pursuant to this section, the sheriff shall forward the information provided in subsection 1 or 2 to the central repository for Nevada records of criminal history. Any information forwarded to the central repository for Nevada records of criminal history pursuant to this subsection must be maintained in accordance with the provisions governing confidentiality set forth in NRS 202.3662.

Sec. 3. *1. A person who is not a resident of this state and who possesses a permit to carry a concealed firearm that was issued by another state whose requirements for the issuance of that permit are substantially similar to the requirements set forth in NRS 202.3653 to 202.369, inclusive, may carry a concealed firearm in this state in accordance with the requirements set forth in this section.*

2. Except as otherwise provided in subsection 3, a person who is authorized to carry a concealed firearm pursuant to subsection 1 and who wishes to carry a concealed firearm in this state must:

(a) Report to the sheriff of the county in which he is present;

(b) Obtain from the sheriff a sticker to be affixed to his permit to carry a concealed firearm and a printed copy of the provisions of NRS 202.3653 to 202.369, inclusive; and

(c) Pay to the sheriff a fee equal to the cost of providing the sticker and the printed copy of the provisions of NRS 202.3653 to 202.369, inclusive.

3. A person is not required to comply with the provisions of subsection 2 if the person:

(a) Is present in this state for a period of less than 72 hours; or

(b) Previously obtained a sticker and a printed copy of the provisions of NRS 202.3653 to 202.369, inclusive, pursuant to subsection 2 and has in his possession a valid permit to carry a concealed firearm that has the sticker affixed to the permit.

4. A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit to carry a concealed firearm by a sheriff in this state.

Sec. 4. *1. The Nevada Sheriffs and Chiefs Association shall, not later than July 1 of each year:*

(a) Examine the requirements for the issuance of a permit to carry a concealed firearm in each state and determine whether the requirements of each state are substantially similar to the requirements set forth in NRS 202.3653 to 202.369, inclusive;

(b) Prepare a list that includes each state whose requirements for the issuance of a permit to carry a concealed firearm are substantially similar to the requirements set forth in NRS 202.3653 to 202.369, inclusive; and

(c) Provide a copy of the list prepared pursuant to paragraph (b) to each law enforcement agency in this state.

2. The Nevada Sheriffs and Chiefs Association shall, upon request, make the list prepared pursuant to subsection 1 available to the general public.

3. If the Nevada Sheriffs and Chiefs Association ceases to exist, its legal successor shall perform the duties set forth in this section. If the legal successor to the Nevada Sheriffs and Chiefs Association ceases to exist or if there is no legal successor to the Nevada Sheriffs and Chiefs Association, the department shall perform the duties set forth in this section.

Sec. 5. NRS 202.3653 is hereby amended to read as follows:

202.3653 As used in NRS 202.3653 to 202.369, inclusive, ~~[and]~~ section 1 of ~~[this act,]~~ *Senate Bill No. 449 of this session, and sections 2, 3 and 4 of this act,* unless the context otherwise requires:

1. "Concealed firearm" means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. "Department" means the department of motor vehicles and public safety.

3. "Permit" means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.

Sec. 6. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit ~~[for no more than two specific firearms]~~ to any person who is qualified to possess a firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is a resident of this state;

(b) Is 21 years of age or older;

(c) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(d) Demonstrates competence with a firearm by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this state; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

Such a course must include instruction in the use of ~~[each firearm to which the application pertains]~~ *a firearm* and in the laws of this state relating to the ~~[proper]~~ use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs and Chiefs Association, or if the Nevada Sheriffs and Chiefs Association ceases to exist, its legal successor.

3. *A permit issued by a sheriff pursuant to subsection 2 allows a permittee to carry any firearm that the permittee has been approved to carry by the sheriff pursuant to section 2 of this act.*

4. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

(a) Has an outstanding warrant for his arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, he has been:

(1) Convicted of violating the provisions of NRS 484.379; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding ~~[3]~~ *5* years.

(f) Has been convicted of a felony in this state or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this state or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this state or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

~~[4.]~~ *5.* The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection ~~[3]~~ *4* which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

~~[5.]~~ *6.* If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

~~[6.]~~ *7.* An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) The applicant's driver's license number or identification card number issued by the department;

(e) The make, model and caliber of each firearm ~~[to which the application pertains;]~~ *that the applicant wishes to receive approval to carry;*

(f) *For each firearm described in paragraph (e), a certificate or other documentation that complies with the requirements of subsection 1 of section 2 of this act;*

(g) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

~~[(g)]~~ *(h)* A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 7. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, the sheriff shall conduct an investigation of the applicant to determine if he is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the ~~[Nevada highway patrol division of the department]~~ *central repository for Nevada records of criminal history* and the Federal Bureau of Investigation for a report concerning the criminal history of the applicant. The sheriff shall issue a permit to the applicant unless he is not qualified to possess a handgun under state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting his investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit ~~[containing a colored photograph of the applicant and containing such other information as may be prescribed by the department. The permit must be in substantially the following form:~~

~~NEVADA CONCEALED FIREARM PERMIT~~

~~County Permit Number~~
~~Expires Date of Birth~~
~~Height Weight~~

~~Name Address~~
~~City Zip~~
~~Photograph~~
~~Signature~~
~~Issued by~~
~~Date of Issue~~
~~Make, model and caliber of firearm authorized~~] *that:*

(a) Includes a color photograph of the applicant;

(b) Contains any information that is required by the department or by an ordinance of the county in which the permit is issued;

(c) Prominently displays in bold type the phrase "STATE OF NEVADA CONCEALED FIREARM PERMIT"; and

(d) Does not include the social security number of the applicant.

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of NRS 202.3653 to 202.369, inclusive, his date of birth shall be deemed to be on February 28.".

Amend the bill as a whole by deleting sections 2 and 3 and adding new sections designated sections 9 through 13, following section 1, to read as follows:

"Sec. 9. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a police officer who has at least 10 years of service retires pursuant to this chapter, he must be allowed to purchase from his former employer a badge indicating that he is honorably retired. The former employer shall charge a police officer who purchases a badge pursuant to this section a fee equal to the cost of providing the badge.

2. The provisions of this section do not apply to a police officer who was discharged for cause or who resigned before the final disposition of allegations of serious misconduct.

Sec. 10. The Nevada Sheriffs and Chiefs Association shall prepare the initial list required by section 4 of this act and provide a copy of that list to each law enforcement agency in this state not later than October 1, 1999.

Sec. 11. A person who has a permit to carry a concealed firearm in this state that was issued before October 1, 1999, and who wishes to carry any firearm that is not listed on his current permit must:

1. Obtain approval for each such firearm from the sheriff of the county in which he resides in the manner provided in section 2 of this act;

2. Obtain from the sheriff a new permit that complies with the provisions of NRS 202.366, as amended by this act; and

3. Pay to the sheriff the fee prescribed for obtaining a duplicate permit pursuant to NRS 202.367, unless he is renewing his permit pursuant to NRS

202.3677, in which case he must pay the fee prescribed for renewal of a permit pursuant to NRS 202.3677.

Sec. 12. The amendatory provisions of section 8 of this act do not apply to offenses committed before the effective date of that section.

Sec. 13. 1. This section and sections 8 and 12 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, 6, 7, 9, 10 and 11 of this act become effective on October 1, 1999.

3. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to weapons; authorizing a person who is not a resident of this state to carry a concealed firearm in this state under certain circumstances; revising the provisions governing the type of concealed firearm that the holder of a permit to carry a concealed firearm may carry; making various changes to the provisions governing a permit to carry a concealed firearm; expanding the locations into which a permittee may carry a concealed firearm; providing that certain police officers who are retiring must be allowed to purchase badges indicating that they are exempt from certain laws pertaining to concealed firearms and other weapons; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing weapons. (BDR 15-351)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 841 to Assembly Bill No. 166.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 856.

Amend sec. 8, page 8, by deleting line 14 and inserting:

"*is on the premises of a public building only if that building has a sign posted at each public entrance indicating that firearms are allowed in the building.*".

Amend sec. 8, page 8, by deleting line 26 and inserting:

"*or that does not have a sign posted at each public entrance indicating that firearms are*".

Amend sec. 8, page 9, line 4, by deleting:

"*subsection 2 or 3*" and inserting:

"*any provision of this section*".

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 856 to Assembly Bill No. 166.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

The following Senate amendment was read:

Amendment No. 750.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 27, following the enacting clause, to read as follows:

"Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 200.5091 to 200.50995, inclusive, a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 2. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, *and section 1 of this act,* unless the context otherwise requires:

1. "Abuse" means willful and unjustified:

(a) Infliction of pain, injury or mental anguish on an older person; or

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person.

2. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or any use of the power of attorney or guardianship of an older person to obtain control, through deception, intimidation or undue influence, over the older person's money, assets or property with the intention of permanently depriving the older person of the ownership, use, benefit or possession of his money, assets or property. As used in this subsection, "undue influence" does not include the normal influence that one member of a family has over another.

3. "Isolation" means willfully, maliciously and intentionally preventing an older person from having contact with another person by:

(a) Intentionally preventing the older person from receiving his visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or a person who telephones the older person that the older person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person and intended to prevent the older person from having contact with the visitor; or

(b) Physically restraining the older person to prevent the older person from meeting with a person who comes to visit the older person.

The term does not include an act intended to protect the property or physical or mental welfare of the older person or an act performed pursuant to the instructions of a physician of the older person.

4. "Neglect" means the failure of:

(a) A person who has assumed legal responsibility or a contractual obligation for caring for an older person or who has voluntarily assumed responsibility for his care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person; or

(b) An older person to provide for his own needs because of inability to do so.

5. "Older person" means a person who is 60 years of age or older.

6. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation and isolation of older persons. The services may include investigation, evaluation, counseling, arrangement and referral for other services and assistance.

Sec. 3. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. ~~[A person required to make a report pursuant to this section shall make the report immediately, but in no event later than 24 hours after there is reason to believe that an older person has been abused, neglected, exploited or isolated. The report must be made to:~~

~~(a)~~] *Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:*

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the aging services division of the department of human resources;

~~[(b)]~~ *(2)* A police department or sheriff's office;

~~[(c)]~~ *(3)* The county's office for protective services, if one exists in the county where the suspected action occurred; or

~~[(d)]~~ *(4)* A toll-free telephone service designated by the aging services division of the department of human resources ~~[.~~

~~If the report of]~~ *; and*

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of ~~[an]~~ *the* older person involves an act or omission of the aging services division or a law enforcement agency, the *person shall make the* report ~~[must be made]~~ to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing ~~[the]~~ *a* report to writing, shall forward a copy of the report to the aging services division of the department of human resources.

~~[2. Reports]~~

4. A report must be made *pursuant to subsection 1* by the following persons *:* ~~[who, in their professional or occupational capacities, know or have reason to believe that an older person is being or has been abused, neglected, exploited or isolated:]~~

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this state, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from the offender during a confession.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation.

(g) Any employee of the department of human resources.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

~~[3.]~~ *5.* A report may be ~~[filed]~~ *made* by any other person.

~~[4. A]~~

6. If a person *who is* required to make a report pursuant to ~~[this section who]~~ *subsection 1 knows or* has reasonable cause to believe that an older

person has died as a result of abuse, neglect or isolation , *the person* shall , *as soon as reasonably practicable,* report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the aging services division of the department of human resources his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

~~[5.]~~ *7.* A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the aging services division of the department of human resources, must be forwarded to the aging services division within 90 days after the completion of the report.

~~[6.]~~ *8.* If the investigation of ~~[the]~~ *a* report results in the belief that ~~[the]~~ *an* older person is abused, neglected, exploited or isolated, the aging services division of the department of human resources or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

~~[7.]~~ *9.* A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 4. NRS 200.5094 is hereby amended to read as follows:

200.5094 1. ~~[The report required]~~ *A person may make a report* pursuant to NRS 200.5093 ~~[may be made orally,]~~ by telephone or ~~[otherwise. The]~~ , *in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the* person who receives the report must reduce it to writing as soon as ~~[possible.]~~ *reasonably practicable.*

2. The report must contain the following information, when possible:

(a) The name and address of the older person;

(b) The name and address of the person responsible for his care, if there is one;

(c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited or isolated the older person;

(d) The nature and extent of the abuse, neglect, exploitation or isolation of the older person;

(e) Any evidence of previous injuries; and

(f) The basis of the reporter's belief that the older person has been abused, neglected, exploited or isolated.

Sec. 5. NRS 200.50984 is hereby amended to read as follows:

200.50984 1. Notwithstanding any other statute to the contrary, the local office of the aging services division of the department of human

resources and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, *and section 1 of this act* inspect all records pertaining to the older person on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the aging services division or the county's office for protective services shall obtain the consent of the older person before inspecting those records. If the aging services division or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person, the aging services division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the aging services division or the county's office for protective services has ~~[reason]~~ *reasonable cause* to believe that the guardian is abusing, neglecting, exploiting or isolating the older person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

Sec. 6. NRS 200.50986 is hereby amended to read as follows:

200.50986 The local office of the aging services division or the county's office for protective services may petition a court in accordance with NRS 159.185 or 159.1905 for the removal of the guardian of an older person, or the termination or modification of that guardianship, if, based on its investigation, the aging services division or the county's office of protective services has ~~[reason]~~ *reasonable cause* to believe that the guardian is abusing, neglecting, exploiting or isolating the older person in violation of NRS 200.5095 to 200.50995, inclusive ~~[.]~~ *, and section 1 of this act.*

Sec. 7. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 16, inclusive, of this act.

Sec. 8. *As used in sections 8 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9 and 10 of this act have the meanings ascribed to them in those sections.*

Sec. 9. *"Law enforcement agency" means:*

1. The office of the attorney general or the office of a district attorney within this state and any attorney, investigator, special investigator or employee who is acting in his professional or occupational capacity for such an office; or

2. Any other law enforcement agency within this state and any peace officer or employee who is acting in his professional or occupational capacity for such an agency.

Sec. 10. *"Violent or sexual offense" means any act that, if prosecuted in this state, would constitute any of the following offenses:*

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnaping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.

6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.

7. Battery with intent to commit a crime pursuant to NRS 200.400.

8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.

9. False imprisonment pursuant to NRS 200.460, if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

10. Assault with a deadly weapon pursuant to NRS 200.471.

11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm pursuant to NRS 200.481.

12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.

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

14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.

15. Open or gross lewdness pursuant to NRS 201.210.

16. Lewdness with a child pursuant to NRS 201.230.

17. An offense involving pandering or prostitution in violation of NRS 201.300, 201.320 or 201.340.

18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 11. *For the purposes of sections 8 to 16, inclusive, of this act, a person:*

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably

should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

3. May make a report by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the information.

Sec. 12. *1. Except as otherwise provided in sections 13 and 14 of this act, a person who knows or has reasonable cause to believe that another person has committed a violent or sexual offense against a child who is 12 years of age or younger shall:*

(a) Report the commission of the violent or sexual offense against the child to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the other person has committed the violent or sexual offense against the child.

2. A person who knowingly and willfully violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A report made pursuant to this section must include, without limitation:

(a) If known, the name of the child and the name of the person who committed the violent or sexual offense against the child;

(b) The location where the violent or sexual offense was committed; and

(c) The facts and circumstances which support the person's belief that the violent or sexual offense was committed.

Sec. 13. *1. A person may not be prosecuted or convicted pursuant to section 12 of this act unless a court in this state or any other jurisdiction has entered a judgment of conviction against a culpable actor for:*

(a) The violent or sexual offense against the child; or

(b) Any other offense arising out of the same facts as the violent or sexual offense against the child.

2. For any violation of section 12 of this act, an indictment must be found or an information or complaint must be filed within 1 year after the date on which:

(a) A court in this state or any other jurisdiction has entered a judgment of conviction against a culpable actor as provided in subsection 1; or

(b) The violation is discovered,

whichever occurs later.

3. For the purposes of this section:

(a) A court in "any other jurisdiction" includes, without limitation, a tribal court or a court of the United States or the Armed Forces of the United States.

(b) "Convicted" and "conviction" mean a judgment based upon:

(1) A plea of guilty, guilty but mentally ill or nolo contendere;

(2) A finding of guilt by a jury or a court sitting without a jury;

(3) An adjudication of delinquency or finding of guilt by a court having jurisdiction over juveniles; or

(4) Any other admission or finding of guilt in a criminal action or a proceeding in a court having jurisdiction over juveniles.

(c) A court "enters" a judgment of conviction against a person on the date on which guilt is admitted, adjudicated or found, whether or not:

(1) The court has imposed a sentence, a penalty or other sanction for the conviction; or

(2) The person has exercised any right to appeal the conviction.

(d) "Culpable actor" means a person who:

(1) Causes or perpetrates an unlawful act;

(2) Aids, abets, commands, counsels, encourages, hires, induces, procures or solicits another person to cause or perpetrate an unlawful act; or

(3) Is a principal in any degree, accessory before or after the fact, accomplice or conspirator to an unlawful act.

Sec. 14. *The provisions of section 12 of this act do not apply to a person who:*

1. Is less than 16 years of age;

2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:

(a) The child who is the victim of the violent or sexual offense; or

(b) The person who committed the violent or sexual offense against the child;

3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person or any other person who is related to him by blood or marriage or who resides in the same household as him, whether or not the other person is related to him by blood or marriage, in imminent danger of suffering substantial bodily harm;

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS; or

6. Is acting in his professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 15. *1. If a person who is required to make a report pursuant to section 12 of this act makes such a report in good faith and in accordance with that section, the person is immune from civil or criminal liability for any act or omission related to that report, but the person is not immune from civil*

or criminal liability for any other act or omission committed by the person as part of, in connection with or as a principal, accessory or conspirator to the violent or sexual offense against the child, regardless of the nature of the other act or omission.

2. If a person is not required to make a report pursuant to section 12 of this act and the person makes such a report to a law enforcement agency in good faith, the person is immune from civil or criminal liability for any act or omission related to that report, but the person is not immune from civil or criminal liability for any other act or omission committed by the person as part of, in connection with or as a principal, accessory or conspirator to the violent or sexual offense against the child, regardless of the nature of the other act or omission.

3. For the purposes of this section, if a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, whether or not the person is required to make such a report pursuant to section 12 of this act, the person is presumed to have made the report in good faith unless the person is being prosecuted for a criminal violation, including, without limitation, a violation of the provisions of NRS 207.280.

Sec. 16. *If a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, whether or not the person is required to make such a report pursuant to section 12 of this act, and the violent or sexual offense against the child would constitute abuse or neglect of a child, as defined in NRS 432B.020, the report made by the person shall be deemed to be a report of the abuse or neglect of the child that has been made pursuant to NRS 432B.220 and:*

1. The appropriate agencies shall act upon the report pursuant to chapter 432B of NRS; and

2. The report may be used in the same manner as other reports that are made pursuant to NRS 432B.220.

Sec. 17. NRS 171.090 is hereby amended to read as follows:

171.090 Except as *otherwise* provided in NRS 171.095 ~~[,]~~ *and section 13 of this act,* an indictment for:

1. A gross misdemeanor must be found, or an information or complaint filed, within 2 years after the commission of the offense.

2. Any other misdemeanor must be found, or an information or complaint filed, within 1 year after ~~[its commission.]~~ *the commission of the offense.*

Sec. 18. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085 and 171.090 after the discovery of the offense , unless a longer

period is allowed by paragraph (b) ~~[.]~~ *or the provisions of section 13 of this act.*

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child, as defined in NRS 432B.100, before the victim of the sexual abuse is:

(1) Twenty-one years old if he discovers or reasonably should have discovered that he was a victim of the sexual abuse by the date on which he reaches that age; or

(2) Twenty-eight years old if he does not discover and reasonably should not have discovered that he was a victim of the sexual abuse by the date on which he reaches 21 years of age.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 19. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of this chapter, a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 20. NRS 432B.160 is hereby amended to read as follows:

432B.160 1. Immunity from civil or criminal liability extends to every person who in good faith:

(a) Makes a report pursuant to ~~[the provisions of]~~ NRS 432B.220;

(b) Conducts an interview or allows an interview to be taken pursuant to NRS 432B.270;

(c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;

(d) Causes a medical test to be performed pursuant to NRS 432B.270;

(e) Provides a record, or a copy thereof, of a medical test performed pursuant to NRS 432B.270 to an agency that provides protective services to the child, a law enforcement agency that participated in the investigation of the report of abuse or neglect of the child or the prosecuting attorney's office;

(f) Holds a child pursuant to NRS 432B.400 or places a child in protective custody;

(g) Refers a case or recommends the filing of a petition pursuant to NRS 432B.380; or

(h) Participates in a judicial proceeding resulting from a referral or recommendation.

2. In any proceeding to impose liability against a person for:

(a) Making a report pursuant to ~~[subsection 2 of]~~ NRS 432B.220; or

(b) Any of the acts set forth in paragraphs (b) to (h), inclusive, of subsection 1,

there is a presumption that the person acted in good faith.

Sec. 21. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. ~~[A report must be made]~~ *Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:*

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides protective services or to a law enforcement agency ~~[immediately, but in no event]~~ *; and*

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after ~~[there is reason]~~ *the person knows or has reasonable cause* to believe that ~~[a]~~ *the* child has been abused or neglected.

2. If ~~[the report of]~~ *a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the* abuse or neglect of ~~[a]~~ *the* child involves ~~[the acts or omissions]~~ *an act or omission* of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the *person shall make the* report ~~[must be made]~~ to a law enforcement agency.

(b) An agency which provides protective services or a law enforcement agency, the *person shall make the* report ~~[must be made to and the investigation made by]~~ *to* an agency other than the one alleged to have committed the ~~[acts or omissions.~~

~~2. Reports]~~ *act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.*

3. A report must be made *pursuant to subsection 1* by the following persons *:* ~~[who, in their professional or occupational capacities, know or have reason to believe that a child has been abused or neglected:]~~

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, advanced emergency medical technician or other person providing medical services licensed or certified in this state;

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital;

(c) A coroner;

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession;

(e) A social worker and an administrator, teacher, librarian or counselor of a school;

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child;

(g) Any person licensed to conduct a foster home;

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer;

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect; and

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

~~[3.]~~ *4.* A report may be made by any other person.

~~[4. Any]~~

5. If a person *who is* required to *make a* report ~~[under this section who]~~ *pursuant to subsection 1 knows or* has reasonable cause to believe that a child has died as a result of abuse or neglect *, the person* shall *, as soon as reasonably practicable,* report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides protective services his written findings . ~~[, which]~~ *The written findings* must include *, if obtainable,* the information required ~~[under]~~ *pursuant to* the provisions of subsection 2 of NRS 432B.230.

Sec. 22. NRS 432B.230 is hereby amended to read as follows:

432B.230 1. ~~[The report required under the provisions of subsection 1 of]~~ *A person may make a report pursuant to* NRS 432B.220 ~~[may be made verbally,]~~ by telephone or ~~[otherwise.]~~ *, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.*

2. The report must contain the following information, if obtainable:

(a) The name, address, age and sex of the child;

(b) The name and address of the child's parents or other person responsible for his care;

(c) The nature and extent of the abuse or neglect of the child;

(d) Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;

(e) The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child; and

(f) Any other information known to the person making the report that the agency which provides protective services considers necessary.

Sec. 23. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person *who is* required to *make a* report ~~[under]~~ *pursuant to* NRS 432B.220 may not invoke any of the privileges ~~[granted under]~~ *set forth in* chapter 49 of NRS:

1. For his failure to *make a* report ~~[as required under]~~ *pursuant to* NRS 432B.220;

2. In cooperating with an agency which provides protective services or a guardian ad litem for a child; or

3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive.

Sec. 24. NRS 432B.290 is hereby amended to read as follows:

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

(a) A physician ~~[who]~~ , *if the physician* has before him a child who he ~~[reasonably believes may have]~~ *has reasonable cause to believe has* been abused or neglected;

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

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

(1) The child; or

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

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

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

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

(g) The guardian ad litem of the child;

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

(i) An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;

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

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

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

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

(n) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;

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

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

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

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

(q) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court; or

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

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

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

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

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

3. An agency which provides protective services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the

information would adversely affect any pending investigation concerning the report.

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

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

(a) A copy of:

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

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

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

6. Any person, except for:

(a) The subject of a report;

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

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135,

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

7. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 25. NRS 432B.290 is hereby amended to read as follows:

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

(a) A physician ~~[who]~~ , *if the physician* has before him a child who he ~~[reasonably believes may have]~~ *has reasonable cause to believe has* been abused or neglected;

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

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

(1) The child; or

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

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

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

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

(g) The guardian ad litem of the child;

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

(i) An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;

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

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

(l) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;

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

(n) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

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

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

(o) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court.

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

(a) A copy of:

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

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

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

3. Any person, except for:

(a) The subject of a report;

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

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135,

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

4. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 26. The amendatory provisions of this act do not apply to a person who violates NRS 200.5093 or 432B.220 or section 12 of this act before October 1, 1999.

Sec. 27. 1. This section and sections 1 to 24, inclusive, and 26 of this act become effective on October 1, 1999.

2. Section 24 of this act expires by limitation on June 30, 2001.

3. Section 25 of this act becomes effective on July 1, 2001.".

Amend the title of the bill, third line, after "penalty;" by inserting:

"revising the provisions governing reports of the abuse or neglect of a child and reports of the abuse, neglect, exploitation or isolation of persons who are 60 years of age or older;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 750 to Assembly Bill No. 267.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

The following Senate amendment was read:

Amendment No. 818.

Amend section 1, page 1, by deleting lines 10 and 11 and inserting:

"*applicant, if the information is not relevant to the commission in determining whether to grant a license to the applicant.*".

Amend section 1, page 2, line 1, by deleting "*may*" and inserting "*shall*".

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 818 to Assembly Bill No. 467.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 469.

The following Senate amendment was read:

Amendment No. 742.

Amend sec. 3, page 2, by deleting lines 33 through 38 and inserting:

"*(b) A trust company that:*

(1) Is organized under federal law or under the laws of this state or another state; and

(2) Maintains an office in this state for the transaction of business; or

(c) A bank that:

(1) Is organized under federal law or under the laws of this state or another state;

(2) Maintains an office in this state for the transaction of business; and

(3) Possesses and exercises trust powers.".

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 742 to Assembly Bill No. 469.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 617.

The following Senate amendment was read:

Amendment No 842.

Amend section 1, pages 1 and 2, by deleting lines 6 through 15 on page 1 and lines 1 and 2 on page 2, and inserting:

"*spousal support ordered by a court.*".

Amend section 1, page 2, between lines 33 and 34, by inserting:

"*8. For the purposes of this section, a defendant is not "unable to provide the child support or spousal support ordered by a court" if, during the period that the defendant was obligated to provide and failed to provide child support or spousal support, the defendant was:*

(a) Voluntarily unemployed or underemployed without good cause or to avoid payment of child support or spousal support, including, without limitation, not using reasonable diligence to secure sufficient employment; or

(b) Unable to pay the child support or spousal support ordered by a court because of his excessive spending, indebtedness or other legal obligation, unless the spending, indebtedness or other legal obligation was not within the control of the defendant.".

Amend sec. 3, page 3, line 31, by deleting "*or*" and inserting "*and*".

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 842 to Assembly Bill No. 617.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 645.

The following Senate amendment was read:

Amendment No. 843.

Amend the bill as a whole by adding new sections designated sections 1.1 through 1.9, following section 1, to read as follows:

"Sec. 1.1. NRS 2.250 is hereby amended to read as follows:

2.250 1. The clerk of the supreme court may demand and receive for his services rendered in discharging the duties imposed upon him by law the following fees:

(a) Except as otherwise provided in paragraph (c), whenever an appeal is taken to the supreme court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the supreme court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the clerk of the supreme court the sum of $200.

(b) Except as otherwise provided in paragraph (c), a party to an appeal or special proceeding who petitions the supreme court for a rehearing shall, at the time of filing such a petition, pay to the clerk of the supreme court the sum of $100.

(c) No fees may be charged by the clerk in:

(1) Any action brought in or to the supreme court wherein the ~~[state,]~~ *State of Nevada* or any county, city or town thereof, or any officer or commission thereof is a party in his or its official or representative capacity, against the ~~[state,]~~ *State of Nevada,* county, city, town, officer or commission;

(2) A habeas corpus proceeding of a criminal or quasi-criminal nature; or

(3) An appeal taken from, or a special proceeding arising out of, a criminal proceeding.

(d) A fee of $60 for supreme court decisions in pamphlet form for each year, or a fee of $30 for less than a 6 months' supply of decisions, to be collected from each person who requests such decisions, except those persons and agencies set forth in NRS 2.345. The clerk may charge a reasonable fee to all parties, including, without limitation, the persons and agencies set forth in NRS 2.345, for access to decisions of the supreme court compiled in an electronic format.

(e) A fee from a person who requests a photostatic copy or a photocopy print of any paper or document in an amount determined by the justices of the supreme court.

2. ~~[No other fees may be charged than those specially set forth in this section nor may fees be charged for services other than those set forth in this section.]~~ *The clerk of the supreme court shall not charge any fee that is not authorized by law.*

3. The clerk of the supreme court shall keep a fee book in which the clerk shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book must be open to public inspection in the office of the clerk.

4. The clerk of the supreme court shall publish and post in some conspicuous place in his office a table of fees for public inspection. The clerk shall forfeit a sum of not less than $20 for each day of his omission to do so, which sum with costs may be recovered by any person by filing an action before any justice of the peace of the same county.

5. All fees prescribed in this section must be paid in advance, if demanded. If the clerk of the supreme court has not received any or all of the fees which are due to him for services rendered in any suit or proceeding, the clerk may have execution therefor in his own name against the party from whom they are due, to be issued from the supreme court upon order of a justice thereof or from the court upon affidavit filed.

6. The clerk of the supreme court shall give a receipt on demand of the party paying a fee. The receipt must specify the title of the cause in which the fee is paid and the date and the amount of the payment.

7. The clerk of the supreme court shall, when depositing with the state treasurer money received for court fees, render to the state treasurer a brief note of the cases in which the money was received.

Sec. 1.3. NRS 2.255 is hereby amended to read as follows:

2.255 If the clerk of the supreme court:

1. Violates any of the provisions of subsections 2 and 3 of NRS 2.250, he shall be fined in an amount not exceeding $1,000.

2. Takes greater fees than ~~[allowed under NRS 2.250,]~~ *authorized by law,* he shall, upon conviction, be removed from office and fined in an amount not exceeding $1,000.

Sec. 1.5. NRS 4.080 is hereby amended to read as follows:

4.080 ~~[No other fees may be charged by justices of the peace than those specifically set forth in this chapter, nor may fees be charged for any other services than those mentioned in this chapter.]~~ *A justice of the peace shall not charge any fee that is not authorized by law.*

Sec. 1.7. NRS 19.070 is hereby amended to read as follows:

19.070 ~~[No other fees shall be charged than those set forth in this chapter, nor shall fees be charged for any other services than those mentioned in this chapter.]~~ *A county clerk shall not charge any fee that is not authorized by law.*

Sec. 1.9. NRS 19.110 is hereby amended to read as follows:

19.110 If any county clerk ~~[shall take]~~ *takes* more or greater fees than are ~~[allowed in this chapter,]~~ *authorized by law,* he shall be liable to indictment, and on conviction shall be removed from office and fined in any sum not exceeding $1,000.".

Amend sec. 5, pages 5 through 7, by deleting lines 24 through 43 on page 5, lines 1 through 43 on page 6 and lines 1 through 12 on page 7, and inserting:

"202.350 1. ~~[It]~~ *Except as otherwise provided in this section and NRS 202.3653 to 202.369, inclusive, it* is unlawful for a person within this state to:

(a) Manufacture or cause to be manufactured, or import into the state, or keep, offer or expose for sale, or give, lend or possess any knife which is made an integral part of a belt buckle or any instrument or weapon of the kind commonly known as a switchblade knife, blackjack, slung shot, billy, sand-club, sandbag or metal knuckles; or

(b) ~~[Except as otherwise provided in subsection 4, carry]~~ *Carry* concealed upon his person any:

(1) Explosive substance, other than ammunition or any components thereof;

(2) Dirk, dagger or machete;

(3) Pistol, revolver or other firearm, or other dangerous or deadly weapon; or

(4) Knife which is made an integral part of a belt buckle.

2. ~~[It]~~ *Except as otherwise provided in this section, it* is unlawful for a person to possess or use a:

(a) Nunchaku or trefoil with the intent to inflict harm upon the person of another; or

(b) Machine gun or a silencer.

3. Except as otherwise provided in NRS 202.275 and 212.185, a person who violates any of the provisions of subsection 1 or 2 is guilty:

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

(b) For any subsequent offense, of a category D felony, and shall be punished as provided in NRS 193.130.

4. Except as otherwise provided in this subsection , ~~[and NRS 202.3653 to 202.369, inclusive,]~~ the sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon is to be carried, issue a permit authorizing the applicant to carry in this state the concealed weapon described in the permit. The sheriff shall not issue a permit to a person to carry a switchblade knife. *This subsection does not authorize the sheriff to issue a permit to a person to carry a pistol, revolver or other firearm.*

5. ~~[This]~~ *Except as otherwise provided in subsection 6, this* section does not apply to:

(a) Sheriffs, constables, marshals, peace officers, special police officers, police officers of this state, whether active or honorably retired, or other appointed officers.

(b) Any person summoned by any peace officer to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such an officer.

(c) Any full-time paid peace officer of an agency of the United States or another state or political subdivision thereof when carrying out official duties in the State of Nevada.

(d) Members of the Armed Forces of the United States when on duty.

6. The exemptions provided in subsection 5 do not include a former peace officer who is retired for disability unless his former employer has approved his fitness to carry a concealed weapon.

7. The provisions of paragraph (b) of subsection 2 do not apply to any person who is licensed, authorized or permitted to possess or use a machine gun or silencer pursuant to federal law. The burden of establishing federal licensure, authorization or permission is upon the person possessing the license, authorization or permission.

8. As used in this section:

(a) "Concealed weapon" ~~[has the meaning ascribed to it in subsection 1 of NRS 202.3653.]~~ *means a weapon described in this section that is carried upon a person in such a manner as not to be discernible by ordinary observation.*

(b) "Honorably retired" means retired in Nevada after completion of 10 years of creditable service as a member of the public employees' retirement system. A former peace officer is not "honorably retired" if he was discharged for cause or resigned before the final disposition of allegations of serious misconduct.

(c) "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

(d) "Nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods connected by a rope, cord, wire or chain used as a weapon in forms of Oriental combat.

(e) "Silencer" means any device for silencing, muffling or diminishing the report of a firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a silencer or muffler, and any part intended only for use in such assembly or fabrication.

(f) "Switchblade knife" means a spring-blade knife, snap-blade knife or any other knife having the appearance of a pocket knife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle or other mechanical device, or is released by any type of mechanism.

(g) "Trefoil" means an instrument consisting of a metal plate having three or more radiating points with sharp edges, designed in the shape of a star, cross or other geometric figure and used as a weapon for throwing.".

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 843 to Assembly Bill No. 645.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 252.

The following Senate amendment was read:

Amendment No. 795.

Amend section 1, page 2, by deleting lines 24 through 29 and inserting:

"*(a) The place of use of the water is changed to land upon which a lien is imposed pursuant to subsection 5, if:*

(1) The change is in accordance with applicable statutes and regulations of Nevada; or

(2) On a stream system where a decree of court has been entered, the change is in accordance with the decree or any rules adopted pursuant to the decree; or".

Assemblyman de Braga moved that the Assembly concur in the Senate Amendment No. 795 to Assembly Bill No. 252.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 626.

The following Senate amendment was read:

Amendment No. 761.

Amend sec. 11, page 8, line 35, after "inclusive," by inserting:

"or chapter 617".

Amend sec. 11, page 8, by deleting line 37 and inserting:

"compensation pursuant to any act of Congress.".

Amend sec. 13, page 9, line 25, by deleting:

"state emergency response commission" and inserting:

"~~[state emergency response commission]~~ *division of emergency management of the department of motor vehicles and public safety*".

Amend sec. 13, page 9, line 26, by deleting "commission" and inserting "~~[commission]~~ *division*".

Amend sec. 13, page 9, line 29, by deleting "commission." and inserting "~~[commission.]~~ *division.*".

Amend sec. 13, page 9, line 36, by deleting "commission" and inserting "~~[commission]~~ *division*".

Amend sec. 13, page 9, line 41, by deleting "commission" and inserting "~~[commission]~~ *division*".

Amend sec. 13, page 10, line 5, by deleting "commission" and inserting "~~[commission]~~ *division*".

Amend sec. 13, page 10, line 8, by deleting "commission" and inserting "~~[commission]~~ *division*".

Amend sec. 13, page 10, line 10, by deleting "commission" and inserting "~~[commission]~~ *division*".

Amend sec. 13, page 10, line 11, by deleting "commission" and inserting "~~[commission]~~ *division*".

Amend sec. 13, page 10, line 16, by deleting "commission." and inserting "~~[commission.]~~ *division.*".

Amend the bill as a whole by adding a new section designated sec. 29, following sec. 28, to read as follows:

"Sec. 29. Section 11 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill, eighth line, after "rescue;" by inserting:

"transferring the responsibility to administer the emergency assistance account within the disaster relief fund from the state emergency response commission to the division of emergency management;".

Assemblyman Bache moved that the Assembly concur in the Senate Amendment No. 761 to Assembly Bill No. 626.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 627.

The following Senate amendment was read:

Amendment No. 777.

Amend section 1, page 2, line 43, by deleting "its employees." and inserting:

"~~[its employees.]~~ *the public authority.*".

Amend sec. 2, page 3, by deleting lines 15 through 17 and inserting:

"(d) Fixing reasonable fees ~~[for providing information about accommodations and commercial services,]~~ to recover the actual administrative cost incurred by the ~~[department; and]~~ *department for:*

(1) Authorizing the use of trade-marks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing information concerning commercial attractions and services;

(e) *Fixing reasonable fees, based upon the market value as determined by the department, for:*".

Amend sec. 2, page 3, line 19, after "*in*" by inserting:

"*an urban area of*".

Amend sec. 2, page 3, line 21, after "*information*" by inserting:

"*in an urban area of a county whose population is 100,000 or more*".

Amend sec. 2, page 3, line 23, by deleting "(e)" inserting "*(f)*".

Amend sec. 3, page 3, by deleting lines 31 and 32 and inserting:
"*individual enterprise on a directional or informational sign; and*".

Amend the title of the bill, third line, by deleting "certain".

Assemblywoman Chowning moved that the Assembly concur in the Senate Amendment No. 777 to Assembly Bill No. 627.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 490.

The following Senate amendment was read:

Amendment No. 796.

Amend section 1, pages 2 and 3, by deleting lines 3 through 42 on page 2 and lines 1 and 2 on page 3, and inserting:
"section if the channel is cleared, maintained or restored pursuant to a permit granted by the division of state lands of the state department of conservation and natural resources and such other permits and approvals as are required by law.

5. *The division of state lands and the division of environmental protection of the state department of conservation and natural resources shall refund the application or permit fees, if any, paid by a governmental entity to apply for a state permit to perform channel clearance, maintenance, restoration, surveying and monumenting if:*

(a) The governmental entity applies for the applicable permits from the division of state lands and from the division of environmental protection of the state department of conservation and natural resources;

(b) The governmental entity obtains all other permits and approvals as are required by law;

(c) The governmental entity applies for a grant pursuant to subsection 3; and

(d) The grant is denied for lack of money in the account after:

(1) The state engineer requests an allocation from the contingency fund pursuant to subsection 4 of NRS 532.230; and

(2) An allocation from the contingency fund is not made within 90 days after the request is made.

6. A state permit must not be denied for lack of money in the account for the channel clearance, maintenance, restoration, surveying and monumenting program.".

Amend sec. 2, page 3, by deleting lines 20 through 24 and inserting:
"*fund pursuant to NRS 353.266, 353.268 and 353.269.*".

Amend the bill as a whole by deleting sec. 3.

Amend the title of the bill to read as follows:
"AN ACT relating to navigable rivers; requiring the division of state lands and the division of environmental protection of the state department of conservation and natural resources to refund under certain circumstances fees

paid by governmental entities to obtain a permit to conduct channel clearance of rivers; revising provisions governing the account for the channel clearance, maintenance, restoration, surveying and monumenting program; and providing other matters properly relating thereto.".

Assemblyman de Braga moved that the Assembly concur in the Senate Amendment No. 796 to Assembly Bill No. 490.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 110, 173, 483, 535, 574, 576, 603, 616, 650; Assembly Concurrent Resolutions Nos. 16, 68; Assembly Joint Resolutions Nos. 20, 21; Senate Bills Nos. 13, 35, 52, 57, 153, 161, 339, 357, 365, 379, 452, 471, 531; Senate Concurrent Resolutions Nos. 2, 3, 11, 46.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:36 p.m.

ASSEMBLY IN SESSION

At 1:44 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Constitutional Amendments, to which was referred Assembly Joint Resolution No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Joelle Hurns and Tom Jenkin.

On request of Assemblywoman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Arnold, Albert Diantonia, Alysia Felomena, Leena Giffor, Joshua Giordano, Kevin Guiua, Mililani Hortizuela, Carson Keller, Joanna Kern, Ramil Ladislao, Rachelle Lauriano, Marko Lukich, Dennis Magill, Christopher Overlay, Lacey Pedreia, Michael Rawson, Brian Rogers, Esther Sotelo, Patrick Vaughn, Cody Volk, Billy White, Anthony Govea, Matthew Sage, John McCathey, Patricia Cooper, Margaret Arnold, Danny Diantonio, Doreen Folomenda,

Deborah Palmer, Debra Magill, Steven Rogers, Carlton Vaughn, Emily Volk, Pamela Giordano, Blaise Morgan, Lara Proenza, Weston Milne, Steven Maglich, Gregory Valencia, Alicia Maziar, Sara Michaelsen, Gregory Davis, Christopher Cushing, Andrew Hailey, Katelynn Taylor, Lindsey Johnson, Amie Kemberling, Sarah Messina, Sarah Hoyt, Ashly Anthony, Amanda Arroway, Joshua Ogorek, Brett Leavitt, Joshua robero, Kameron Kavanaugh, Lucas Tielemans, Michael Balogh, Kylie Durham, Mark Morgan, Anjelina Evangelista, Bonnie Davis, Kym Cushing, Mariana Johnson, Judy Kemberling, Julia Anthony, Ann Ogorek, Susan Balogh, Debra Durham and Lori Nusbaum.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 19, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:53 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 19, 1999

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Father Jerry Hanley.

Lord our God, Through the years, many have come and gone in this Assembly, including those You have taken to Yourself. Nevada has remained and still beckons its leaders far beyond themselves in our bounty and our needs. This is a special time and place. Your grace and presence makes what we do possible. Bless this Assembly and their families. Let what they do be what we will celebrate in the future as we remember them. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 74, 132, 133, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 334.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 18, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 219, 282, 329, 339, 350, 358, 481.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 59, Amendment No. 733; Assembly Bill No. 71, Amendments Nos. 900 and 1009; Assembly Bill No. 159, Amendment No. 158; Assembly Bill No. 503, Amendment No. 888; Assembly Bill No. 520, Amendment No. 851; Assembly Bill No. 539, Amendment No. 881; Assembly Bill No. 636, Amendment No. 875; Assembly Bill No. 641, Amendment No. 850; Assembly Bill No. 677, Amendment No. 887, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 732 to Senate Bill No. 111; Assembly Amendment No. 863 to Senate Bill No. 148; Assembly Amendment No. 869 to Senate Bill No. 291; Assembly Amendment No. 890 to Senate Bill No. 314; Assembly Amendment No. 864 to Senate Bill No. 346; Assembly Amendment No. 865 to Senate Bill No. 395; Assembly Amendment No. 790 to Senate Bill No. 512; Assembly Amendment No. 771 to Senate Bill No. 515.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 862 to Senate Bill No. 30; Assembly Amendment No. 767 to Senate Bill No. 242.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 74, 132, 133, 144, 396 and 417 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that the reading of the history of Senate Bills on Second Reading and General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 26.

Resolution read second time and ordered to third reading.

Senate Bill No. 74.

Bill read second time.

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

Amendment No. 740.

Amend section 1, page 2, line 8, by deleting "Any" and inserting:

"~~[Any]~~ *Except as otherwise provided in this paragraph, any*".

Amend section 1, page 2, line 12, after "*earlier.*" by inserting:

"*The provisions of this paragraph do not apply to a claim for workers' compensation that is reopened pursuant to the provisions of NRS 616C.390.*".

Amend sec. 2, page 2, lines 41 and 42, by deleting:

"*benefits under a policy of industrial insurance;*" and inserting:

"*workers' compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 132.

Bill read second time.

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

Amendment No. 936.

Amend sec. 3, page 2, line 4, after "*or*" by inserting:
"*a salaried or volunteer*".

Amend sec. 4, page 2, line 42, after "*or*" by inserting:
"*a salaried or volunteer*".

Amend sec. 5, page 3, line 13, after "*or*" by inserting:
"*a salaried or volunteer*".

Amend sec. 5, page 3, line 21, after "*or*" by inserting:
"*a salaried or volunteer*".

Amend sec. 5, page 3, line 28, after "*or*" by inserting:
"*a former salaried or volunteer*".

Amend sec. 5, page 3, line 34, after "*or*" by inserting:
"*a salaried or volunteer*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 133.

Bill read second time.

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

Amendment No. 978.

Amend sec. 2, page 1, line 4, by deleting "*provides:*" and inserting:
"*provides, for a specified period:*".

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. NRS 616A.230 is hereby amended to read as follows:

616A.230 "Employer" means:

1. The state, and each county, city, school district, and all public and quasi-public corporations therein without regard to the number of persons employed.

2. Every person, firm, voluntary association, and private corporation, including any public service corporation, which has in service any person under a contract of hire.

3. The legal representative of any deceased employer.

4. The Nevada rural housing authority.

5. Except as otherwise provided in section 9 of this act, an owner or principal contractor who establishes and administers a consolidated insurance program pursuant to section 8 of this act, with respect to the employees covered under that consolidated insurance program.".

Amend sec. 13, pages 4 and 5, by deleting lines 41 through 43 on page 4 and line 1 on page 5, and inserting:

"*3. The owner or principal contractor of the construction project shall hire or contract with two persons to serve as the*".

Amend sec. 13, page 5, by deleting line 3 and inserting:

"*project. The primary and alternate coordinators for safety must:*".

Amend sec. 13, page 5, line 4, by deleting "*commissioner*" and inserting "*administrator*".

Amend sec. 13, page 5, by deleting lines 8 through 11 and inserting:

"*(1) Board of Certified Safety Professionals; or*

(2) Insurance Institute of America; or".

Amend sec. 13, page 5, line 14, by deleting "*commissioner*" and inserting "*administrator*".

Amend sec. 13, page 5, by deleting lines 18 through 20 and inserting:

"*(a) Must not serve as coordinators for safety for another construction*".

Amend sec. 13, page 5, line 22, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 13, page 5, line 25, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 13, page 5, by deleting lines 32 through 35 and inserting:

"*6. The owner or principal contractor of the construction project shall ensure that the primary or alternate*".

Amend sec. 14, page 6, by deleting lines 4 through 7 and inserting:

"*2. The owner or principal contractor of the construction project shall hire or contract with a person to serve as the*".

Amend sec. 14, page 6, line 9, by deleting:

"*A person so appointed*" and inserting:

"*Such a person*".

Amend sec. 14, page 6, line 13, by deleting "*appointed*" and inserting:

"*hired or with whom the owner or principal contractor contracts*".

Amend sec. 14, page 6, line 27, by deleting "*and*".

Amend sec. 14, page 6, line 29, by deleting "*project.*" and inserting "*project; and*".

Amend sec. 14, page 6, between lines 29 and 30, by inserting:

"*(e) Hire or contract with such assistant administrators as may be necessary to carry out his responsibilities pursuant to this section.*".

Amend sec. 14, page 6, by deleting lines 30 through 34 and inserting:

"*4. The owner or principal contractor of the construction project shall ensure that the administrator of claims for industrial insurance for the construction project or an assistant administrator is physically*".

Amend the bill as a whole by deleting sec. 15 and adding:

"Sec. 15. (Deleted by amendment.)".

Amend sec. 16, page 7, by deleting lines 28 through 31 and inserting:

"*4. The owner or principal contractor of a construction project shall, unless the contractor or subcontractor has*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 144.

Bill read second time.

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

Amendment No. 919.

Amend sec. 14, page 2, line 39, by deleting "*If:*" and inserting:

"*Except with respect to any payment withheld pursuant to section 15 of this act, if:*".

Amend sec. 14, page 3, by deleting lines 5 through 7 and inserting:

"*the public body shall pay or cause to be paid to the contractor any outstanding payment due, including, without limitation, retainage, and any interest accrued*".

Amend sec. 15, page 3, by deleting line 12 and inserting:

"Sec. 15. *1. A*".

Amend sec. 27.5, page 9, by deleting lines 14 and 15 and inserting:

"*failed to perform a duty to:*

(a) Make a payment;

(b) Provide written notice of any withholding; or

(c) Provide information upon request relating to any payment with respect to a contract which has not been fully performed,

pursuant to one or more of the provisions of NRS 338.160 or sections 14 to 19, inclusive, of this act in a timely manner may apply to the district court of the county in which the public".

Amend sec. 27.5, page 9, by deleting lines 18 through 29 and inserting:

"*perform the duty required pursuant to such a provision.*".

Amend sec. 27.5, page 9, line 30, by deleting "*3.*" and inserting "*2.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 934.

Amend sec. 3, page 2, by deleting lines 9 through 12 and inserting:

"*(a) Interfere with;*

(b) Beat, harass or intimidate; or

(c) Kill,

a guide dog, hearing dog, helping dog or other service animal.".

Amend sec. 3, page 2, by deleting lines 17 and 18 and inserting:

"*(a) Paragraph (a) of subsection 1 is guilty of a misdemeanor.*

(b) Paragraph (b) of subsection 1 is guilty of a gross misdemeanor.

(c) Paragraph (c) of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.".

Amend sec. 5, page 2, by deleting lines 38 through 40 and inserting:

"Sec. 5. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. *1. A person shall not willfully and maliciously:*".

Amend the bill as a whole by renumbering sections 6 through 10 as sections 8 through 12 and adding a new section designated sec. 7, following sec. 5, to read as follows:

"Sec. 7. *1. A person shall not:*

(a) Willfully, unjustifiably and maliciously tamper or interfere with;

(b) Willfully and unjustifiably abuse or injure, or willfully and unjustifiably set on foot, instigate, engage in or in any way further an act of abusing or injuring; or

(c) Willfully and unjustifiably kill or willfully and unjustifiably set on foot, instigate, engage in or in any way further an act of killing,

a dog owned by another person that is used in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined.

2. A person who violates:

(a) Paragraph (a) of subsection 1 is guilty of a misdemeanor.

(b) Paragraph (b) of subsection 1 is guilty of a gross misdemeanor.

(c) Paragraph (c) of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.".

Amend sec. 6, page 3, line 23, by deleting "*section 5*" and inserting: "*sections 6 and 7*".

Amend sec. 8, page 6, between lines 4 and 5, by inserting:

"*5. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:*

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.".

Amend the title of the bill, third line, after "penalties;" by inserting: "providing certain exceptions with respect to rodeos, livestock shows and ranches;".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 417.

Bill read second time.

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

Amendment No. 979.

Amend section 1, page 1, by deleting line 3 and inserting:

"*"Appeals panel" means the appeals panel for industrial insurance*".

Amend the bill as a whole by deleting sec. 3 and adding:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 5, page 2, line 40, by deleting "*board*" and inserting "*panel*".

Amend sec. 5, page 2, line 41, by deleting "*board*" and inserting "*panel*".

Amend sec. 5, page 3, line 28, by deleting "*boards*" and inserting "*panels*".

Amend sec. 5, page 3, line 30, by deleting "*board,*" and inserting "*panel,*".

Amend sec. 5, page 3, line 35, by deleting "*board*" and inserting "*panel*".

Amend sec. 5, page 4, line 4, by deleting "*3*" and inserting "*2*".

Amend sec. 5, page 4, line 6, by deleting "*board*" and inserting "*panel*".

Amend sec. 6, page 4, line 12, by deleting "*board*" and inserting "*panel*".

Amend sec. 6, page 4, line 16, by deleting "*board*" and inserting "*panel*".

Amend sec. 7, page 4, line 20, by deleting "*board*" and inserting "*panel*".

Amend sec. 7, page 4, line 22, by deleting "*board;*" and inserting "*panel;*".

Amend sec. 7, page 4, line 24, by deleting "*board;*" and inserting "*panel;*".

Amend sec. 7, page 4, line 25, by deleting "*board*" and inserting "*panel*".

Amend sec. 7, page 4, line 27, by deleting "*board*" and inserting "*panel*".

Amend sec. 7, page 4, line 28, by deleting "*board*" and inserting "*panel*".

Amend sec. 8, page 4, line 30, by deleting "*board*" and inserting "*panel*".

Amend sec. 8, page 4, line 32, by deleting "*board*" and inserting "*panel*".

Amend sec. 9, page 4, by deleting lines 35 through 40, and inserting:

"Sec. 9. *1. Each member of the appeals panel is entitled to receive, for his attendance at the meetings of the appeals panel, the per diem allowance and travel expenses provided for state officers and employees generally.*

2. Expenses of the members of the appeals panel must be paid from assessments payable by each insurer pursuant to the formula filed with and approved by the commissioner pursuant to section 20.2 of this act.

3. As used in this section, "insurer" has the meaning ascribed to it in NRS 686B.1759.".

Amend sec. 10, page 5, line 7, by deleting "*board.*" and inserting "*panel.*".

Amend sec. 10, page 5, line 13, by deleting "*board.*" and inserting "*panel.*".

Amend sec. 11, page 5, line 16, by deleting "*board*" and inserting "*panel*".

Amend sec. 11, page 5, line 18, by deleting "*board*" and inserting "*panel*".

Amend sec. 12, page 5, line 26, by deleting "*board*" and inserting "*panel*".

Amend sec. 13, page 5, line 32, by deleting "*board*" and inserting "*panel*".

Amend sec. 14, page 5, line 36, by deleting "*board*" and inserting "*panel*".

Amend sec. 14, page 5, line 39, by deleting "*board*" and inserting "*panel*".

Amend sec. 14, page 6, line 1, by deleting "*board*" and inserting "*panel*".

Amend sec. 14, page 6, line 6, by deleting "*board*" and inserting "*panel*".

Amend sec. 14, page 6, line 9, by deleting "*board*" and inserting "*panel*".

Amend sec. 15, page 6, line 13, by deleting "*board*" and inserting "*panel*".

Amend sec. 15, page 6, line 16, by deleting "*board*" and inserting "*panel*".

Amend sec. 15, page 6, line 21, by deleting "*board*" and inserting "*panel*".

Amend sec. 15, page 6, line 23, by deleting "*board*" and inserting "*panel*".

Amend sec. 16, page 6, line 27, by deleting "*board*" and inserting "*panel*".

Amend sec. 16, page 6, line 36, by deleting "*board*" and inserting "*panel*".

Amend sec. 16, page 6, line 38, by deleting "*board.*" and inserting "*panel.*".

Amend the bill as a whole by deleting sec. 19 and adding:

"Sec. 19. (Deleted by amendment.)".

Amend sec. 20, page 8, line 33, by deleting "*board*" and inserting "*panel*".

Amend the bill as a whole by adding new sections designated sections 20.2 and 20.4, following sec. 20, to read as follows:

"Sec. 20.2. Chapter 686B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The advisory organization shall, at least 60 days before imposing an assessment pursuant to this section, file with the commissioner a formula for an assessment on all insurers, which results in an equitable distribution among all insurers, of:

(a) The costs of paying the expenses of the members of the appeals panel for industrial insurance pursuant to the provisions of section 9 of this act; and

(b) Any costs incurred by the advisory organization to administer the appeals panel for industrial insurance pursuant to the provisions of sections 5 to 17, inclusive, of this act.

2. The formula for the assessment filed pursuant to subsection 1 shall be deemed approved unless it is disapproved by the commissioner within 60 days after it is filed.

Sec. 20.4. NRS 686B.1751 is hereby amended to read as follows:

686B.1751 As used in NRS 686B.1751 to 686B.1799, inclusive, *and section 20.2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 686B.1752 to 686B.1762, inclusive, have the meanings ascribed to them in those sections.".

Amend sec. 22, page 9, by deleting lines 17 through 19 and inserting: "section 5 of this act and the members described in paragraphs (a), (b), (d), (e) and (f) of subsection 1 of section 5 of this act to terms that expire on June 30, 2001.".

Amend sec. 23, page 9, by deleting line 22 and inserting:

"2. Section 21 becomes effective at 12:01 a.m. on July 1, 1999.

3. The provisions of this act expire by limitation on July 1, 2001.".

Amend the title of bill, first line, by deleting "board" and inserting "panel".

Amend the summary of the bill, first line, by deleting "board" and inserting "panel".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Joint Resolution No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Freeman moved that Senate Bill No. 469 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Assembly Bill No. 320:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 663.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 663:

YEAS—38.

NAYS—Bache. Freeman, Giunchigliani—3.

EXCUSED—Evans.

Assembly Bill No. 663 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 24.

Resolution read third time.

Remarks by Assemblywomen Freeman and Ohrenschall.

Roll call on Assembly Joint Resolution No. 24:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Assembly Joint Resolution No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 10.

Bill read third time.

Remarks by Assemblywoman Freeman.

Roll call on Senate Bill No. 10:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 21.

Bill read third time.

Remarks by Assemblywomen Koivisto, Buckley and Giunchigliani.

Roll call on Senate Bill No. 21:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 39:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 50.

Bill read third time.

Remarks by Assemblymen Williams and Giunchigliani.

Potential conflict of interest declared by Assemblymen Giunchigliani, Parnell, Bache and Anderson.

Roll call on Senate Bill No. 50:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed.

Senate Bill No. 51.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Senate Bill No. 51:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 61.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Senate Bill No. 61:
YEAS—39.
NAYS—Angle, Gustavson—2.
EXCUSED—Evans.
Senate Bill No. 61 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 152 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblywoman Giunchigliani.
Motion carried.

Assemblyman Bache moved that Senate Bill No. 125 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Bache.
Motion carried.

Assemblyman Bache moved that Senate Bill No. 437 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Bache.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 117.
Bill read third time.
Remarks by Assemblywoman Freeman.
Roll call on Senate Bill No. 117:
YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 168:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 211.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 211:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Evans.

Senate Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 215:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Remarks by Assemblymen McClain, Giunchigliani, Chowning, Carpenter and Gustavson.

Roll call on Senate Bill No. 235:

YEAS—35.

NAYS—Carpenter, Dini, Gibbons, Humke, Koivisto, Parnell—6.

EXCUSED—Evans.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 244.

Bill read third time.

Remarks by Assemblymen Goldwater and Ohrenschall.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 244:

YEAS—40.

NAYS—None.

NOT VOTING—Ohrenschall.

EXCUSED—Evans.

Senate Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 259.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1060.

Amend sec. 6, page 8, line 37, by deleting "The" and inserting:

"~~[The]~~ *In addition to the appointments made pursuant to subsection 3, the*".

Amend sec. 6, page 8, line 41, by deleting "*Two*" and inserting:

"*At least two*".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 273.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 273:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 289.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 289:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.
Roll call on Senate Bill No. 300:
YEAS—39.
NAYS—Anderson, Arberry—2.
EXCUSED—Evans.
Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 310.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Senate Bill No. 310:
YEAS—37.
NAYS—Buckley, Gustavson—2.
NOT VOTING—Angle, Neighbors—2.
EXCUSED—Evans.
Senate Bill No. 310 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 381.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Senate Bill No. 381:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 394.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 394:
YEAS—40.
NAYS—Gibbons.
EXCUSED—Evans.
Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 435.
Bill read third time.
Remarks by Assemblymen Cegavske, Giunchigliani and Williams.

Assemblyman Williams moved that Senate Bill No. 435 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 451 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 338, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 80, 203, 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 445.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 445:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Remarks by Assemblymen Bache, Tiffany and Cegavske.

Roll call on Senate Bill No. 457:

YEAS—14.

NAYS—Anderson, Angle, Beers, Berman, Brower, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Lee, Marvel, McClain, Neighbors, Nolan, Ohrenschall, Perkins, Price, Tiffany, Von Tobel—27.

EXCUSED—Evans.

Senate Bill No. 457 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 457 was this day refused passage.

GENERAL FILE AND THIRD READING

Senate Bill No. 537.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 537:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 537 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Joint Resolution No. 3:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 437.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 437:

YEAS—40.

NAYS—Gibbons.

EXCUSED—Evans.

Senate Bill No. 437 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 451.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Senate Bill No. 451:

YEAS—38.

NAYS—Angle, Gibbons—2.

NOT VOTING—Collins.

EXCUSED—Evans.

Senate Bill No. 451 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Joint Resolution No. 25; Senate Bills Nos. 80, 203, 338, 372, 387 and 442 be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 295.

The following Senate amendment was read:

Amendment No. 765.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. This section and sections 1 and 3 of this act become effective on October 1, 1999.

2. Section 2 of this act becomes effective at 12:01 a.m. on May 1, 2013.

3. Section 1 of this act expires by limitation on May 1, 2013.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 295.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Concurrent Resolution No. 25.

The following Senate amendment was read:

Amendment No 834

Amend the resolution, page 2, line 2, by deleting "shall" and inserting "may".

Amend the resolution, page 2, line 4, by deleting "shall" and inserting "may".

Amend the resolution, page 2, line 27, by deleting "shall," and inserting "may,".

Amend the resolution, page 2, line 34, by deleting "shall" and inserting "may".

Amend the resolution, page 3, line 1, by deleting "shall" and inserting "may".

Amend the title of the resolution, first line, by deleting "Directing" and inserting "Authorizing".

Amend the summary of the resolution, first line, by deleting "Directs" and inserting "Authorizes".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 25.

Remarks by Assemblyman Williams.

Motion carried.

Resolution ordered enrolled.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 25.

Resolution read second time and ordered to third reading.

Senate Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 988.

Amend section 1, page 1, by deleting lines 5 through 7 and inserting:

"(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation; ~~[or]~~

(c) If the zone is designated by an operational speed limit beacon,".

Amend section 1, page 1, line 11, by deleting "*(c)*" and inserting "*(d)*".

Amend section 1, page 1, line 12, by deleting "*hours*" and inserting "*times*".

Amend section 1, page 2, by deleting lines 2 through 4 and inserting:

"(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation; ~~[or]~~

(c) If the zone is designated by an operational speed limit beacon,".

Amend section 1, page 2, line 8, by deleting "*(c)*" and inserting "*(d)*".

Amend section 1, page 2, line 9, by deleting "*hours*" and inserting "*times*".

Amend section 1, page 2, by deleting lines 20 through 30 and inserting:

"*effect or that the speed limit is in effect when children are present.*

5. *With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his designee, in conjunction with the department of transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 268.425 is hereby amended to read as follows:

268.425 The city council or other governing body of each incorporated city, whether incorporated by general or special act, shall cause to be displayed, in each school zone and school crossing zone where the city has posted a speed limit, signs or other devices designating the ~~[hours of the day or night or both]~~ *times* during which the speed limit in the zone is to apply.

Sec. 3. NRS 269.185 is hereby amended to read as follows:

269.185 1. In addition to the powers and jurisdiction conferred upon the town boards or boards of county commissioners by this chapter, such boards may:

(a) Regulate traffic upon the streets and alleys of towns or cities governed by such boards pursuant to this chapter.

(b) Regulate the speed, parking, stopping, turning and operation of all motor vehicles and other vehicles using the streets and alleys.

(c) Pass and adopt all ordinances, rules and regulations, and do and perform all acts and things necessary for the execution of the powers and jurisdiction conferred by this section.

2. The town board or board of county commissioners shall cause to be displayed, in each school zone and school crossing zone where the county has posted a speed limit, signs or other devices designating the ~~[hours of the day or night or both]~~ *times* during which the speed limit in the zone is to apply.".

Amend the title of the bill to read as follows:

"AN ACT relating to traffic laws; requiring that the signs designating the speed limit in a school zone or school crossing zone indicate the times during which the speed limit is in effect; providing for the designation of such times; and providing other matters properly relating thereto.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Bache and Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 977.

Amend section 1, page 2, by deleting line 16 and inserting:

"*passport issued by a foreign government.*".

Amend sec. 2, page 3, line 10, by deleting "*or*".

Amend sec. 2, page 3, by deleting lines 12 and 13 and inserting:

"Columbia; or

(4) Passport ~~[.]~~ *issued by the United States Government.*".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 338.

Bill read second time and ordered to third reading.

Senate Bill No. 372.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 976.

Amend sec. 17, page 9, line 36, by deleting the brackets and strike-through.

Amend sec. 17, page 9, line 39, by deleting the brackets and strike-through.

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblywoman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 387.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 989.

Amend section 1, page 2, line 6, by deleting "*If*" and inserting:

"*Except as otherwise provided in this subsection, if*".

Amend section 1, page 2, line 11, by deleting "*another*" and inserting "*one other*".

Amend section 1, page 2, line 12, after "*area.*" by inserting:

"*An operator of a tow car is not eligible for inclusion on the list if the operator is insured under the same policy of insurance as two or more other operators of tow cars who are included on the list and operate in the same geographical area.*".

Amend sec. 2, page 2, by deleting line 16 and inserting:

"operator of a tow car who:

(a) Is eligible pursuant to NRS 706.4485 to be included on the list; and

(b) Was included on the list on June 30, 1998, and".

Amend sec. 2, page 2, by deleting line 18 and inserting:

"solely on the ground that the operator was insured under the same policy of insurance as one other operator of a tow car who was included on the list and operated in the same geographical area.".

Amend sec. 2, page 2, by deleting line 22 and inserting:

"list pursuant to NRS 706.4485.".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Bache and Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 442.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the vote whereby Assembly Bill No. 552 was passed be rescinded.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 552 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Perkins.

Motion carried.

Mr. Speaker announced the appointment of Assemblywoman Leslie as a substitute for Assemblywoman Evans to the Committee on Ways and Means.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 204, 241, 252, 253, 296, 397, 423, 467, 469, 490, 626, 627, 645; Assembly Resolution No. 8; Senate Bills Nos. 49, 111, 148, 182, 190, 284, 291, 314, 346, 349, 383, 395, 419, 424, 440, 455, 512, 515, 522, 523.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to John Scott Reed.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey Albright, Malisa Anderson, Jeff Baughn, Brandi Bernard, Darren Brady, P.J. Burt, Jay Calebaugh, Amand Camp, Alex Dawers, Dick Estes, K.J. Felix, Trever Fretis, Travis Goklude, Jay Hamlett, Courtney Hardt, Zack Hickman, Jack Hotho, Felicia Imelli, Mary Lesiak, Kristen Lombard, Jack Maloney, Lawen Martin, Stephanie Maynes, Jessica Nunez, Pat Olson, Scott Paine, Tyler Saunders, David Strugess, Marlena Aguilar, Megan Williamson, Justin Bonesteel, Glenn Coleman, Renee Cote, Alanna Crank, Steve Done, Katie Ezell, Dana Gaworski, John Hefner, Sarah Hitchcock, Doug Lay, Courtney Lenhart, Meghan Lochridge, Stacey Lochridge, Katie McNeill, Steve Minifie, Liz Preston, Josh Sellers, Patricia Smith, Patrick Smith, Brittney Tom, Nina Vigen, Lyndon Jacobsen, Susan Moore and Joe Frock.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Gallagher Hess.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 20, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:16 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 20, 1999

Assembly called to order at 11:25 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Father Jerry Hanley.

Our Father in Heaven, we take our concerns, our anxieties, and our hopes and place them in Your hands today. Show us that You are with us in every deepening way as our help, our guide, our strength, and our courage. Thank You for what You give us. We ask Your blessings on this Assembly and the people of Nevada. And through us, Lord, and through You, we ask that You send our care and blessings to the teens and the people of Conyor, Georgia. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Lee moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 38, 103, 322, 375, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 31, 191, 312, 323, 436, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Joint Resolutions Nos. 1, 10, 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 323, 684; Senate Bills Nos. 292, 546, 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bill No. 342; Senate Bill No. 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Joint Resolutions Nos. 1, 10 and 12 declared emergency measures under the Constitution and placed on the top of third reading and final passage.

Remarks by Assemblyman de Braga.

Motion carried unanimously.

Assemblyman Bache moved that Senate Bill No. 475 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 80 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 259 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 12:07 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 128, 192, 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 323, 342 and 684; Senate Bills Nos. 31, 38, 68, 103, 128, 191, 192, 210, 282, 292, 302, 312, 322, 323, 375, 404, 423, 436, 478, 500, 546 and 547 be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 309, 528, 590, 591, 599, 637, 638.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Amendment No. 955 to Assembly Bill No. 18; Amendment No. 929 to Assembly Bill No. 37; Amendment No. 954 to Assembly Bill No. 86; Amendment Nos. 784, 1032 to Assembly Bill No. 94; Amendment No. 902 to Assembly Bill No. 289; Amendment No. 915 to Assembly Bill No. 363; Amendment No. 846 to Assembly Bill No. 376; Amendment No. 914 to Assembly Bill No. 392; Amendment No. 906 to Assembly Bill No. 406; Amendment No. 925 to Assembly Bill No. 451; Amendment No. 951 to Assembly Bill No. 517; Amendment No. 823 to Assembly Bill No. 573; Amendment No. 958 to Assembly Bill No. 583; Amendment No. 960 to Assembly Bill No. 646, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 910 to Senate Bill No. 97; Assembly Amendment No. 868 to Senate Bill No. 131; Assembly Amendment No. 789 to Senate Bill No. 397; Assembly Amendment No. 774 to Senate Bill No. 464; Assembly Amendment No. 884 to Senate Bill No. 495.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 878 to Senate Bill No. 519.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 477, Senate Amendment No. 860, and requests a conference, and appointed Senators Schneider, Jacobsen and Rhoads as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 363, 485.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 532.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 69—Revising the Joint Standing Rules of the Senate and Assembly for the 70th session of the Legislature governing notices of reconsideration and exemptions of bills from the rules

relating to limitations on introductions and requests for legislative measures and the schedule for their enactment.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Rules Nos. 14.3, 14.5 and 14.6 of the Joint Standing Rules of the Senate and Assembly as adopted by the 70th session of the Nevada Legislature are hereby amended to read as follows:

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses; Final Date for Requesting Drafting of Reports for Conference Committees.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill is referred in its House of origin may only take action on the bill on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the Fiscal Analysis Division has determined pursuant to subsection 1 of Joint Standing Rule No. 14.6 that the bill is exempt.

2. Final action on a bill may only be taken by the House of origin on or before the 78th calendar day of the legislative session.

3. The final standing committee to which a bill is referred in the second House may only take action on the bill on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the Fiscal Analysis Division has determined pursuant to subsection 1 of Joint Standing Rule No. 14.6 that the bill is exempt.

4. Final action on a bill may only be taken by the second House on or before the 110th calendar day of the legislative session.

5. Requests for the drafting of reports for Conference Committees must be submitted to the Legislative Counsel on or before the 118th calendar day of the legislative session.

No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed.

Rule No. 14.5. Waivers.

1. At the request of a legislator or a standing committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a standing committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the legislator or standing committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill for which a waiver is granted pursuant to this rule unless such information as is required to draft the bill is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill must be included as a part of the history of the bill after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill.

6. No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed by a waiver.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which has been determined by the Fiscal Analysis Division to:

(a) Contain an appropriation;

(b) Authorize the expenditure by a state agency of sums not appropriated from the state general fund or the state highway fund;

(c) Create or increase any significant fiscal liability of the state; ~~[or]~~

(d) *Implement a budget decision; or*

(e) Significantly decrease any revenue of the state,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt after it is printed. A notation of each exemption granted after the bill was printed must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all subsequent reprints of the bill.

2. All of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until it is determined to be exempt pursuant to subsection 1. A bill determined to be exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined to be exempt after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A bill required to carry out the business of the Legislature.

(b) A joint, concurrent or simple resolution.

(c) A bill that was previously enrolled but, upon the request of the Legislature, has been returned from the Governor for further consideration.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 69 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Bache moved that Senate Bill No. 391 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

NOTICE OF EXEMPTION

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, determined the exemption of Assembly Bill No. 687.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 689—AN ACT relating to legislative measures; amending Assembly Bill No. 284 of the 1999 Legislative Session to clarify that provisions apply to public water systems that serve a population of 100,000 or more, but only in a county whose population is 400,000 or more; amending Senate Bill No. 471 of the 1999 Legislative Session to delay the date upon which legislative measures of local governments must set forth certain disclosures regarding unfunded mandates; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 363.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 485.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 323.

Bill read second time and ordered to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1029.

Amend section 1, page 1, line 3, by deleting "$4,928,923" and inserting "$3,773,076".

Amend section 1, page 1, by deleting line 4 and inserting:

"1. For the manufacture of "blue" license plates, the sum of $148,867;".

Amend section 1, page 1, line 6, by deleting "$4,394,701;" and inserting "$3,610,140;".

Amend section 1, page 1, line 8, by deleting "$103,246." and inserting "$14,069.".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 1 of Senate Bill No. 267 of this session is hereby amended to read as follows:

Section 1. NRS 482.266 is hereby amended to read as follows:

482.266 1. ~~[At the request of a person who applies for the registration or renewal of the registration of a vehicle that has motor vehicle license plates which were issued before January 1, 1982, the department shall refurbish the license plates for a fee not to exceed the actual cost of the refurbishment.~~

~~2. If a motor vehicle license plate that was issued before January 1, 1982, is delivered to the department for refurbishment, the person who applies for the registration or renewal of registration of the vehicle shall display on the vehicle a temporary permit which must be affixed to the vehicle in a form, manner and position determined by the department.]~~ *A person who desires to have regular or personalized license plates that are substantially in the same color and form as license plates manufactured before January 1, 1982, must:*

(a) Submit a written request for such license plates to the department in a manner and form prescribed by the department; and

(b) In addition to all other applicable registration fees, licensing fees and motor vehicle privilege taxes, pay the manufacturing fee prescribed by the department.

A person requesting license plates pursuant to this section must comply with all requirements for registration and licensing pursuant to this chapter. A request for license plates pursuant to this section does not, by itself, constitute a request for special license plates pursuant to subsection 3 of NRS 482.265.

2. After receiving a request and the full amount of the payment due for license plates requested pursuant to subsection 1, the department shall manufacture the license plates using substantially the same process, dies and materials as were used to manufacture license plates before January 1, 1982. The department shall deliver license plates requested pursuant to this section to a person who requests such license plates within 180 days after

acceptance of the written request or after receipt of payment therefor, whichever occurs last.

3. The department shall:

(a) Prescribe, by regulation, a manner and form for submitting a written request pursuant to subsection 1. The form must include, without limitation, an indication of whether the requester desires to have the same letters and numbers on the license plates requested as are on the license plates that are registered to him at the time of the request.

(b) Determine the cost of manufacturing a license plate pursuant to this section and prescribe a manufacturing fee, which must not exceed $25, to defray the cost of manufacturing license plates pursuant to this section. The manufacturing fee must be:

(1) Collected by the department;

(2) Deposited with the state treasurer to the credit of the motor vehicle fund; and

(3) Allocated to the revolving account for the issuance of special license plates created pursuant to section 1 of Senate Bill No. 490 of this session to defray the costs of manufacturing license plates pursuant to this section.

4. A person who requests license plates pursuant to this section may keep the license plates which are registered to him at the time of the request if the license plates requested contain the same letters and numbers as the license plates which are registered to him at the time of the request.".

Amend the title of the bill, third line, after "plates;" by inserting:

"requiring certain money collected to defray the cost of manufacturing certain special license plates to be allocated to the revolving account for the issuance of special license plates;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 684.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history of Senate Bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 31.

Bill read second time.

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

Amendment No. 867.

Amend section 1, page 1, by deleting line 11 and inserting:

"~~[Third]~~ *Martin Luther King, Jr.'s birthday is on January 15 but is to be observed on the third* Monday in January ~~[(Martin Luther King, Jr.'s Birthday)~~

~~Third]~~ *Washington's birthday is on February 22 but is to be observed on the third* Monday in February ~~[(Washington's birthday)]~~".

Amend section 1, page 1, by deleting line 11 and inserting:

"*Nevada Day is* October 31 ~~[(Nevada Day)]~~ *but is to be observed on the last Friday in October*".

Amend sec. 3, pages 2 and 3, by deleting line 39 on page 2 and lines 1 through 3 on page 3, and inserting:

"holiday pursuant to NRS 236.015 . ~~[except that any board of trustees of a school district may elect to keep school open on October 31 (or other day observed as Nevada Day) and observe such holiday with appropriate exercises.]~~".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section, designated section 4, following sec. 3, to read as follows:

"Sec. 4. NRS 662.255 is hereby amended to read as follows:

662.255 1. A bank may elect to close on Saturdays, Sundays or legal holidays. Except as otherwise provided in *subsection 2 and* NRS 104.4303, if a bank elects not to close on a Saturday, Sunday or legal holiday, all business transacted on a Saturday, Sunday or legal holiday shall be deemed to have been transacted on the next banking day that is not a Saturday, Sunday or legal holiday.

2. *If a bank elects not to close on a Saturday, Sunday or legal holiday which falls on the last day of a calendar year, that day shall be deemed a regular banking day for the purposes of transacting business.*

3. As used in this section, the term "legal holiday" includes all days which are declared by NRS 236.015 to be legal holidays.".

Amend sec. 4, page 3, line 4, by deleting line 4 and inserting:

"Sec. 5. 1. This section and section 4 of this act become effective on October 1, 1999.

2. Sections 1, 2 and 3 of this act become effective on January 1, 2000.".

Amend the title of the bill to read as follows:

"AN ACT relating to holidays; changing the legal holiday for the observance of Nevada Day; removing the exception that allows schools to remain open on Nevada Day; revising the provision governing the transaction of banking business on holidays and weekends; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting the period and inserting:

"and revises provision governing transaction of banking business on holidays.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 38.

Bill read second time.

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

Amendment No. 980.

Amend sec. 12, page 6, by deleting lines 32 through 35 and inserting:

"2. If *, during the first 12 months after a claim is opened,* the medical benefits required to be paid for a claim are less than $500, the claim closes automatically **.** ~~[if the claimant does not receive medical treatment for the injury for at least 12 months.]~~ The claimant may not appeal the closing of such a".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1051.

Amend sec. 5, page 3, line 13, by deleting "*arrests; and*" and inserting "*arrests;*".

Amend sec. 5, page 3, line 16, by deleting "*department.*" and inserting: "*department; and*

22. Criminal investigators who are employed by the secretary of state.".

Amend sec. 18, page 8, by deleting lines 9 and 10 and inserting:

"289.360, inclusive, and section 1 of ~~[this act.~~

~~2.]~~ *Senate Bill No. 183 of this session.*

3. "Punitive action" means any action which may lead to dismissal,".

Amend sec. 32, page 16, by deleting lines 42 and 43 and inserting:

"2. Sections 1 to 17, inclusive, 19 to 27, inclusive, 29 and 30 of this act become effective on July 1, 1999.

3. Sections 18 and 31 of this act become effective at 12:01 a.m. on July 1, 1999."

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 103.

Bill read second time.

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

Amendment No. 985.

Amend sec. 18, page 15, line 21, by deleting:

"10 years after" and inserting:

"on July 1, 2010, if".

Amend sec. 18, page 15, line 23, by deleting the period and inserting:

"on or before July 1, 2006.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 128.

Bill read second time.

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

Amendment No. 984.

Amend sec. 2, page 2, by deleting lines 21 through 29, and inserting:

"*order to the person to cease and desist the unlawful advertising and to:*

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

4. If a person fails to comply with paragraph (a) of subsection 3 within 5 days after the date that he receives an order pursuant to subsection 3, the board may request the public utilities commission of Nevada to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 3 within 5 days after the date he receives an order pursuant to subsection 3, the board may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

5. If the provider of paging services receives a request from a person pursuant to subsection 3 or a request from the board pursuant to subsection 4, it shall, at its discretion:

(a) Disconnect the paging service to the person; or

(b) Switch the beeper number of the paging service provided to the person.

If the provider of paging services elects to switch the number pursuant to paragraph (b), it shall not forward or offer to forward the paging calls from

the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

6. As used in this section ~~[, "advertising"]~~ *:*".

Amend sec. 2, page 2, line 37, after "*(b)*" by inserting:

"*"Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.*

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d)".

Amend sec. 4, page 3, by deleting line 17 and inserting:

"*1. Upon receiving a*".

Amend sec. 4, page 3, line 20, by deleting:

"*without holding a hearing.*" and inserting:

"*to disconnect the telephone number if, after notice and a hearing, the commission determines that the facts are sufficient to justify such an order.*".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Subsection 5 of section 2 of this act shall not be interpreted or applied in a manner to unconstitutionally interfere with contractual rights in effect at the time this act becomes effective. For purposes of this section, the date the contract was last renewed shall be deemed to be the effective date of the rights contained therein.".

Amend the title of the bill by deleting the fourth through sixth lines and inserting:

"for which the advertiser does not have the required license; authorizing the board to request a provider of paging services to switch a beeper number or disconnect paging services to a beeper included in such advertising; requiring such providers of services to comply with the orders; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes state contractors' board to request that telephone number be disconnected and to request beeper number be switched or disconnected if telephone or beeper number is included in certain unlawful advertisements. (BDR 54-607)".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 191.

Bill read second time.

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

Amendment No. 943.

Amend the bill as a whole by deleting sec. 2, renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 278.160 is hereby amended to read as follows:

278.160 1. The master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including water and its hydraulic force, underground water, water supply, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, but is not limited to:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan may include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor, including any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including natural reservations, parks, parkways, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(l) *School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.*

(m) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

~~[(m)]~~ *(n)* Solid waste disposal plan. Showing general plans for the disposal of solid waste.

~~[(n)]~~ *(o)* Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

~~[(o)]~~ *(p)* Transit plan. Showing a proposed system of transit lines, including rapid transit, streetcar, motorcoach and trolley coach lines and related facilities.

~~[(p)]~~ *(q)* Transportation plan. Showing a comprehensive transportation system, including locations of rights of way, terminals, viaducts and grade

separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such subject as a part of the master plan.".

Amend section 1, page 1, line 1, by deleting "In" and inserting:
"Except as otherwise provided in this section, in".

Amend section 1, page 1, by deleting line 8 and inserting:
"before the date on which the governing body of the local government or unit thereof, or a person or agency authorized to take final action by the governing body:

(a) Takes final action on the final map pertaining to the project, if the project is a residential subdivision; or

(b) Considers the project for final action, if the project is a project other than a residential subdivision.".

Amend section 1, page 1, by deleting line 15 and inserting:

"(b) The estimated number of additional pupils for each elementary school, junior high or middle school, and high school that the project".

Amend section 1, page 2, by deleting line 14 and inserting:
"are provided, including, without limitation, facilities that are planned, but not yet constructed, and facilities which have been included in a plan for capital improvements prepared by the appropriate local government pursuant to NRS 278.0226.".

Amend section 1, page 2, line 15, after "existing" by inserting "and planned".

Amend section 1, page 2, by deleting line 29 and inserting:
"local ordinance, or as a condition imposed as a part of the process for approving the project; or".

Amend section 1, page 2, line 39, after "The" by inserting:
"local government or unit thereof determines that the appropriate local school district has been given an opportunity to review the project pursuant to NRS 278.346, if the provisions of that section are applicable.

(c) Except as otherwise provided in this subsection, the".

Amend section 1, pages 2 and 3, by deleting lines 41 through 43 on page 2 and lines 1 through 3 on page 3, and inserting:
"control will be sufficient to support the project. A local government or unit thereof may approve a project with respect to which the capacities of roads, sources of water supply or facilities for wastewater and flood control will not be sufficient to support the project if the local government or unit thereof requires the person who proposes to develop the project to carry out appropriate measures of mitigation to reduce the impact of the project on those elements of infrastructure.

6. The provisions of this section do not apply with respect to real property that is subject to a development agreement with a local government if the development agreement became effective before the effective date of this act.".

Amend section 1, page 3, line 4, by deleting "6." and inserting "7.".

Amend section 1, page 3, by deleting line 6 and inserting:

"(a) Final maps or planned unit developments of 500 units or more;".

Amend the title of the bill to read as follows:

"AN ACT relating to land use; requiring a master plan to include a school facilities plan; requiring a person who proposes to develop a project of significant impact in the Las Vegas urban growth zone to submit an impact statement in certain circumstances; prohibiting a local governmental entity from approving such a project in certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "(BDR S-34)" and inserting "(BDR 22-34)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read second time.

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

Amendment No. 1084.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sections 5 and 6 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An association of a planned community may not restrict, prohibit or otherwise impede the lawful residential use of any property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community.

2. Except as otherwise provided in this subsection, an association may not restrict the access of a person to any of his property. An association may restrict access to and from a unit within a planned community if the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner of the unit acquired title to the unit. The provisions of this subsection do not prohibit an association from charging the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or other similar device designed to control access to the planned community that would otherwise impede ingress or egress to the property.

3. An association may not expand, construct or situate a building or structure that is not part of any plat or plan of the planned community if the expansion, construction or situation of the building or structure was not previously disclosed to the units' owners of the planned community unless the association obtains the written consent of a majority of the units' owners and residents of the planned community who own property or reside within 500 feet of the proposed location of the building or structure.

4. The provisions of this section do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.".

Amend sec. 6, pages 2 and 3, by deleting lines 42 and 43 on page 2 and lines 1 through 7 on page 3, and inserting:

"*3. Unless the terms of an easement in favor of an association prohibit a residential use of a servient estate, if the owner of the servient estate has obtained all necessary approvals required by law or any covenant, condition or restriction on the property, the owner may use such property in any manner authorized by law without obtaining any additional approval from the association. Nothing in this subsection authorizes an owner of a servient estate to impede the lawful and contractual use of the easement.*

4. The provisions of subsection 3 do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any ontract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.".

Amend the bill as a whole by deleting sections 7 through 11.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, Planned communities are a dominant method of residential development in the State of Nevada; and

WHEREAS, Planned communities are developed for the purposes of preserving neighborhood continuity and creating desirable places to reside; and

WHEREAS, Planned communities are governed by specific rules and regulations and by unit-owners' associations; and

WHEREAS, A unit-owners' association is the form of self-government closest to the people; and

WHEREAS, All forms of government should follow the basic principles of democracy found in the United States Constitution and the Nevada Constitution; and

WHEREAS, Some unit-owners' associations in this state have a history of abuse of power; and

WHEREAS, Unit-owners' associations have power over one of the most important aspects of a person's life, his residence; and

WHEREAS, Homeowners invest financially and emotionally in their homes; and

WHEREAS, Homeowners have the right to reside in a community without fear of illegal, unfair, unnecessary, unduly burdensome or costly interference with their property rights; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to common-interest communities; enacting various provisions governing certain rights of an association with respect to certain property; making various other changes concerning common-interest communities; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley, Hettrick, Goldwater, Brower, McClain, Price, Beers, Gustavson, Parks, Collins, Von Tobel, Berman and Nolan.

Potential conflict of interest declared by Assemblymen Hettrick, Cegavske Goldwater, Brower, McClain, Price, Beers, Gustavson, Parks, Collins, Von Tobel, Berman and Nolan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 210.

Bill read second time.

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

Amendment No. 1039.

Amend sec. 13, page 2, line 27, by deleting "*registered*".

Amend sec. 13, page 2, line 36, after "*a*" by inserting "*clinical*".

Amend sec. 23, page 6, by deleting line 8, and inserting:

"*(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;*".

Amend sec. 23, page 6, line 10, by deleting "*641B*" and inserting "*641A*".

Amend sec. 23, page 6, line 11, by deleting "*registered*".

Amend sec. 26, page 7, line 14, by deleting:

"*in nursing or*".

Amend sec. 26, page 7, line 16, by deleting:

"*in nursing or*".

Amend the bill as a whole by deleting sec. 45 and adding:

"Sec. 45. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 47 and adding:

"Sec. 47. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 49 and adding:

"Sec. 49. (Deleted by amendment.)".

Amend sec. 54, page 20, by deleting lines 20 through 34 and inserting:

"divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary ~~[to]~~ *for* the performance of the duties of the department.".

Amend the bill as a whole by adding a new section designated sec. 57.5, following sec. 57, to read as follows:

"Sec. 57.5. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, and sections 2 to 8, inclusive, of ~~[this act,]~~ *Senate Bill No. 161 of this session,* unless the context requires otherwise:

1. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

2. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

3. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

4. "Bureau" means the bureau of alcohol and drug abuse in the rehabilitation division of the department.

5. "Chief" means the chief of the bureau.

6. "Civil protective custody" means a custodial placement of a person for the purpose of protecting his health or safety. Civil protective custody does not have any criminal implication.

7. "Department" means the department of employment, training and rehabilitation.

8. *"Detoxification technician" means a person who is certified by the bureau to provide screening for the safe withdrawal from alcohol and other drugs.*

9. "Director" means the director of the department.

~~[9.]~~ *10.* "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~[10.]~~ *11.* "Halfway house for alcohol and drug abusers" means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The

term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455.".

Amend sec. 58, page 23, by deleting lines 10 through 24 and inserting:

"3. Shall develop and publish standards of certification and may certify or deny certification of ~~[any]~~ *operators of* halfway houses for alcohol and drug abusers, *halfway houses for alcohol and drug abusers, detoxification technicians or any* facilities ~~[, programs or personnel]~~ *or programs* on the basis of the standards, and publish a list of certified *operators of halfway houses for alcohol and drug abusers,* halfway houses for alcohol and drug abusers, *detoxification technicians,* facilities ~~[, programs and personnel. Any facilities, programs or personnel]~~ *and programs. Any operators of halfway houses for alcohol and drug abusers, halfway houses for alcohol and drug abusers, detoxification technicians, facilities or programs* which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The chief:

(a) Shall establish *the* requirements for continuing education for persons certified as ~~[counselors and administrators of the programs;]~~ *detoxification technicians;* and

(b) May set fees for *the* certification of *operators of* halfway houses for alcohol and drug abusers, *halfway houses for alcohol and drug abusers, detoxification technicians,* facilities ~~[, programs or personnel.]~~ *or programs.* The fees must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may the fee for a certificate exceed the actual cost to the bureau of issuing the certificate.

4. Upon request from a facility which is self-supported, may certify the facility, its programs and ~~[personnel]~~ *detoxification technicians* and add them to the list ~~[of certified facilities, programs and personnel.]~~ *described in subsection 3.*".

Amend the bill as a whole by adding new sections designated sections 58.2 through 58.6, following sec. 58, to read as follows:

"Sec. 58.2. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as ~~[personnel of an alcohol or drug abuse program or a facility,]~~ *a detoxification technician* or as the operator of a halfway house for alcohol and drug abusers ~~[,]~~ shall submit to the bureau the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The bureau shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the bureau.

3. The certification of a person as ~~[personnel of an alcohol or drug abuse program or a facility,]~~ *a detoxification technician* or as the operator of a

halfway house for alcohol and drug abusers ~~[,]~~ may not be issued or renewed by the bureau if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 58.4. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the bureau receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified as ~~[personnel of an alcohol and drug abuse program or a facility,]~~ *a detoxification technician* or as the operator of a halfway house for alcohol and drug abusers, the bureau shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the bureau receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The bureau shall reinstate the certification of a person as ~~[personnel of an alcohol and drug abuse program or a facility,]~~ *a detoxification technician* or as the operator of a halfway house for alcohol and drug abusers, that has been suspended by a district court pursuant to NRS 425.540 if the bureau receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 58.6. NRS 458.028 is hereby amended to read as follows:

458.028 An application for the certification of ~~[personnel of an alcohol and drug abuse program or a facility,]~~ *a detoxification technician* or as the operator of a halfway house for alcohol and drug abusers, must include the social security number of the applicant.".

Amend sec. 61, page 23, by deleting lines 37 and 38 and inserting:

"administrative supervision by the administrator of the rehabilitation division of the department.

2. Subject to the approval of the administrator of the rehabilitation division of the department, appoint such technical,".

Amend sec. 73, page 31, by deleting lines 1 through 5, and inserting:

"(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or

(3) A nurse who is licensed pursuant to chapter 632".

Amend sec. 75, page 32, line 8, by deleting:

"in nursing or".

Amend sec. 75, page 32, line 11, by deleting:

"in nursing or".

Amend the bill as a whole by adding a new section designated section 77.5, following sec. 77, to read as follows:

"Sec. 77.5. Section 9 of Senate Bill No. 161 of this session is hereby amended to read as follows:

Sec. 9. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, *and sections 2 to 8, inclusive, of this act,* unless the context requires otherwise:

1. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

2. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

3. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

4. "Bureau" means the bureau of alcohol and drug abuse in the rehabilitation division of the department.

5. "Chief" means the chief of the bureau.

6. "Civil protective custody" means a custodial placement of a person for the purpose of protecting his health or safety. Civil protective custody does not have any criminal implication.

7. "Department" means the department of employment, training and rehabilitation.

8. "Director" means the director of the department.

9. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

10. "Halfway house for alcohol and drug abusers" means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a

facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455.

Amend sec. 78, page 33, by deleting line 20 and inserting:

"Sec. 78. NRS 458.360 is hereby".

Amend sec. 79, page 33, line 26, by deleting "January" and inserting "July".

Amend sec. 80, page 33, line 31, by deleting "January" and inserting "July".

Amend sec. 80, page 34, line 9, by deleting "January" and inserting "July".

Amend sec. 84, page 34, line 40, after "1 to" by inserting:

"57, inclusive, 59 to".

Amend sec. 84, page 34, between lines 41 and 42, by inserting:

"2. Sections 57.5 to 58.6, inclusive, of this act become effective on July 1, 2001.".

Amend sec. 84, page 34, line 42, by deleting "2." and inserting "3.".

Amend sec. 84, page 35, line 10, by deleting "3." and inserting "4.".

Amend the bill as a whole by deleting the leadlines of repealed sections and adding the text of the repealed section to read as follows:

"

TEXT OF REPEALED SECTION

458.360 1. No person may hold himself out to the public as an alcohol and drug abuse counselor, employ or use the title "alcohol and drug abuse counselor," "substance abuse counselor" or any similar title in connection with his work, or in any way imply that he is a certified alcohol and drug abuse counselor without being certified as a counselor by the bureau.

2. If the bureau believes from satisfactory evidence presented to it that any person has violated or is about to violate the provisions of subsection 1, it may bring an action in a court of competent jurisdiction to enjoin that person from engaging in or continuing the violation. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not preclude criminal prosecution and punishment of a violator.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1031.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 54 of chapter 473, Statutes of Nevada 1997, at page 1784, is hereby amended to read as follows:

Sec. 54. 1. There is hereby appropriated from the state general fund to the department of education to pay the costs incurred by the department of education for purchasing, administering and scoring the examinations required of pupils who are enrolled in the 10th grade by the amendatory provisions of NRS 389.015:

For the fiscal year 1997-1998 $130,000

For the fiscal year 1998-1999 ~~[$85,000]~~ *$96,500*

2. The examinations purchased and administered by the department of education must be:

(a) Purchased from the same vendor from whom the 4th and 8th grade examinations are purchased; and

(b) The version of the examination that is administered to pupils in the 4th and 8th grades which is appropriate for administration in the 10th grade.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any balance remaining of those sums must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon all payments of money committed have been made.".

Amend sec. 2, page 1, line 15, by deleting "*$48,200*" and inserting "*$36,700*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 292.

Bill read second time and ordered to third reading.

Senate Bill No. 302.

Assemblywoman Chowning moved that Senate Bill No. 302 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Chowning.

Motion carried.

Senate Bill No. 312.

Bill read second time.

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

Amendment No. 839.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present during a meeting of a public body; or

(c) A vote taken by a majority of the members present during a meeting of a public body.

2. "Meeting" means the gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

3. Except as otherwise provided in this subsection, "public body" means ~~[any]~~ *:*

(a) Any administrative, advisory, executive or legislative body of the state or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405 ~~[.]~~ *; and*

(b) Except as otherwise provided by specific statute, a corporation or limited-liability company if the corporation or limited-liability company receives more than 10 percent of its operating budget from an entity described in paragraph (a) in the form of grants or contributions of money derived from tax revenues, and the entity has the right to appoint a voting member to the governing board of the corporation or limited-liability company. As used in this paragraph, the phrase "grants or contributions of money derived from tax revenues" does not include money received as payment for membership dues or as payment for goods or services pursuant to a written agreement with the entity.

"Public body" does not include the legislature of the State of Nevada.

4. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.".

Amend the title of the bill, first line, after "bodies;" by inserting:

"expanding the definition of public body to include certain corporations and limited-liability companies;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to meetings of public bodies. (BDR 19-312)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 322.

Bill read second time.

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

Amendment No. 1008.

Amend sec. 6, page 2, by deleting lines 42 and 43, and inserting:
"*completing a form for registration provided by the division.*".

Amend sec. 6, page 3, by deleting lines 2 and 3, and inserting:
"*division annually on a form provided by the division.*".

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 13 as sections 9 through 12.

Amend the title of the bill, third line, by deleting:
"and pay a fee for registration;" and inserting a semicolon.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 323.

Bill read second time.

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

Amendment No. 1059.

Amend sec. 3, page 1, line 11, by deleting "*that*" and inserting "*that:*".

Amend sec. 3, pages 1 and 2, by deleting line 12 on page 1 and lines 1 through 28 on page 2 and inserting:

"*(a) The manufactured home:*

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.".

Amend sec. 3, page 2, by deleting line 35 and inserting:

"*housing, including, without limitation, the use of manufactured homes for affordable housing.*".

Amend sec. 3, page 2, by deleting line 37 and inserting:

"*restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 375.

Bill read second time.

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

Amendment No. 982.

Amend section 1, page 2, line 6, by deleting "*$100,000.*" and inserting "*$10,000.*".

Amend sec. 2, page 2, by deleting line 15 and inserting:

"*(d) Willful breach* or *willful* inducement of a breach of a duty to maintain secrecy [,]".

Amend sec. 2, page 2, by deleting line 17 and inserting:

"*(e) Willful breach or willful inducement of a breach of a duty imposed by common*".

Amend sec. 2, page 3, line 7, after "*procedure*" by inserting:

"*, computer programming instruction*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 404.

Bill read second time.

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

Amendment No. 871.

Amend the bill as a whole by deleting section 1, renumbering sections 2 and 3 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in subsection 3, the surviving spouse and any surviving child of a police officer or fireman who was:*

(a) Employed by a public agency that had established group insurance or medical and hospital service pursuant to NRS 287.010, 287.020 or 287.025; and

(b) Killed in the line of duty,

may elect to accept or continue coverage under that group insurance or medical and hospital service if the police officer or fireman was a participant or would have been eligible to participate in the group insurance or medical and hospital service on the date of the death of the police officer or fireman. If the surviving spouse or child elects to accept coverage under the group insurance or medical and hospital service in which the police officer or fireman would have been eligible to participate or to discontinue coverage under the group insurance or medical and hospital service in which the police officer or fireman was a participant, the spouse, child or legal guardian of the child must notify in writing the public agency that employed the police officer or fireman within 60 days after the date of death of the police officer or fireman.

2. The public agency that employed the police officer or fireman shall pay the entire cost of the premiums or contributions for the group insurance or medical and hospital service for the surviving spouse or child who meets the requirements set forth in subsection 1.

3. A surviving spouse is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse. A surviving child is eligible to receive coverage pursuant to this section until the child reaches:

(a) The age of 18 years; or

(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.

4. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 3. *1. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a police officer or fireman who was employed by a participating public agency and who was killed in the line of duty may join or continue coverage under the state's program of group insurance if the police officer or fireman was a participant or would have been eligible to participate on the date of the death of the police officer or fireman. If the surviving spouse or child elects to join or discontinue coverage under the state's program of group insurance pursuant to this subsection, the spouse, child or legal guardian of the child must notify in writing the participating public agency that employed the police officer or fireman within 60 days after the date of death of the police officer or fireman.*

2. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a volunteer fireman who was killed in the line of

duty and who was officially a member of a volunteer fire department in this state is eligible to join the state's program of group insurance. If such a spouse or child elects to join the state's program of group insurance, the spouse, child or legal guardian of the child must notify in writing the committee on benefits within 60 days after the date of death of the volunteer fireman.

3. The participating public agency that employed the police officer or fireman shall pay the entire cost of the premiums or contributions for the state's program of group insurance for the surviving spouse or child who meets the requirements set forth in subsection 1. The State of Nevada shall pay the entire cost of the premiums or contributions for the state's program of group insurance for the surviving spouse or child who elects to join the state's program of group insurance pursuant to subsection 2.

4. A surviving spouse is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse. A surviving child is eligible to receive coverage pursuant to this section until the child reaches:

(a) The age of 18 years; or

(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.

5. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 4. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, *and section 2 of this act,* do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada to *, except as otherwise provided in section 2 of this act,* make any contributions for the payment of any premiums or other costs for group insurance or medical or hospital services, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of this state to accept or join any plan of group insurance or to assign his wages or salary or to authorize deductions from his wages or salary in payment of premiums therefor.".

Amend sec. 2, page 2, line 36, by deleting "*section 1*" and inserting: "*sections 2 and 3*".

Amend sec. 3, page 3, line 21, by deleting "*section 1*" and inserting: "*sections 2 and 3*".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to programs for public employees; providing for coverage under certain programs of group insurance or other medical or hospital service without charge for the surviving spouse".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

Senate Bill No. 423.

Bill read second time.

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

Amendment No. 1007.

Amend section 1, page 1, line 2, by deleting:

"2, 3 and 4" and inserting:

"2 and 3".

Amend sec. 3, page 2, by deleting lines 10 and 11 and inserting:

"Sec. 3. *1. The board, by regulation:*

(a) Shall establish a program to provide educational requirements for an applicant for a contractor's license; and

(b) May establish a program to provide continuing education for licensed contractors.

Any program established pursuant to this subsection must include instruction in compliance with applicable building codes, the provisions of chapter 624 of NRS and any regulations adopted pursuant thereto and laws related to mechanics' and materialmen's liens.".

Amend sec. 3, page 2, line 12, by deleting "*1*" and inserting "*1:*".

Amend sec. 3, page 2, by deleting lines 13 through 15 and inserting:

"*(a) Must require an applicant for a contractor's license to comply with the educational requirements as a prerequisite for the issuance of a contractor's license by the board; and*

(b) May require a licensed contractor to comply with the requirements for continuing education as a prerequisite for the renewal of his license by the board.".

Amend the bill as a whole by deleting sections 4 through 6, renumbering sections 7 through 9 as sections 5 through 7 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 624.050 is hereby amended to read as follows:

624.050 1. ~~[Six]~~ *Three* members of the board must each:

(a) At the time of appointment, hold an unexpired license to operate as a *general engineering contractor or a general building* contractor.

(b) Be a contractor actively engaged in the contracting business and must have been so engaged for not less than 5 years preceding the date of his appointment.

(c) Have been a citizen and resident of the State of Nevada for at least 5 years next preceding his appointment.

2. *Three members of the board must each:*

(a) At the time of appointment, hold an unexpired license to operate as a specialty contractor.

(b) Be a contractor actively engaged in the contracting business and must have been so engaged for not less than 5 years preceding the date of his appointment.

(c) Have been a citizen and resident of the State of Nevada for at least 5 years next preceding his appointment.

3. One member of the board must be a representative of the general public.

4. Each member serves a term of 4 years or until his successor is appointed.

5. A member of the board may not serve more than two consecutive terms of any length.".

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 and 12 as sections 8 and 9.

Amend sec. 11, page 8, line 37, by deleting "~~[and]~~" and inserting "and".

Amend sec. 11, page 8, line 38, by deleting "NRS" and inserting "NRS.".

Amend sec. 11, page 8, by deleting lines 39 through 41.

Amend sec. 12, page 9, line 18, by deleting:

"*An owner of*".

Amend sec. 12, page 9, by deleting lines 19 through 21.

Amend the bill as a whole by deleting sections 13 through 15, renumbering sec. 16 as sec. 11 and adding a new section designated sec. 10, following sec. 12, to read as follows:

"Sec. 10. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.".

Amend sec. 16, page 11, by deleting lines 18 through 20 and inserting:

"Sec. 11. *1. In a county whose population is 100,000 or more, each certificate*".

Amend sec. 16, page 11, line 21, after "*be issued*" by inserting:

"*at the time of final inspection*".

Amend sec. 16, page 12, line 8, by deleting "*before*" and inserting "*at*".

Amend sec. 16, page 12, between lines 13 and 14, by inserting:

"*5. A certificate of occupancy issued pursuant to the provisions of subsection 1 may not be used as evidence that the construction is in actual compliance with applicable building codes or that the construction meets the minimum standards of the industry:*

(a) In a proceeding pursuant to chapter 624 of NRS; or

(b) In a civil action.".

Amend the bill as a whole by renumbering sec. 17 as sec. 14 and adding new sections designated sections 12 and 13, following sec. 16, to read as follows:

"Sec. 12. *A city or county building inspector shall send monthly to the state contractors' board a list that identifies any person to whom a building permit was issued during the preceding month. If a building officer of a local*

government has reason to believe that a person is acting as a contractor without the appropriate license, the building officer shall notify the board in writing of the suspected violation. Upon receipt of such a notice, the board shall conduct an investigation to determine whether any action may be taken against the person.

Sec. 13. 1. Except as otherwise provided in subsection 2, the terms of office of all members of the board expire upon the commencement of the terms of their successors appointed pursuant to subsection 3. A member of the board may be appointed to succeed himself if he meets the requirements set forth in NRS 624.050 as amended by this act.

2. The contractor on the board whose term expires on October 30, 2000, and the representative of the general public on the board whose term expires on October 30, 2000, shall serve out the remainder of their terms.

3. Notwithstanding the provisions of subsection 4 of NRS 624.050 as amended by this act, on or before October 31, 1999, the governor shall, pursuant to subsections 1, 2 and 3 of NRS 624.050 as amended by this act, appoint to the state contractors' board:

(a) Two members who are general engineering contractors or general building contractors and one member who is a specialty contractor whose initial terms expire on October 30, 2002; and

(b) Two members who are specialty contractors whose initial terms expire on October 30, 2004.

4. For the purposes of subsection 5 of NRS 624.050 as amended by this act, the term of office of each member of the board that expires after October 30, 2000, shall be deemed the first term of office for that member.".

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 17, to read as follows:

"Sec. 15. 1. This section, sections 1, 2, 4 to 9, inclusive, and 11 to 14, inclusive, of this act become effective on October 1, 1999.

2. Sections 3 and 10 of this act become effective on July 1, 2000.".

Amend the title of the bill to read as follows:

"AN ACT relating to construction; requiring the governing body of a city or county to notify the state contractors' board if a contractor has violated a provision of any building code adopted by the governing body under certain circumstances; requiring the state contractors' board to establish a program to provide educational requirements for an applicant for a contractor's license and continuing education for licensed contractors; changing the membership of the state contractors' board; lengthening the time that a contractor must be licensed in this state before he may be relieved by the state contractors' board from filing a bond or establishing a cash deposit under certain circumstances; shortening the period during which certain licenses may be reinstated; authorizing the state contractors' board to require a licensee to file an additional bond under certain circumstances; requiring certain certificates of occupancy in certain circumstances; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 436.

Bill read second time.

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

Amendment No. 898.

Amend the bill as a whole by renumbering sections 1 through 15 as sections 3 through 17 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 350.002 is hereby amended to read as follows:

350.002 1. *There is hereby created in each county whose population is 400,000 or more, a debt management commission, to be composed of:*

(a) Three representatives of the board of county commissioners from its membership;

(b) One representative of each governing body of the five largest incorporated cities in the county from its membership;

(c) One representative of the board of trustees of the county school district from its membership; and

(d) Two representatives of the public at large.

2. There is hereby created in each county *whose population is less than 400,000,* a debt management commission, to be composed of one representative of the county, one representative of the school district and the following additional representatives:

(a) In each *such* county which contains more than one incorporated city:

(1) One representative of the city in which the county seat is located;

(2) One representative of the other incorporated cities jointly; and

(3) One representative of the public at large.

(b) In each *such* county which contains one incorporated city:

(1) One representative of the incorporated city; and

(2) Two representatives of the public at large.

(c) In each *such* county which contains no incorporated city, one representative of the public at large.

(d) In each *such* county which contains one or more general improvement districts, one representative of the district or districts jointly and one additional representative of the public at large.

~~[2.]~~ *3.* In Carson City, there is hereby created a debt management commission, to be composed of one representative of the board of supervisors, one representative of the school district and three representatives of the public at large. The representative of the board of supervisors and the representative of the school district shall select the representatives of the public at large, and for that purpose only, constitute a quorum of the debt

management commission. Members of the commission serve for a term of 2 years beginning on January 1, or until their successors are chosen.

~~[3. Each]~~

4. Except as otherwise provided in subsection 1, each representative of a single local government must be chosen by its governing body. Each representative of two or more local governments must be chosen by their governing bodies jointly, each governing body having one vote. Each representative of the general improvement districts must be chosen by their governing bodies jointly, each governing body having one vote. Each representative of the public at large must be chosen by the other members of the commission from residents of the county, or Carson City, as the case may be, who have a knowledge of its financial structure. A tie vote must be resolved by lot.

~~[4. Members]~~

5. Except as otherwise provided in this subsection, members of the commission or their successors must be chosen in January of each odd-numbered year and hold office for a term of 2 years beginning January 1 . ~~[, except the]~~ *The* representatives of incorporated cities ~~[, who]~~ must be chosen after elections are held in the cities , but before the annual meeting of the commission in July.

~~[5.]~~ *The term of a representative who serves pursuant to paragraph (a), (b) or (c) of subsection 1 is coterminous with the term of his elected office, unless the public entity that appointed him revokes his appointment.*

6. Any vacancy must be filled in the same manner as the original choice was made for the remainder of the unexpired term.

Sec. 2. NRS 350.003 is hereby amended to read as follows:

350.003 1. The commission shall meet during the month of February of each year, to organize by selecting a chairman and vice chairman. *In a county whose population is 400,000 or more, the chairman must be one of the representatives of the board of county commissioners.* The county clerk is ex officio the secretary of the commission.

2. In addition to the organizational meeting, each commission shall meet annually in July of each year and at the call of the chairman whenever business is presented, as provided in NRS 350.004 and 350.005.

3. In conjunction with the meetings required by subsections 1 and 2, the commission in a county whose population:

(a) Is 100,000 or more but less than 400,000, shall meet each calendar quarter.

(b) Is 400,000 or more, shall meet each month.

The meetings required by this subsection must be scheduled at each annual meeting in July.

4. Except as otherwise provided in subsection ~~[2]~~ *3* of NRS 350.002, a majority of the members constitutes a quorum for all purposes.".

Amend section 1, page 1, line 1, by deleting:

"2 to 14," and inserting:

"4 to 16,".

Amend section 1, page 1, lines 2 and 3, by deleting:

"2, 3 and 4" and inserting:

"4, 5 and 6".

Amend sec. 3, page 1, line 7, by deleting "5" and inserting "7".

Amend sec. 4. page 1, line 9, by deleting "12" and inserting "14".

Amend sec. 5, page 1, by deleting line 12 and inserting:

"North Las Vegas, the City of Henderson, Boulder City and the Clark County School District.".

Amend sec. 6, page 1, line 13, by deleting "9" and inserting "10".

Amend sec. 6, page 2, line 4, by deleting "and".

Amend sec. 6, page 2, by deleting line 6 and inserting:

"membership; and

(f) One member appointed by the Board of Trustees of the Clark County School District from its membership.".

Amend sec. 6, page 2, line 10, after "4." by inserting:

"If a member fails to attend three consecutive meetings or fails to attend five meetings during a calendar year, his appointment is automatically revoked.

5.".

Amend sec. 7, page 2, line 17, by deleting:

"at least once each calendar quarter" and inserting "each month".

Amend sec. 11, page 3, by deleting lines 2 and 3.

Amend sec. 11, page 3, line 4, by deleting "2." and inserting "1.".

Amend sec. 11, page 3, line 7, by deleting "3." and inserting "2.".

Amend sec. 12, page 3, line 10, after "Clark County" by inserting:

", the Superintendent of the Clark County School District,".

Amend sec. 12, page 3, by deleting line 12 and inserting:

"City, or the appointee of such an entity who is an employee of the entity, is hereby created to provide".

Amend sec. 15, page 5, by deleting line 24 and inserting:

"Sec. 17. 1. This section and sections 3 through 16 of this act become effective on July 1, 1999.

2. Sections 1 and 2 of this act become effective on January 1, 2000.".

Amend the title of the bill, first line, after "planning;" by inserting:

"revising the composition of the debt management commission in certain counties;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to regional planning. (BDR 30-1588)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1019.

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. *"Vexatious" means lacking justification and intended to harass.*".

Amend sec. 5, page 2, line 2, by deleting:

"*and commission counsel*".

Amend sec. 5, page 2, by deleting lines 7 through 9 and inserting:

"*3. The executive director is in the*".

Amend sec. 5, page 2, by deleting lines 11 and 12 and inserting:

"*4. The executive director shall devote his entire time and*".

Amend sec. 5, page 2, line 15, by deleting "*their*" and inserting "*his*".

Amend sec. 5, page 2, by deleting line 16 and inserting:

"*5. The executive director may not:*".

Amend sec. 6, page 2, lines 26 and 27, by deleting:

"*281.511, 294A.345 or 294A.346.*" and inserting "*281.511.*".

Amend sec. 9, page 4, lines 24 and 25, by deleting:

"*2, 3 and 4*" and inserting:

"*2 to 4, inclusive,*".

Amend sec. 11, page 5, lines 18 and 19, by deleting:

"294A.345 or 294A.346," and inserting:

"~~[294A.345 or 294A.346,]~~".

Amend sec. 12, page 5, lines 36 and 37, by deleting:

"of:

(a) This" and inserting:

"of ~~[:~~

~~(a) This]~~ *this*".

Amend sec. 12, page 5, line 39, by deleting "(1)" and inserting "~~[(1)]~~ *(a)*".

Amend sec. 12, pages 5 and 6, by deleting lines 40 through 43 on page 5 and lines 1 and 2 on page 6, and inserting:

"~~[(2) A determination of the commission on its]~~

(b) The commission's own motion . ~~[that there is just and sufficient cause to render an opinion concerning the conduct of that public officer or employee or former public officer or employee.~~

~~(b) NRS 294A.345 or 294A.346 in any proceeding commenced by the filing of a request for an opinion pursuant thereto.]~~".

Amend sec. 12, page 6, line 3, by deleting:

"of paragraph (a)" and inserting:

"~~[of paragraph (a)]~~".

Amend sec. 13, page 6, by deleting lines 13 and 14 and inserting:

"1. Adopt procedural regulations ~~[to]~~ *:*

(a) To facilitate the receipt of inquiries *by the commission;*

(b) For the filing of a request for an opinion with the commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of ~~[its opinions.]~~ *opinions by the commission.*".

Amend sec. 13, page 6, line 17, by deleting:

"*and public employees*".

Amend sec. 14, page 7, by deleting line 40 and inserting:

"~~[4. Except as otherwise provided in this subsection, upon]~~

6. Upon such a".

Amend sec. 14, page 8, by deleting lines 2 through 6 and inserting:

"papers before the commission. ~~[If the witness has been subpoenaed by the commission in response to a request for an opinion filed pursuant to NRS 294A.345 or 294A.346, the court shall direct the witness to appear before the court as expeditiously as possible to allow the commission to render its opinion within the time required by NRS 281.477.]~~ A certified copy of the".

Amend the bill as a whole by adding a new section designated sec. 14.5, following sec. 14, to read as follows:

"Sec. 14.5. NRS 281.481 is hereby amended to read as follows:

281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any member of his household, any business entity in which he has a significant pecuniary interest, or any other person. *As used in this subsection, "unwarranted" means without justification or adequate reason.*

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of his public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the legislator or legislative employee to perform his official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.".

Amend sec. 15, page 9, by deleting lines 25 and 26 and inserting:

"committee.".

Amend sec. 15, pages 9 and 10, by deleting lines 40 through 42 on page 9 and lines 1 through 12 on page 10.

Amend sec. 16, page 11, by deleting lines 2 and 3 and inserting:

"a vexatious purpose . ~~[or in connection with a request for an opinion that the commission determines to be without merit.]~~".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. NRS 281.521 is hereby amended to read as follows:

281.521 1. The commission's opinions may include guidance to a public officer or employee on questions whether:

(a) A conflict exists between his personal interest and his official duty.

(b) His official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.

(c) The conflict would materially affect the independence of the judgment of a reasonable person in his situation.

(d) He possesses special knowledge which is an indispensable asset of his public agency and is needed by it to reach a sound decision.

(e) It would be appropriate for him to withdraw or abstain from participation, disclose the nature of his conflicting personal interest or pursue some other designated course of action in the matter.

2. ~~[Except as otherwise provided in NRS 281.477, 294A.345 and 294A.346, the]~~ *The* commission's opinions may not include guidance to a public officer or employee on questions regarding the provisions of chapter 294A of NRS.".

Amend sec. 17, page 14, line 25, by deleting:

"~~[attorney general]~~ *commission counsel*" and inserting:

"attorney general *shall assign an attorney employed by the office of the attorney general to serve as commission counsel. The commission counsel*".

Amend sec. 17, page 14, line 26, by deleting:

"For each opinion ~~[he]~~ ," and inserting:

"*The commission counsel shall devote his entire time and attention to the business of the commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of his duties. Any opinion rendered by the office of the attorney general regarding the Nevada Ethics in Government Law, NRS 281.411 to 281.581, inclusive, must be rendered by the commission counsel*

subject to the review of the commission. For each opinion ~~[he]~~ *of the commission,*".

Amend sec. 18, page 15, by deleting lines 23 through 31 and inserting:

"4. ~~[Except as otherwise provided in this subsection, and in addition to any other penalty provided by law, the commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed $10,000. If the commission finds that a violation of NRS 294A.345 or 294A.346 occurred within 10 days before an election, including any recall or special election, the commission may impose on the person who committed such a violation a civil penalty not to exceed $30,000.~~

~~5.]~~ If the commission finds that ~~[a]~~ *:*".

Amend sec. 18, page 15, line 37, before "*(b)*" by inserting "~~[6.]~~".

Amend sec. 18, page 16, line 1, by deleting "6." and inserting "*5.*".

Amend sec. 18, page 16, by deleting lines 12 and 13 and inserting:

"by the commission . ~~[to the public officer or employee.~~

~~7.]~~ *6.* In addition to other penalties provided by law, a public employee".

Amend sec. 18, page 16, line 18, by deleting "8." and inserting "~~[8.]~~ *7.*".

Amend sec. 18, page 16, by deleting line 21 and inserting:

"employees.

~~[9.]~~ *If the commission finds that a public officer or employee has*".

Amend sec. 18, page 16, by deleting lines 27 and 28 and inserting:

"*8.* The imposition of a civil penalty pursuant to ~~[subsections 1 to 4, inclusive,]~~ *subsection 1, 2 or 3* is a final decision for the purposes of judicial review.".

Amend sec. 18, page 16, line 29, by deleting "10." and inserting "~~[10.]~~ *9.*".

Amend sec. 18, page 17, line 5, by deleting "*11.*" and inserting "*10.*".

Amend sec. 19, page 18, by deleting lines 2 through 5 and inserting:

"this section is guilty of a *gross* misdemeanor and, upon conviction, forfeits the amount of the honorarium.".

Amend sec. 19.5, page 18, by deleting lines 7 and 8 and inserting:

"281.581 1. A candidate or public".

Amend sec. 19.5, page 18, line 13, by deleting "~~[1.]~~ *(a)*" and inserting "(a)".

Amend sec. 19.5, page 18, line 15, by deleting "~~[2.]~~ *(b)*" and inserting "(b)".

Amend sec. 19.5, page 18, line 18, by deleting "~~[3.]~~ *(c)*" and inserting "(c)".

Amend sec. 19.5, page 18, line 19, by deleting "~~[The]~~".

Amend sec. 19.5, page 18, by deleting line 20 and inserting:

"2. The commission may, for good cause shown, waive or reduce the civil penalty.

3. The civil penalty must be recovered".

Amend sec. 19.5, page 18, by deleting lines 24 and 25 and inserting:

"*4. If the*".

Amend sec. 19.5, page 18, line 26, by deleting "*this subsection,*" and inserting "*subsection 2,*".

Amend the bill as a whole by deleting sections 22 and 23 and adding new sections designated sections 22 and 23, following sec. 21, to read as follows:

"Sec. 22. NRS 218.926 is hereby amended to read as follows:

218.926 1. Each registrant shall file with the director within 30 days after the close of the legislative session a final report signed under penalty of perjury concerning his lobbying activities. In addition, each registrant shall file with the director between the 1st and 10th day of the month after each month that the legislature is in session a report concerning his lobbying activities during the previous month, whether or not any expenditures were made. Each report must be on a form prescribed by the director and must include the total of all expenditures, if any, made by the registrant on behalf of *the governor,* a legislator or an organization whose primary purpose is to provide support for legislators of a particular political party and house, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant. Except as otherwise provided in subsection 4, the report must identify each legislator and each organization whose primary purpose is to provide support for legislators of a particular political party and house on whose behalf expenditures were made *, must identify the governor if expenditures were made on behalf of the governor,* and must be itemized with respect to each such legislator and organization ~~[.]~~ *and, if applicable, the governor.* An expenditure on behalf of a person other than *the governor,* a legislator or an organization whose primary purpose is to provide support for legislators of a particular political party and house need not be reported pursuant to this section unless the expenditure is made for the benefit of *the governor,* a legislator or such an organization.

2. If expenditures made by or on behalf of a registrant during the previous month exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the legislative commission, in the following categories:

(a) Entertainment;

(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;

(c) Gifts and loans, including money, services and anything of value provided *to the governor,* to a legislator, to an organization whose primary purpose is to provide support for legislators of a particular political party and house, or to any other person for the benefit of *the governor,* a legislator or such an organization; and

(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.

3. The legislative commission may authorize an audit or investigation by the legislative auditor that is proper and necessary to verify compliance with

the provisions of this section. A lobbyist shall make available to the legislative auditor all books, accounts, claims, reports, vouchers and other records requested by the legislative auditor in connection with any such audit or investigation. The legislative auditor shall confine his requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

4. A report filed pursuant to this section must not itemize with respect to *the governor and* each legislator an expenditure if the expenditure is the cost of a function to which every legislator was invited. For the purposes of this subsection, "function" means a party, meal or other social event.

Sec. 23. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. ~~[Except as otherwise provided in NRS 294A.345 and 294A.346, if]~~ *If* it appears that the provisions of this chapter have been violated, the secretary of state may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the first judicial district court; or

(b) Refer the alleged violation to the attorney general. The attorney general shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the first judicial district court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the secretary of state, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include any information in support of the alleged violation.".

Amend the bill as a whole by renumbering sec. 25 as sec. 26 and adding a new section designated sec. 25, following sec. 24, to read as follows:

"Sec. 25. NRS 281.477, 294A.345 and 294A.346 are hereby repealed.".

Amend sec. 25, page 22, line 11, by deleting "1999." and inserting:

"1999, or to the jurisdiction, duties, powers or proceedings of the commission on ethics relating to such conduct.".

Amend the bill as a whole by adding a new section designated sec. 27, and the text of the repealed sections, following sec. 25, to read as follows:

"Sec. 27. Section 19.5 of this act becomes effective at 12:01 a.m. on October 1, 1999.

TEXT OF REPEALED SECTIONS

281.477 Public hearing on request for opinion as to whether person committed act to impede success of political campaign: Request; notice; response; continuance; actions of commission; judicial review of final opinion.

1. If a request for an opinion is filed with the commission pursuant to NRS 294A.345 or 294A.346, the commission shall conduct a public hearing on the request. Except as otherwise provided in subsection 6, the hearing must be held as expeditiously as possible, but not later than 15 days after the receipt of the request for the opinion.

2. Such a request must be accompanied by all evidence and arguments to be offered by the requester concerning the issues related to the request. Except as otherwise provided in this subsection, if such evidence and arguments are not submitted with the request, the commission may:

(a) Draw any conclusions it deems appropriate from the failure of the person or group of persons requesting the opinion to submit the evidence and arguments, other than a conclusion that a person alleged to have violated NRS 294A.345 acted with actual malice; and

(b) Decline to render an opinion.

The provisions of this subsection do not prohibit the commission from considering evidence or arguments presented by the requester after submission of the request for an opinion if the commission determines that consideration of such evidence or arguments is in the interest of justice.

3. The commission shall immediately notify any person alleged to have violated NRS 294A.345 or 294A.346 that such an opinion has been requested by the most expedient means possible. If notice is given orally by telephone or in any other manner, a second notice must be given in writing no later than the next calendar day by facsimile machine or overnight mail. The notice must include the time and place of the commission's hearing on the matter.

4. A person notified pursuant to subsection 3 shall submit a response to the commission no later than at the close of business on the second business day following the receipt of the notice. The response must be accompanied by any evidence concerning the issues related to the request that the person has in his possession or may obtain without undue financial hardship. Except as otherwise provided in this subsection, if such evidence is not submitted within that time, the commission may:

(a) Draw any conclusions it deems appropriate from the failure of that person to submit the evidence and argument; and

(b) Prohibit that person from responding and presenting evidence at the hearing.

The provisions of this subsection do not prohibit the commission from allowing that person to respond and present evidence or arguments, or both, after the close of business on the second business day if the commission determines that consideration of such evidence or arguments is in the interest of justice.

5. Except as otherwise provided in subsection 4, the commission shall allow any person alleged to have violated NRS 294A.345 or 294A.346 to:

(a) Be represented by counsel; and

(b) Hear the evidence presented to the commission and respond and present evidence on his own behalf.

6. At the request of:

(a) The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346; or

(b) The person alleged to have violated the provisions of NRS 294A.345 or 294A.346,

the commission may grant a continuance of a hearing held pursuant to the provisions of this section upon a showing of the existence of extraordinary circumstances that would prohibit the commission from rendering a fair and impartial opinion. A continuance may be granted for not more than 15 days. Not more than one continuance may be granted by the commission pursuant to this subsection.

7. The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346 has the burden of proving the elements of the offense, including that a person alleged to have violated NRS 294A.345 acted with actual malice. The existence of actual malice may not be presumed. A final opinion of the commission rendered pursuant to this section must be supported by clear and convincing evidence.

8. The commission shall render its opinion, or decline to render an opinion, as expeditiously as possible, but not later than 3 days after the date of the hearing. If additional time is required to determine the state of mind or the intent of the person alleged to have violated the provisions of NRS 294A.345 or 294A.346 or to determine the amount of any civil penalty that may be imposed pursuant to NRS 281.551, the commission may continue its jurisdiction to investigate those issues but shall render its opinion as to the truth or falsity of the statement made concerning the candidate or the ballot question or its opinion as to whether the person impeded the success of the campaign or induced another person to impede the success of the campaign. If the commission continues its jurisdiction pursuant to this subsection, it may render a final opinion after the time set forth in this subsection.

9. A final opinion of the commission rendered pursuant to this section is subject to judicial review pursuant to NRS 233B.130. The district court shall give a petition for judicial review of a final opinion of the commission priority over other civil matters that are not expressly given priority by law. Notwithstanding the provisions of NRS 233B.130, the court may provide for such expedited review of the final opinion, including shortened periods for filing documents, as it deems appropriate for the circumstances.

10. Each request for an opinion filed pursuant to NRS 294A.345 or 294A.346, each opinion rendered by the commission pursuant thereto and any motion, evidence or record of a hearing relating to the request are public and must be open to inspection pursuant to NRS 239.010.

11. For the purposes of NRS 41.032, the members of the commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking any action related to the rendering of an opinion pursuant to this section.

12. Except as otherwise provided in this section, a meeting or hearing held by the commission to carry out the provisions of this section and the commission's deliberations on the information or evidence are not subject to any provision of chapter 241 of NRS.

294A.345 Causing publication of certain false statements of fact concerning candidate or ballot question during campaign prohibited; civil penalty imposed by commission on ethics.

1. A person shall not, with actual malice and the intent to impede the success of the campaign of a candidate, cause to be published a false statement of fact concerning the candidate, including, without limitation, statements concerning:

(a) The education or training of the candidate.

(b) The profession or occupation of the candidate.

(c) Whether the candidate committed, was indicted for committing or was convicted of committing a felony or other crime involving moral turpitude, dishonesty or corruption.

(d) Whether the candidate has received treatment for a mental illness.

(e) Whether the candidate was disciplined while serving in the military or was dishonorably discharged from service in the military.

(f) Whether another person endorses or opposes the candidate.

(g) The record of voting of a candidate if he formerly served or currently serves as a public officer.

2. A person shall not, with actual malice and the intent to impede the success of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, cause to be published a false statement of fact concerning the question on the ballot.

3. Any candidate who alleges that a false statement of fact concerning the candidate has been published in violation of subsection 1, and any person or group of persons that advocates the passage or defeat of a question on the ballot at any election, is required to file a report pursuant to NRS 294A.150, and alleges that a false statement of fact has been published in violation of subsection 2, may file a request for an opinion with the commission on ethics pursuant to NRS 281.411 to 281.581, inclusive, and NRS 281.477. The commission shall give priority to such a request over all other matters pending with the commission.

4. A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the commission on ethics pursuant to NRS 281.551.

5. As used in this section:

(a) "Actual malice" means knowledge of the falsity of a statement or reckless disregard for whether a statement is true or false.

(b) "Publish" means the act of printing, posting, broadcasting, mailing, speaking or otherwise disseminating.

294A.346 Impeding success or inducing another to impede success of campaign of candidate or for ballot question prohibited; civil penalty imposed by commission on ethics.

1. An employee, agent or volunteer of the campaign of a candidate shall not willfully perform any act in the course of his employment, agency or volunteering that impedes the success of that campaign.

2. A person shall not willfully, to impede the success of the campaign of a candidate, offer or give an item of value to:

(a) A person to induce him to obtain a position as an employee, agent or volunteer for that campaign and perform any act in the course of his employment, agency or volunteering to impede the success of that campaign; or

(b) An employee, agent or volunteer for that campaign to induce him to perform any act in the course of his employment, agency or volunteering to impede the success of that campaign.

3. An employee, agent or volunteer of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, shall not willfully perform any act in the course of his employment, agency or volunteering that impedes the success of that campaign.

4. A person shall not willfully, to impede the success of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, offer or give an item of value to:

(a) A person to induce him to obtain a position as an employee, agent or volunteer for that campaign and perform any act in the course of his employment, agency or volunteering to impede the success of that campaign; or

(b) An employee, agent or volunteer for that campaign to induce him to perform any act in the course of his employment, agency or volunteering to impede the success of that campaign.

5. Any candidate who alleges that a person has violated the provisions of subsection 1 or 2, and any person or group of persons that advocates the passage or defeat of a question on the ballot at any election, is required to file a report pursuant to NRS 294A.150, and alleges that a person has violated the provisions of subsection 3 or 4, may file a request for an opinion with the commission on ethics pursuant to NRS 281.411 to 281.581, inclusive, and 281.477. The commission shall give priority to such a request over all matters pending with the commission.

6. A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the commission on ethics pursuant to NRS 281.551.".

Amend the title of the bill by deleting the second line and inserting:

"director and providing his duties; requiring the attorney general to assign a commission counsel to the commission and providing his duties; requiring lobbyists to report expenditures on behalf of the governor; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; clarifying the intent".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 500.

Bill read second time.

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

Amendment No. 918.

Amend sec. 4, page 1, line 10, after "*and*" by inserting: "*an agency or*".

Amend sec. 5, page 1, line 14, by deleting "*agency;*" and inserting: "*agency or the State of Nevada;*".

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. *1. Except as otherwise provided in subsection 2, an agency may request the state controller, in writing, to act as the collection agent for the agency. Such a request must include the circumstances in which the state controller may act as the collection agent for the agency.*

2. The provisions of this section do not apply to:

(a) The department of taxation;

(b) The employment security division of the department of employment, training and rehabilitation;

(c) The Nevada gaming commission;

(d) The division of industrial relations of the department of business and industry;

(e) The department of motor vehicles and public safety; and

(f) The state industrial insurance system.".

Amend sec. 12, page 2, by deleting line 19 and inserting:

"Sec. 12. *The state controller and the*".

Amend sec. 13, page 2, line 25, by deleting: "*director of the department of administration*" and inserting "*state controller*".

Amend sec. 23, page 7, by deleting lines 32 through 41 and inserting:

"Sec. 23. *1. If the state controller and attorney general determine that it is impractical to collect a debt, the state controller shall designate the debt as a bad debt. A debt that has been designated as a bad debt pursuant to this subsection may be removed from the records and books of account of the agency to which the debt is owed or the State of Nevada, as appropriate, except that a bad debt that is so removed remains a legal and binding obligation owed by the debtor to the agency or the State of Nevada, as appropriate.*".

Amend sec. 23, page 7, line 42, by deleting "*3.*" and inserting "*2.*".

Amend sec. 23, page 7, line 43, by deleting "*canceled*" and inserting: "*designated as bad debts*".

Amend sec. 23, page 8, line 3, by deleting "*canceled,*" and inserting: "*removed from the records and books of account of the agency or the State of Nevada,*".

Amend sec. 25, page 8, by deleting lines 35 through 37 and inserting:

"(b) ~~[Upon approval of the attorney general, direct the cancellation of any accounts or money due the state.~~

~~(c)]~~ Except as otherwise provided in subsection 3, withhold from the".

Amend sec. 25, page 8, line 41, by deleting "(c)" and inserting "~~[(c)]~~ *(b)*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 546.

Bill read second time and ordered to third reading.

Senate Bill No. 547.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 476 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 981.

Amend section 1, page 1, line 2, by deleting "~~[,]~~" and inserting: ", section 1 of *Assembly Bill No. 275 of* this ~~[act,]~~ *session*".

Amend section 1, pages 1 and 2, by deleting lines 8 through 15 on page 1 and lines 1 through 15 on page 2, and inserting:

"*2. Any levy imposed by the legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose*

population is 25,000 or less, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada tax commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; exempting certain ad valorem tax levies in certain counties from the limitation on the total ad valorem tax levy for all public purposes under certain circumstances; requiring the publication of a notice if the highest combined tax rate in the county exceeds a certain level; and providing other maters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Parks and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 477.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 1.
Resolution read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Joint Resolution No. 1:
YEAS—40.
NAYS—None.
NOT VOTING—Angle.
EXCUSED—Evans.
Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 10.
Resolution read third time.
Remarks by Assemblyman Marvel.
Roll call on Senate Joint Resolution No. 10:
YEAS—40.
NAYS—None.
NOT VOTING—Angle.
EXCUSED—Evans.
Senate Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 12.
Resolution read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Joint Resolution No. 12:
YEAS—40.
NAYS—None.
NOT VOTING—Angle.
EXCUSED—Evans.
Senate Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 25.
Resolution read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Joint Resolution No. 25:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Assembly Joint Resolution No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 26.

Resolution read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Joint Resolution No. 26:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Assembly Joint Resolution No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 74.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 74:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblymen Nolan and Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Senate Bill No. 132:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblymen Parks and Bache.

Roll call on Senate Bill No. 133:

YEAS—37.
NAYS—Bache, Claborn, Giunchigliani, Parnell—4.
EXCUSED—Evans.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 144.

Bill read third time.

Remarks by Assemblymen Bache and Collins.

Potential conflict of interest declared by Assemblymen Collins and Lee.

Assemblyman Bache requested that the following letter of intent remarks be entered into the Journal.

April 27, 1999
To: Chairman Bache
Assembly Government Affairs
From: Renny Ashleman and Richard Piel

The enclosed is a consensus on the intent of SB 144 as amended and understood by the proponents and opponents of the bill. Please enter this note into the record of the committee and, if you choose, on the Assembly floor session if your committee agrees with this bill or a version thereof. There will be parties presenting amendments today. With one exception, they are intended to clarify LCB language. The exception would make it clear that this bill does not apply to contracts entered into before the effective date of the act: October 1, 1999.

To: Senator O'Connell
Chairman, Senate Government Affairs
From: Renny Ashleman
April 15, 1999

A copy of these remarks should be entered into the record to create legislative history. This is important to both sides.

This bill as a whole is designed to insure prompt pay for contractors and subcontractors on public projects. A majority of the states currently have such legislation. Proponents claim that the bill is needed and will reduce overall government contract costs.

Opponents question the need but believe that they can make this into a workable situation.

It amends Chapter 338 which governs public works projects.

Sections 1-12 are self-explanatory definitions for the purpose of the act.

Section 12.3 allows submission of a progress bill monthly or more frequently if the contract so provides. It is intended that the public body may require submission by a certain date so that it can have time to meet and authorize payment, i.e. it can require submission 25 days in advance of a commission meeting, etc.

Section 12.5 removed NDOT from this bill. It has its own regulation under NRS 408.

Section 13 requires the payment of interest on retention.

Section 14 describes the circumstances which trigger the payment of retention, that is, occupying all or part of a public work of filing a notice of completion. If part is occupied, retention is paid pro rata on the occupied part.

Section 15 is the heart of the bill. It provides:

1. That a public body may withhold money to pay expenses it reasonably expects to incur as a result of the failure of the contractor to comply with the contract or applicable building code, law or regulation.

The contract includes all accompanying documents.

2. The public body must within 20 days after receiving a progress bill or retainage bill give a detailed notice of any portion it will not pay, including a specific explanation of which provision or section of the contract or any documents related thereto or the applicable building code, law or regulation with which thecontractor has failed to comply.

It is not the duty of the public body to tell the contractor how to fix the problem. It is their duty to tell them what is not in compliance. (Note: the contractor has the obligation to figure out how to fix the problem. If the governmental body had that obligation, they would be taking on a contractual burden that belongs to the contractor and would be liable for not telling the contractor how to fix something he should have done right in the first place.)

3. Once the public body receives a notice that the item is fixed it must pay within 30 days of the next progress or retainage bill.

The public body, of course, is free to object to the correction and require further correction and withhold a reasonable amount of that correction.

Section 16 and 17 are omitted.

Section 18: If the public body does not timely pay or object, it is to pay the entire amount, plus interest, from the 30th day. The interest is set by NRS 338.160.

Section 19 will assist subcontractors and suppliers with the situation where the public body has paid the contractor, but the contractor is claiming that he has not been paid. Within five working days, a public body is to tell subcontractors and suppliers whether it has paid, what it has paid, and if it has not paid the amount withheld.

Section 20 applies the same rules of payment to the contractor-subcontractor relationship that govern public body payments in section 15, except time is shortened to 10 days since the contractor does not have to inspect the work and file objections, etc.

Section 21 mirrors section 18, but applies to the contractor and the sub.

Section 22 mirrors section 19 as far as supplying information goes.

Section 23-27 carry out the same mirroring or step down provisions for the sub-sub and his suppliers.

Section 27.3 limits releases and waivers to those where actual payment is made and limits them to the invoiced matter in the progress payment or retainage of the current contract. This prevents this payment from being leveraged in a different dispute.

Section 27.5 is another critical section. The public bodies desired to preserve their arbitration right and their right as owners and as a governmental body to be free from second guessing by the courts on correction notices on a job in progress. It allows a writ of mandamus only if the governmental body has failed to pay an undisputed amount or has failed to explain its non payment or give requested information in a timely manner.

If one of the above has happened, the court may award the appropriate amount, costs, and attorney fees.

So long as the dispute is confined to the sections 14-19, the court may issue an alternate writ of mandate on non discretionary acts. In such a case, the court need not defer to arbitration. This exception is intended to force the public body to take the actions mandated by this law as far as timely payment, notice of objection or response to written requests for information are concerned. All other matters are to be litigated or arbitrated in the usual manner.

The public body may, by contract, provide for the payment of attorney's fees.

Section 28 allows the subcontractor or supplier to ask for an order to show cause why they should not be paid the amount they believe to be appropriate. This order to show cause has short deadlines and is intended to force prompt payment between the contractor and the subcontractors and suppliers. It is broader and more preemptory than the contractor-public body sections because the issue of the correctness of the work would ordinarily be settled between the public body and the contractor. The contractor is, of course, protected if the public body has not paid him.

Any other civil action must be consolidated. Other rights and remedies provided by law or contract are preserved.

Section 30 states how notices are to be served and prohibits waiver of the provisions of this law. The testimony was that the sub, suppliers, and, occasionally, contractors, do not have sufficient bargaining power to protect their rights.

Section 31 was deleted.

Section 32 and 33 allow a court or arbitrator, as the case may be, to hear cases in the regular manner and to award costs and attorney's fees. It contains additional language to protect the right to enter into a contractual arbitration agreement.

Section 34 is a technical amendment.

Section 35 requires payment within 30 days or sooner if so agreed and further requires that supplies, materials, and equipment that have been identified in the contract and delivered as specified in the contract that were specifically made or in short supply shall be paid for in 30 days.

This provision alleviates a common situation where a supplier, etc., has to wait for completion of a public work although their part is satisfactorily done. It does not prevent the public body from safeguarding itself from improperly delivered or supplied items.

Section 36 is Section 35 as applied to suppliers and subs.

Section 37 governs retainage between the contractor and sub.

Section 38 makes it clear that subcontractors and suppliers do not obtain any relationship with the public body as a result of this act and that no third party liability is created on their behalf.

Subsection 2 preserves the right of arbitration, except for the narrow right of mandate as discussed earlier and the right to sue for prompt payment between the contract and subcontractors or suppliers.

Roll call on Senate Bill No. 144:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 1:52 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 477 be placed on the Second Reading File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 530 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1062.

Amend section 1, page 1, line 15, by deleting "the" and inserting "a".

Amend section 1, page 1, line 16, by deleting "inclusive." and inserting: "inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects.".

Amend section 1, page 2, line 2, by deleting "the" and inserting "a".

Amend section 1, page 2, by deleting line 3 and inserting: "inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects.".

Amend section 1, page 2, line 14, by deleting "subsection" and inserting: "subsections 1 and".

Amend sec. 2, page 2, line 23, by deleting "incorporated" and inserting "unincorporated".

Amend sec. 2, page 2, line 24, by deleting "the" and inserting "a".

Amend sec. 2, page 2, by deleting lines 25 through 31 and inserting: "described in NRS 268.780 to 268.785, inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects; and

(b) All of the proceeds collected in a district described in NRS 268.780 to 268.785, inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects,

must be used by the Reno/Sparks Convention and Visitors Authority to reconstruct, expand, improve, equip, operate and maintain the Reno/Sparks Convention Center, including, but not limited to, parking and facilities ancillary to the Reno/Sparks Convention Center and the acquisition of real property and other appurtenances therefor. The Reno/Sparks Convention and Visitors Authority may irrevocably pledge and use any money received from the proceeds of the tax pursuant to this subsection, together with the proceeds of other tax revenues and facilities revenues received by the Reno/Sparks Convention and Visitors Authority legally available therefor, for the payment of general and special obligations issued for the purpose of reconstructing, expanding, improving and equipping the Reno/Sparks Convention Center, including, but not limited to, parking and facilities ancillary to the Reno/Sparks Convention Center and the acquisition of real property and other appurtenances therefor.

2. From the remaining one-third of the proceeds collected in the area described in subparagraphs (1) and (2) of paragraph (a) of subsection 1, the sum of $1,500,000 and, beginning June 1, 2000, and".

Amend sec. 2, page 2, line 41, by deleting "7" and inserting "6".

Amend sec. 2, page 2, line 43, by deleting "7" and inserting "6".

Amend sec. 2, page 3, by deleting line 2 and inserting:

"NRS 279.619, be used to acquire, establish, construct, expand and equip such projects, and to pay the principal and interest on notes, bonds or".

Amend sec. 2, page 3, by deleting lines 6 through 9 and inserting:

"3. From the remaining one-third of the proceeds collected in the area described in subparagraphs (1) and (2) of paragraph (a) of subsection 1, if any, after the amount described in subsection 2 is set aside for use pursuant to that subsection, the amounts set forth in this subsection must be paid to the City Council of the City of Sparks on the dates set forth in this subsection to be used by the City".

Amend sec. 2, page 3, line 11, after "for the" by inserting "operation and".

Amend sec. 2, page 3, by deleting lines 26 and 27 and inserting:

"4. The remainder of the one-third of the proceeds collected in the area described in subparagraphs (1) and (2) of paragraph (a) of subsection 1, if any, after the amounts described in subsections 2 and 3 are set aside for use pursuant to those".

Amend sec. 2, page 3, by deleting line 30 and inserting:

"reconstruct, expand, improve, equip, operate and maintain the Reno/Sparks Convention Center, including, but not limited to, parking and facilities ancillary to the Reno/Sparks Convention Center and the acquisition of real property and other appurtenances therefor and the payment of general and special obligations issued for those purposes.".

Amend sec. 3, page 4, line 5, after "which" by inserting:

"is imposed pursuant to section 1 of this act or which".

Amend sec. 3, page 4, line 6, after "law" by inserting:

"before March 1, 1999,".

Amend sec. 3, page 4, line 9, by deleting "purpose." and inserting:

"purpose,

or that the Reno/Sparks Convention and Visitors Authority expends for or pledges to notes, bonds or other obligations payable from the rental of transient lodging which are issued by or on behalf of the Reno/Sparks Convention and Visitors Authority.".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 10 as sections 4 through 9.

Amend sec. 6, page 5, by deleting line 9 and inserting:

"outside a district described in NRS 268.780 to 268.785, inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects, and".

Amend sec. 6, page 5, line 15, by deleting "in the" and inserting "in a".

Amend sec. 6, page 5, line 16, by deleting "inclusive." and inserting:

"inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects.".

Amend sec. 7, page 5, by deleting lines 38 and 39 and inserting:

"(b) Located in a district described in NRS 268.780 to 268.785, inclusive, in which a 1 percent tax is imposed on the gross receipts from the rental of transient lodging for railroad grade separation projects.".

Amend sec. 9, page 7, by deleting lines 13 and 14 and inserting:

"collection of the taxes imposed and authorized by".

Amend the title of the bill by deleting the sixth through eighth lines and inserting:

"to pay certain costs related to the promotion of tourism; imposing certain requirements with".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Anderson.

Amendment adopted.

The following amendment was proposed by Assemblywoman Freeman:

Amendment No. 1034.

Amend section 1, page 2, line 16, after "3." by inserting:

"All decisions, and any deliberations leading to those decisions, that are made by any body, including, without limitation, the Reno/Sparks Convention and Visitors Authority, the Truckee Meadows Tourism Facility and Revitalization Steering Committee and the Sparks Tourism and Marketing Committee, concerning the expenditure, commitment or other use of money derived from the proceeds of the tax imposed pursuant to this section must be made at a public meeting that complies with the provisions of Chapter 241 of NRS, whether or not the body is determined to be a public body to which that chapter is applicable.

4.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Goldwater.

Amendment lost.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 641.

The following Senate amendment was read:

Amendment No. 850.

Amend sec. 3, page 2, line 1, by deleting "*action;*" and inserting:

"*action in its own name and on its own behalf;*".

Amend sec. 3, page 2, line 11, by deleting "*or*".

Amend sec. 3, page 2, by deleting line 14 and inserting:

"*violate a state statute; or*

(c) Bring or maintain an action pursuant to subsection 1 on behalf of this state or as representative of the interests of this state or any of its agencies.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 641.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 539.

The following Senate amendment was read:

Amendment No. 881

Amend sec. 5, page 4, line 21, by deleting:

"*without the approval of the board.*" and inserting:

"*that creates a conflict of interest between his personal interest in the business or occupation and his official duties.*".

Amend sec. 6, page 5, lines 3 and 4, by deleting:

"*without the approval of the board.*" and inserting:

"*that creates a conflict of interest between his personal interest in the business or occupation and his official duties.*".

Amend sec. 7, page 5, line 20, by deleting:

"*without the approval of the board.*" and inserting:

"*that creates a conflict of interest between his personal interest in the business or occupation and his official duties.*".

Amend sec. 8, page 5, lines 42 and 43, by deleting:

"*between the personal interest of the sheriff and his official duty.*" and inserting:

"*of interest between his personal interest in the business or occupation and his official duties.*".

Amend sec. 9, page 6, line 20, after "in" by inserting:

"*the private practice of law or*".

Amend sec. 9, page 6, by deleting line 21 and inserting:

"or occupation ~~[.]~~ *that creates a conflict of interest between his personal interest in the business or occupation and his official duties.*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 539.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 71.

The following Senate amendment was read:

Amendment No. 900.

Amend the bill as a whole by deleting sec. 8 and renumbering sec. 9 as sec. 8.

Amend the title of the bill by deleting the eighth and ninth lines and inserting:

"credit to the person under certain circumstances; providing penalties; and".

Amend the bill as a whole by adding the following senator as a primary joint sponsor:

Senator Raggio.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 71.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1009.

Amend sec. 5, page 4, line 30, before "*date*" by inserting:

"*debit card number,*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 71.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 82.

The following Senate amendment was read:

Amendment No. 901.

Amend section 1, page 1, by deleting line 10 and inserting:

"*administrator of the division of mental health and developmental services of*

".

Amend section 1, page 1, by deleting lines 13 and 14 and inserting:

"charge against and must be paid by the division ~~[of mental health and developmental services of the department of human resources]~~ upon an order therefor signed by the judge *who*".

Amend section 1, page 2, by deleting lines 2 and 3 and inserting:

"exhausted, money must be allocated to the division ~~[of mental health and developmental services]~~ out of the reserve for statutory contingency account".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 82.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 159.

The following Senate amendment was read:

Amendment No. 158.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 37 and the text of repealed sections, following the enacting clause, to read as follows:

"Section 1. Title 3 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 28, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 17, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Acquitted" includes, without limitation, a finding of not guilty by reason of insanity or diminished capacity.*

Sec. 4. *"Agent" means a person who is authorized to represent or act for another person. The term includes, without limitation, an attorney in fact under a durable or nondurable power of attorney or a person who is authorized pursuant to the provisions of a governing instrument to make decisions concerning the provision of health care to another person.*

Sec. 5. *"Beneficiary" means a person who is entitled to accrue, acquire or receive any property, interest or benefit pursuant to the provisions of a governing instrument or the laws of intestate succession.*

Sec. 6. *"Community property" has the meaning ascribed to it in NRS 123.220.*

Sec. 7. *"Community property with right of survivorship" means community property in which a right of survivorship exists pursuant to NRS 111.064 or 115.060 or any other provision of law.*

Sec. 8. *"Convicted" and "conviction" mean a judgment based upon:*

1. A plea of guilty, guilty but mentally ill or nolo contendere;

2. A finding of guilt by a jury or a court sitting without a jury;

3. An adjudication of delinquency or finding of guilt by a court having jurisdiction over juveniles; or

4. Any other admission or finding of guilt in a criminal action or a proceeding in a court having jurisdiction over juveniles.

Sec. 9. *"Culpable actor in the felonious and intentional killing of a decedent" means a person who:*

1. Causes or perpetrates the felonious and intentional killing of the decedent;

2. Aids, abets, commands, counsels, encourages, hires, induces, procures or solicits another person to cause or perpetrate the felonious and intentional killing of the decedent; or

3. Is a principal in any degree, accessory before the fact, accomplice or conspirator to the felonious and intentional killing of the decedent.

Sec. 10. *"Governing instrument" means any of the following:*

1. A deed or any other instrument that transfers any property, interest or benefit.

2. An annuity or a policy of insurance.

3. A trust, whether created by an instrument executed during the life of the settlor, a testamentary instrument or any other instrument, judgment or decree, including, without limitation, any of the following:

(a) An express trust, whether private or charitable, and any additions to such a trust.

(b) A trust created or determined by a judgment or decree under which the trust is to be administered in the manner of an express trust.

4. A will, a codicil or any other testamentary instrument, including, without limitation, a testamentary instrument that:

(a) Appoints a person to serve in a fiduciary or representative capacity, nominates a guardian or revokes or revises another will, codicil or testamentary instrument; or

(b) Excludes or limits the right of a person or class of persons to succeed to any property, interest or benefit pursuant to the laws of intestate succession.

5. Any account or deposit that is payable or transferable on the death of a person or any instrument that provides for the payment or transfer of any property, interest or benefit on the death of a person.

6. A security registered as transferable on the death of a person or a security registered in beneficiary form pursuant to NRS 111.480 to 111.650, inclusive.

7. Any instrument creating or exercising a power of appointment or a durable or nondurable power of attorney.

8. Any instrument that appoints or nominates a person to serve in any fiduciary or representative capacity, including, without limitation, an agent, guardian, executor, personal representative or trustee.

9. Any public or private plan or system that entitles a person to the payment or transfer of any property, interest or benefit, including, without limitation, a plan or system that involves any of the following:

(a) Pension benefits, retirement benefits or other similar benefits.

(b) Profit-sharing or any other form of participation in profits, revenues, securities, capital or assets.

(c) Industrial insurance, workers' compensation or other similar benefits.

(d) Group insurance.

10. A partnership agreement or an agreement concerning any joint adventure, enterprise or venture.

11. A premarital, antenuptial or postnuptial agreement, a marriage contract or settlement or any other similar agreement, contract or settlement.

12. Any instrument that declares a homestead pursuant to chapter 115 of NRS.

13. Any other dispositive, appointive, nominative or declarative instrument.

Sec. 11. *"Interest" means:*

1. Any interest, in whole or in part, in any property or estate, whether such interest is legal or equitable, present or future, or contingent or vested;

2. A right, power or privilege to appoint, consume, exercise, transfer or use any such interest; or

3. Any other right, power or privilege relating to any such interest.

Sec. 12. *"Interested person" means:*

1. A parent, spouse, child or sibling of a decedent;

2. A beneficiary or a person who would be a beneficiary if another person were found to be a killer of a decedent;

3. A person who serves in any fiduciary or representative capacity with respect to any property, interest or benefit that is in any way related to a decedent, his estate or a governing instrument or a person who would be entitled to serve in such a capacity if another person were found to be a killer of a decedent; or

4. A person who has a right to or claim against any property, interest or benefit that is in any way related to a decedent, his estate or a governing instrument or a person who would have such a right or claim if another person were found to be a killer of a decedent.

Sec. 13. *"Joint tenants with right of survivorship" means two or more persons who hold any property, interest or benefit under circumstances that entitle one or more of the persons to the whole of the property, interest or benefit on the death of one or more of the other persons.*

Sec. 14. *"Killer" means a person who is deemed to be a killer of a decedent pursuant to section 20 or 21 of this act.*

Sec. 15. *"Payor" means a person who is authorized or obligated by law or a governing instrument to pay or transfer any property, interest or benefit to another person.*

Sec. 16. *"Person" means any of the following:*

1. A natural person.

2. Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization.

3. A government, a political subdivision of a government or an agency or instrumentality of a government or a political subdivision of a government.

Sec. 17. *"Property" means anything that may be the subject of ownership, including, without limitation, any real or personal property or any estate in such property.*

Sec. 18. *For the purposes of this chapter:*

1. A killing is "felonious" if it is committed without legal excuse or justification.

2. A killing is "intentional" if it is caused by or occurs during the commission of any act which involves a degree of culpability that is greater than criminal negligence.

3. Insanity or diminished capacity shall be deemed not to be a legal excuse or justification and must not be considered in determining whether a killing is felonious or intentional.

Sec. 19. *1. Notwithstanding any other provision of law, the provisions of this chapter apply to any appointment, nomination, power, right, property, interest or benefit that accrues or devolves to a killer of a decedent based upon the death of the decedent. If any such appointment, nomination, power,*

right, property, interest or benefit is not expressly covered by the provisions of this chapter, it must be treated in accordance with the principle that a killer cannot profit or benefit from his wrong.

2. The provisions of this chapter do not abrogate or limit the application of:

(a) The anti-lapse provisions of NRS 133.200 or the right of representation, as defined and applied in chapter 134 of NRS, with respect to a person who is not a killer of the decedent; or

(b) Any provision of a governing instrument that designates:

(1) A contingent or residuary beneficiary who is not a killer of the decedent; or

(2) Any other beneficiary who is not a killer of the decedent.

3. The provisions of this chapter do not abrogate or limit any principle or rule of the common law, unless the principle or rule is inconsistent with the provisions of this chapter.

Sec. 20. *1. If a court in this state or any other jurisdiction enters a judgment of conviction against a person in which the person is found to have been a culpable actor in the felonious and intentional killing of a decedent:*

(a) The conviction conclusively establishes for the purposes of this chapter that the person feloniously and intentionally killed the decedent; and

(b) The person shall be deemed to be a killer of the decedent.

2. Notwithstanding the provisions of NRS 48.125 or 51.295 or any other provision of law, a judgment of conviction described in subsection 1, including, without limitation, a judgment of conviction based upon a plea of nolo contendere, is admissible in any civil action brought pursuant to the provisions of this chapter.

3. For the purposes of this section:

(a) A court in "any other jurisdiction" includes, without limitation, a tribal court or a court of the United States or the Armed Forces of the United States.

(b) A court "enters" a judgment of conviction against a person on the date on which guilt is admitted, adjudicated or found, whether or not:

(1) The court has imposed a sentence, a penalty or other sanction for the conviction; or

(2) The person has exercised any right to appeal the conviction.

(c) A killing in this state that constitutes murder of the first or second degree, as defined in NRS 200.010, 200.020 and 200.030, or voluntary manslaughter, as defined in NRS 200.040, 200.050 and 200.060, shall be deemed to be a felonious and intentional killing.

Sec. 21. *1. For the purposes of this chapter, an interested person may bring a civil action alleging that a person was a culpable actor in the felonious and intentional killing of a decedent. An interested person may bring such a civil action whether or not any person who is alleged to be a killer in the civil action or any other person is or has been, in a separate criminal action, charged with or convicted or acquitted of being:*

(a) A culpable actor in the felonious and intentional killing of the decedent; or

(b) A culpable actor in any other offense arising out of the facts surrounding the killing of the decedent.

2. If an interested person brings a civil action pursuant to this section, the court shall determine, by a preponderance of the evidence, whether a person who is alleged to be a killer of the decedent was a culpable actor in the felonious and intentional killing of the decedent. If the court finds by a preponderance of the evidence that a person who is alleged to be a killer of the decedent was a culpable actor in the felonious and intentional killing of the decedent:

(a) The finding of the court conclusively establishes for the purposes of this chapter that the person feloniously and intentionally killed the decedent; and

(b) The person shall be deemed to be a killer of the decedent.

3. If, in a separate criminal action, a person is charged with being a culpable actor in the felonious and intentional killing of a decedent or with any other offense arising out of the facts surrounding the killing of the decedent and:

(a) The person is acquitted of the charge;

(b) The charge is dismissed; or

(c) A verdict or judgment is not reached or entered on the charge for any reason,

evidence concerning any such matter is not admissible in a civil action brought pursuant to this section.

4. Upon its own motion or the motion of an interested person, the court may, in whole or in part, stay the proceedings in a civil action brought pursuant to this section during the pendency of any separate criminal action that has been brought against a person who is alleged to be a killer in the civil action. The provisions of this subsection do not limit the power of the court to stay the proceedings in the civil action for any other reason.

5. A civil action described in this section may not be commenced by an interested person more than 5 years after the interested person discovers or through the use of reasonable diligence should have discovered the material facts that constitute the cause of action.

Sec. 22. *1. A killer of a decedent forfeits any appointment, nomination, power, right, property, interest or benefit that, pursuant to the provisions of Title 12 of NRS or the common law, accrues or devolves to the killer from or through the estate of the decedent, including, without limitation:*

(a) An intestate share.

(b) An elective share.

(c) The share of an omitted spouse or child.

(d) A family allowance.

(e) A homestead allowance.

(f) Any exempt property.

2. The intestate estate of the decedent passes as if the killer had predeceased the decedent, and any other appointment, nomination, power, right, property, interest or benefit described in subsection 1 must be treated as if the killer had predeceased the decedent.

Sec. 23. *1. Except as otherwise provided in section 24 of this act, a killer of a decedent forfeits any appointment, nomination, power, right, property, interest or benefit that, pursuant to the provisions of a governing instrument executed by the decedent or any other person, accrues or devolves to the killer based upon the death of the decedent.*

2. In addition to any forfeiture required by subsection 1, if a governing instrument provides for the payment of certain benefits only upon the death of a decedent, a killer of the decedent forfeits any right or interest that the killer is entitled to assert against those benefits on the basis that community property was used, in whole or in part, to purchase the governing instrument or to pay one or more contributions or premiums that were related to the governing instrument.

3. If a killer of a decedent forfeits any appointment, nomination, power, right, property, interest or benefit pursuant to this section, the provisions of each governing instrument affected by the forfeiture must be treated as if the killer had predeceased the decedent.

Sec. 24. *1. A killer of a decedent forfeits any right of survivorship in property that, at the time of the killing, was held by the decedent and the killer as community property with right of survivorship or as joint tenants with right of survivorship.*

2. If a killer forfeits any right of survivorship pursuant to subsection 1:

(a) The respective interests in the property held by the decedent and the killer:

(1) Shall be deemed to be severed and transformed into tenancies in common; and

(2) Are presumed to be undivided equal interests in the property, unless a personal representative of the decedent establishes that the contributions made by the decedent concerning the property exceeded the contributions made by the killer; and

(b) The interest of the decedent passes as the separate property of the decedent and as if the killer had predeceased the decedent.

Sec. 25. *1. A killer of a decedent may not:*

(a) Bring an action for wrongful death of the decedent pursuant to NRS 41.085; or

(b) Benefit in any way from such an action brought by a personal representative of the decedent.

2. Each person who may bring or benefit from an action for wrongful death of the decedent pursuant to NRS 41.085 must be determined as if the killer had predeceased the decedent.

Sec. 26. *Except as otherwise provided by specific statute, if a payor or other third person, in good faith, pays or transfers any property, interest or*

benefit to a beneficiary in accordance with the provisions of a governing instrument, the payor or other third person is not liable to another person who alleges that the payment or transfer to the beneficiary violated the provisions of this chapter unless, before the payment or transfer, the payor or other third person had actual knowledge that the beneficiary was prohibited from acquiring or receiving the property, interest or benefit pursuant to the provisions of this chapter.

Sec. 27. *1. Except as otherwise provided in subsection 2, if a person, without legal right or authorization, acquires or receives any property, interest or benefit forfeited by a killer pursuant to the provisions of this chapter, the person is required to transfer the property, interest or benefit to the beneficiary who is entitled to it pursuant to the provisions of this chapter, or the person is liable to such beneficiary for the value of the property, interest or benefit.*

2. The provisions of subsection 1 do not apply to a person who:

(a) Acquired the property, interest or benefit for value and without notice; or

(b) Received the property, interest or benefit in full or partial satisfaction of a legally enforceable obligation and without notice.

Sec. 28. *1. If a killer, for value or otherwise, transfers to a third person any property, interest or benefit forfeited by the killer pursuant to the provisions of this chapter, the killer is required to recover and transfer the property, interest or benefit to the beneficiary who is entitled to it pursuant to the provisions of this chapter, or the killer is liable to such beneficiary for the value of the property, interest or benefit.*

2. If any federal law preempts any provision of this chapter requiring a killer to forfeit any property, interest or benefit and the property, interest or benefit accrues or devolves to the killer because of the preemption, the killer is required to transfer the property, interest or benefit to the beneficiary who, in the absence of the preemption, would have been entitled to it pursuant to the provisions of this chapter, or the killer is liable to such beneficiary for the value of the property, interest or benefit.

Sec. 29. NRS 41.085 is hereby amended to read as follows:

41.085 1. As used in this section, "heir" means a person who, under the laws of this state, would be entitled to succeed to the separate property of the decedent if he had died intestate. *The term does not include a person who is deemed to be a killer of the decedent pursuant to sections 2 to 28, inclusive, of this act, and such a person shall be deemed to have predeceased the decedent as set forth in section 25 of this act.*

2. When the death of any person, whether or not a minor, is caused by the wrongful act or neglect of another, the heirs of the decedent and the personal representatives of the decedent may each maintain an action for damages against the person who caused the death, or if the wrongdoer is dead, against his personal representatives, whether the wrongdoer died before or after the death of the person he injured. If any other person is responsible

for the wrongful act or neglect, or if the wrongdoer is employed by another person who is responsible for his conduct, the action may be maintained against that other person, or if he is dead against his personal representatives.

3. An action brought by the heirs of a decedent pursuant to subsection 2 and the cause of action of that decedent brought or maintained by his personal representatives which arose out of the same wrongful act or neglect may be joined.

4. The heirs may prove their respective damages in the action brought pursuant to subsection 2 , and the court or jury may award each person pecuniary damages for his grief or sorrow, loss of probable support, companionship, society, comfort and consortium, and damages for pain, suffering or disfigurement of the decedent. The proceeds of any judgment for damages awarded under this subsection are not liable for any debt of the decedent.

5. The damages recoverable by the personal representatives of a decedent on behalf of his estate include:

(a) Any special damages, such as medical expenses, which the decedent incurred or sustained before his death, and funeral expenses; and

(b) Any penalties, including, but not limited to, exemplary or punitive damages, that the decedent would have recovered if he had lived,

but do not include damages for pain, suffering or disfigurement of the decedent. The proceeds of any judgment for damages awarded under this subsection are liable for the debts of the decedent unless exempted by law.

Sec. 30. NRS 62.216 is hereby amended to read as follows:

62.216 1. A child adjudicated pursuant to this chapter is not a criminal and any adjudication is not a conviction, and a child may be charged with a crime or convicted in any other court only as provided in NRS 62.080 and 62.081.

2. ~~[An]~~ *Except as otherwise provided by specific statute, an* adjudication pursuant to this chapter upon the status of a child does not impose any of the civil disabilities ordinarily resulting from conviction, and the disposition of a child or any evidence given in court must not be used to disqualify the child in any future application for or appointment to the civil service.

Sec. 31. NRS 123.250 is hereby amended to read as follows:

123.250 1. ~~[Upon]~~ *Except as otherwise provided in subsection 2, upon* the death of either husband or wife:

(a) An undivided one-half interest in the community property is the property of the surviving spouse and his or her sole separate property.

(b) The remaining interest ~~[is]~~ *:*

(1) Is subject to the testamentary disposition of the decedent ~~[,]~~ *or,* in the absence ~~[thereof goes, except as otherwise provided in NRS 134.007,]~~ *of such a testamentary disposition, goes* to the surviving spouse ~~[, and is]~~ *; and*

(2) Is the only portion subject to administration under the provisions of Title 12 of NRS.

2. The provisions of this section ~~[apply]~~ *:*

(a) Do not apply to the extent that they are inconsistent with the provisions of sections 2 to 28, inclusive, of this act.

(b) Do not apply to community property with right of survivorship.

(c) Apply to all *other* community property, whether the community property was acquired before, on or after July 1, 1975.

3. As used in this section, "community property with right of survivorship" means community property in which a right of survivorship exists pursuant to NRS 111.064 or 115.060 or any other provision of law.

Sec. 32. NRS 134.005 is hereby amended to read as follows:

134.005 ~~[1. With the exception of NRS 134.007 and 134.010, the provisions of this chapter, as to the inheritance of the husband and wife from each other, apply only to the separate property of the intestate.~~

~~2. With the exception of NRS 134.007, the~~] *The* provisions of this chapter ~~[are inapplicable]~~ *do not apply* to the extent that they are inconsistent with the provisions of a premarital agreement ~~[between the deceased and his]~~ *which was executed by the decedent and the* surviving spouse *of the decedent and* which is enforceable pursuant to chapter 123A of NRS.

Sec. 33. NRS 134.010 is hereby amended to read as follows:

134.010 ~~[Upon the death of either the husband or the wife]~~ *If a decedent leaves a surviving spouse:*

1. Community property with right of survivorship vests in accordance with the right of survivorship;

2. All other community property ~~[shall vest]~~ *vests* as provided in NRS 123.250 ~~[.]~~ *; and*

3. The provisions of this chapter apply only to the separate property of the decedent.

Sec. 34. NRS 134.030 is hereby amended to read as follows:

134.030 ~~[Except as provided in NRS 134.007, when any person having]~~ *If a decedent dies intestate and has* title to any estate which is ~~[his or her]~~ *the* separate property ~~[,]~~ *of the decedent and which is* not otherwise limited by contract, ~~[dies intestate as to such estate, it]~~ *the estate* descends and must be distributed, subject to the payment of ~~[his debts,]~~ *the debts of the decedent,* in the manner provided in NRS 134.040 to 134.120, inclusive.

Sec. 35. NRS 111.067, 134.007 and 688A.420 are hereby repealed.

Sec. 36. The amendatory provisions of this act do not apply to a decedent who died before the effective date of this act.

Sec. 37. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

111.067 Joint tenancy in real and personal property: Murderer not entitled to decedent's share of joint tenancy.

1. No person convicted of the murder of a decedent is entitled to any part of the decedent's share of a joint tenancy. If there is no other joint tenant, the tenancy becomes a tenancy in common and the share of the decedent becomes part of the decedent's estate.

2. If:

(a) The death of a person precludes his trial for the murder of a decedent; and

(b) The court which is distributing the decedent's estate determines, based on a preponderance of the evidence, that he committed the murder of the decedent,

he is not entitled to any part of the decedent's share of a joint tenancy. If there is no other joint tenant, the tenancy becomes a tenancy in common and the share of the decedent becomes part of the decedent's estate.

134.007 Murderer ineligible to succeed to community or separate property of decedent.

1. No person convicted of the murder of the decedent is entitled to succeed to any portion of the decedent's estate. The portion to which the convicted person would otherwise be entitled to succeed goes to the other persons entitled to it under the provisions of this chapter.

2. If:

(a) The death of a person precludes his trial for the murder of a decedent; and

(b) The court which is distributing the decedent's estate determines, based on a preponderance of the evidence, that he committed the murder of the decedent,

he is not entitled to succeed to any portion of the decedent's estate. The portion to which he would otherwise have been entitled to succeed goes to the other persons entitled to it under the provisions of this chapter.

688A.420 Person convicted of or determined to have committed murder of decedent not entitled to life insurance proceeds; disposition of proceeds when no other beneficiary named.

1. No person convicted of the murder of a decedent is entitled to any part of the proceeds of a policy of insurance on the life of the decedent. If there is no beneficiary named in the policy to whom the proceeds are to be paid if the convicted person cannot or may not receive them, the proceeds must be placed in the estate of the decedent.

2. If:

(a) The death of a person precludes his trial for the murder of a decedent; and

(b) The court which is distributing the decedent's estate determines, based on a preponderance of the evidence, that he committed the murder of the decedent,

he is not entitled to any part of the proceeds of a policy of insurance on the life of the decedent. If there is no beneficiary named in the policy to whom the proceeds are to be paid if the convicted person may not receive them, the proceeds must be placed in the estate of the decedent.".

Amend the title of the bill to read as follows:

"AN ACT relating to decedents; providing that a person who is a culpable actor in the felonious and intentional killing of a decedent may not inherit from the decedent or accrue other benefits based upon the death of the

decedent; providing for a civil action; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides that person who is culpable actor in felonious and intentional killing of decedent may not inherit from decedent or accrue other benefits based upon death of decedent. (BDR 3-958)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 159.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 543.

The following Senate amendment was read:

Amendment No. 905.

Amend sec. 2, page 2, by deleting lines 1 and 2 and inserting:

"Sec. 2. The amendatory provisions of this act apply to a lawsuit that is commenced on or after the effective date of this act.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 543.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 30, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Nolan and Claborn as a First Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 30

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 242, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Carpenter and Ohrenschall as a First Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 242

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The First Conference Committee concerning Senate Bill No. 532, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

JOHN J. LEE
DAWN GIBBONS
BONNIE L. PARNELL
Assembly Committee on Conference

JOSEPH M. NEAL JR.
JON C. PORTER
TERRY CARE
Senate Committee on Conference

Assemblyman Lee moved to adopt the report of the first Conference Committee concerning Senate Bill No. 532.

Remarks by Assemblyman Lee.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Collins moved that the vote whereby Senate Bill No. 457 was refused passage be reconsidered.

Motion carried.

Assemblyman Collins moved that Senate Bill No. 457 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Collins.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 520.

The following Senate amendment was read:

Amendment No. 851

Amend sec. 4, page 2, line 41, after "*hundred*" by inserting "*fifty*".

Amend sec. 4, page 3, line 1, by deleting "*Twenty-five*" and inserting "*One hundred*".

Amend sec. 9, page 5, line 40, by deleting "*200*" and inserting "*250*".

Amend sec. 9, page 5, line 41, by deleting "*25*" and inserting "*100*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 520.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

SECOND READING AND AMENDMENT

Senate Bill No. 530.

Bill read second time.

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

Amendment No. 897.

Amend sec. 7, page 2, line 16, by deleting "*board,*" and inserting "*body,*".

Amend sec. 7, page 2, line 22, by deleting:

"*each fiscal year of*".

Amend sec. 8, page 2, line 32, by deleting "*2,*" and inserting "*3,*".

Amend sec. 8, page 2, line 42, after "*2.*" by inserting:

"*At any time before the governing body adopts the ordinance establishing the commercial improvement district, the owner of a tract which is located within the boundaries of the proposed district and which is used exclusively for residential purposes may file with the clerk a written request that his property be excluded from the district. The request must be accompanied by a legal description of the property. Upon receipt of such a request, the clerk shall provide a copy of the request and legal description of the property to the governing body. In adopting the ordinance establishing the district, the governing body shall exclude all tracts for which it received a request for exclusion pursuant to this subsection and which it determines will not benefit from the activities or improvements that are proposed to be provided in the district.*

3.".

Amend sec. 13, page 4, line 28, after "*act.*" by inserting:

"*If the proposed modification of the district expands the territory within the boundaries of the commercial improvement district, the owner of a tract which is located within the territory proposed to be added to the district and which is used exclusively for residential purposes may request that his property be excluded in the manner set forth in subsection 2 of section 8 of this act at any time before the governing body modifies the plan by ordinance. In modifying the plan by ordinance, the governing body shall exclude all tracts for which it received a request for exclusion and which it determines will not benefit from the activities or improvements provided in the district.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:26 p.m.

ASSEMBLY IN SESSION

At 2:27 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 203.
Bill read third time.
Remarks by Assemblywoman Ohrenschall.
Roll call on Senate Bill No. 203:
YEAS—39.
NAYS—Parnell.
EXCUSED—Evans, Nolan—2.
Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 338.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Senate Bill No. 338:
YEAS—40.
NAYS—None.
EXCUSED—Evans, Nolan—2.
Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 372.
Bill read third time.
Remarks by Assemblymen Chowning, Price and Collins.
Roll call on Senate Bill No. 372:
YEAS—40.
NAYS—None.
EXCUSED—Evans, Nolan—2.
Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 387 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Perkins.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 396.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 396:
YEAS—40.
NAYS—None.
EXCUSED—Evans, Nolan—2.
Senate Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 417.
Bill read third time.
Remarks by Assemblywoman Berman.
Roll call on Senate Bill No. 417:
YEAS—40.
NAYS—None.
EXCUSED—Evans, Nolan—2.
Senate Bill No. 417 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 442.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 442:
YEAS—39.
NAYS—Cegavske.
EXCUSED—Evans, Nolan—2.
Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 475 be taken from the General File and placed on the General File for the next legislative day.
Remarks by Assemblyman Bache.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 391.
Bill read third time.
The following amendment was proposed by Assemblymen Bache, Giunchigliani and Tiffany:
Amendment No. 1079.
Amend section 1, page 1, line 2, by deleting "12," and inserting "12.5,".

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. *"Infill development" means development that fills in an existing pattern of development on land that is:*

1. Improved or unimproved; and

2. Surrounded completely by infrastructure and other development.".

Amend sec. 4, page 1, by deleting lines 9 and 10 and inserting:

"Sec. 4. *"Infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, police stations, fire stations, community centers, sanitary sewers, facilities for mass transit and facilities for the conveyance of power, water and the treatment of wastewater.*".

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. *"Smart growth zone" means an area designated pursuant to section 12.5 of this act.*".

Amend sec. 11, page 4, by deleting lines 6 through 9.

Amend sec. 11, page 4, line 10, by deleting "*5.*" and inserting "*4.*".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. *1. In a county whose population is 100,000 or more, the governing body of the county and each city in the county shall designate as a smart growth zone each area within its jurisdiction that is likely to benefit from infill development. The governing body shall review such zones periodically and adjust the zones as it deems necessary.*

2. In a county whose population is less than 100,000, the governing body of the county and each city in the county may designate as a smart growth zone each area within its jurisdiction that is likely to benefit from infill development. The governing body may review and adjust such zones periodically as it deems necessary.".

Amend sec. 13, page 4, line 28, by deleting "*12,*" and inserting "*12.5,*".

Amend the bill as a whole by adding new sections designated sections 13.3 and 13.7, following sec. 13, to read as follows:

"Sec. 13.3. NRS 278.021 is hereby amended to read as follows:

278.021 1. ~~[The purpose of this section is to remove obstacles imposed by zoning ordinances, declarations of restrictions, deed restrictions, restrictive covenants and equitable servitudes which prevent persons who are mentally retarded from living in normal residences.~~

~~2.~~] In any ordinance adopted by a city or county, the definition of "single-family residence" must include a ~~[home in which six or fewer unrelated persons who are mentally retarded reside with one or two additional persons to act as house parents or guardians who need not be related to each other or any of the mentally retarded persons who reside in the house.~~

~~3. This section does~~] :

(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with a minimum of:

(1) One or two additional persons who act as house parents or guardians and who need not be related to any of the residents with disabilities; and

(2) If applicable, one or two additional persons who are related to the house parents or guardians within the second degree of consanguinity or affinity.

(b) Home for individual residential care in which two or fewer unrelated persons with disabilities reside with:

(1) One or two additional persons who act as house parents or guardians and who need not be related to any of the residents with disabilities; and

(2) If applicable, one or two additional persons who are related to the house parents or guardians within the second degree of consanguinity or affinity.

2. The provisions of subsection 1 do not prohibit a definition *of "single-family residence"* which permits more persons to reside in the house, nor does it prohibit regulation of homes which are operated on a commercial basis.

~~[4. For the purposes of subsection 1, a residence for mentally retarded persons is not a commercial activity.~~] *For the purposes of this subsection, a residential facility for groups or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.*

3. The health division of the department of human resources shall compile and maintain a registry of information relating to each residential facility for groups that exists in this state and shall make available for access on the Internet or its successor, if any, the information contained in the registry. The registry must include with respect to each residential facility for groups:

(a) The name of the owner of the facility;

(b) The name of the administrator of the facility;

(c) The address of the facility; and

(d) The number of clients for which the facility is licensed.

Any department or agency of a county or city that becomes aware of the existence of a residential facility for groups that is not included in the registry shall transmit such information to the health division, as is necessary, for inclusion in the registry within 30 days after obtaining the information.

4. The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after October 1, 1999, to operate a residential facility for groups within a

particular neighborhood in the jurisdiction of the governing body, including, without limitation, an application submitted as a result of the change in ownership of a residential facility for groups. If, on or after October 1, 1999, an application is submitted to operate a residential facility for groups that is in addition to the residential facility for groups that has been approved pursuant to paragraph (a) or (b) of subsection 1 within 660 feet from an existing residential facility for groups, the governing body shall review the application based on applicable zoning ordinances. Except as a result of a change in ownership of a residential facility for groups on or after October 1, 1999, the requirements of this subsection do not require the relocation or displacement of any residential facility for groups which existed before October 1, 1999, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential facility for groups within 660 feet of each other is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations.

5. The governing body of a county or city shall not:

(a) Require a special use permit for a residential facility for groups; or

(b) Authorize the operators of a residential facility for groups to allow persons other than those specified in subsection 1 to reside at the facility.

6. The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.

7. As used in this section:

(a) "Change in ownership" means any transfer of ownership except a transfer of ownership between any persons related within the third degree of consanguinity or affinity.

(b) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.

(c) "Person with a disability" means a person:

(1) With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) With a record of such an impairment; or

(3) Who is regarded as having such an impairment.

(d) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 13.7. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as *otherwise* provided in subsection 3, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such

reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is 100,000 or more, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion a conservation plan, a housing plan , *a land use plan* and a population plan as provided in NRS 278.160.".

Amend the bill as a whole by adding new sections designated sections 14.3 and 14.7, following sec. 14, to read as follows:

"Sec. 14.3. NRS 278.170 is hereby amended to read as follows:

278.170 1. The commission may prepare and adopt all or any part of the master plan or any subject thereof, except as *otherwise* provided in subsection 2, for all or any part of the city, county or region. Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is 100,000 or more, if the commission prepares and adopts less than all subjects of the master plan, as outlined in NRS 278.160, it shall include, in its preparation and adoption, the conservation, housing , *land use* and population plans described in that section.

Sec. 14.7. NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. The adoption of the master plan, or of any amendment, extension or addition thereof, ~~[shall]~~ *must* be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution ~~[shall]~~ *must* refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken ~~[shall]~~ *must* be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

3. No plan or map, hereafter, ~~[shall]~~ *must* have indicated thereon that it is a part of the master plan until it ~~[shall have]~~ *has* been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension, or addition.

4. *Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (f) of subsection 1 of NRS 278.160 more than four times in a calendar year. The provisions of this subsection do not apply to a change in the land use*

designated for a particular area if the change does not affect more than 25 percent of the area.

5. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region ~~[shall]~~ *must* be certified to the governing body of ~~[such]~~ *the* city, county or region.

~~[5.]~~ *6.* An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission ~~[shall]~~ *must* be certified to the county planning commission and to the board of county commissioners of each county within the regional district.".

Amend sec. 15, page 7, line 8, by deleting:

"be adopted in accordance with" and inserting:

"~~[be adopted in accordance with]~~ *strictly conform to*".

Amend the bill as a whole by renumbering sec. 16 as sec. 23 and adding new sections designated sections 16 through 22, following sec. 15, to read as follows:

"Sec. 16. NRS 278.260 is hereby amended to read as follows:

278.260 1. The governing body shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts are determined, established, enforced and amended.

2. A zoning regulation, restriction or boundary must *strictly conform to the master plan and must* not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region; and

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question,

at least 10 days before the hearing.

3. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 400,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 300 feet of the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic

means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change.

4. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 500 feet from the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change.

5. If a notice is required to be sent pursuant to subsection 4:

(a) The exterior of a notice sent by mail; or

(b) The cover sheet, heading or subject line of a notice sent by electronic means,

must bear a statement in at least 10-point bold type or font in substantially the following form:

OFFICIAL NOTICE OF PUBLIC HEARING

6. In addition to sending the notice required pursuant to subsection 4, in a county whose population is 400,000 or more, the governing body shall, no later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(a) The existing zoning designation of the property in question;

(b) The proposed zoning designation of the property in question;

(c) The date, time and place of the public hearing;

(d) A telephone number which may be used by interested persons to obtain additional information; and

(e) A statement which indicates whether the proposed zoning designation of the property in question complies with the requirements of the master plan of the city or county in which the property is located.

7. A sign required pursuant to subsection 6 is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

8. A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the actual costs resulting from the mailed notice required by this section and the erection of not more than one of the signs required by subsection 6, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

9. The governing body shall remove or cause to be removed any sign required by subsection 6 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

Sec. 17. NRS 278.315 is hereby amended to read as follows:

278.315 1. The governing body may provide by ordinance for the granting of variances, special use permits, conditional use permits or other special exceptions by the board of adjustment, the planning commission or a hearing examiner appointed pursuant to NRS 278.262. The governing body may impose this duty entirely on the board, commission or examiner, respectively, or provide for the granting of enumerated categories of variances, special use permits, conditional use permits or special exceptions by the board, commission or examiner.

2. A hearing to consider an application for the granting of a variance, special use permit, conditional use permit or special exception must be held before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201. A notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner of real property located within 300 feet of the property in question;

(c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

3. If the application is for the issuance of a special use permit in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the property in question. The notice must be sent by mail or, if requested by an owner to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

4. *If an application is for the issuance of a special use permit with regard to property that is located within an unincorporated town that is rural in character and not located within an urbanized area of the county, as determined by the board of county commissioners, the applicant shall present the information contained in the application at a meeting of the town board, citizens' advisory council or town advisory board, whichever is applicable, before a hearing is held on the application pursuant to subsection 2. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations for consideration at the hearing held pursuant to subsection 2. The governing body or other person or entity that is authorized to take action on the application at the hearing held pursuant to subsection 2 shall not take action on the application until it receives recommendations from the town board, citizens' advisory council or town advisory board regarding the application or evidence from the applicant that he presented the information contained in the application at a meeting of the town board, citizens' advisory council or town advisory board, unless the town board, citizens' advisory council or town advisory board failed to discuss the application because of the absence of a quorum present at the scheduled meeting. The governing body or other authorized person or entity shall consider any recommendations made by the town board, citizens' advisory council or town advisory board regarding the application. If the governing body or other authorized person or entity does not concur with the recommendation, if any, the governing body or other authorized person or entity shall specify for the record the reasons for its action.*

5. An ordinance adopted pursuant to this section must provide an opportunity for the applicant or a protestant to appeal from a decision of the board of adjustment, planning commission or hearing examiner to the governing body.

~~[5.]~~ *6.* In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, in addition to sending the notice required pursuant to subsection 3, not later than 10 days before the

hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(a) The existing permitted use and zoning designation of the property in question;

(b) The proposed permitted use of the property in question;

(c) The date, time and place of the public hearing; and

(d) A telephone number which may be used by interested persons to obtain additional information.

~~[6.]~~ *7.* A sign required pursuant to subsection ~~[5]~~ *6* is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

~~[7.]~~ *8.* A governing body may charge an additional fee for each application for a special use permit to cover the actual costs resulting from the erection of not more than one sign required by subsection ~~[5,]~~ *6,* if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

~~[8.]~~ *9.* The governing body shall remove or cause to be removed any sign required by subsection ~~[5]~~ *6* within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

~~[9.]~~ *10.* The provisions of this section do not apply to an application for a conditional use permit filed pursuant to section 1 of ~~[this act.]~~ *Assembly Bill No. 603 of this session.*

Sec. 18. NRS 231.067 is hereby amended to read as follows:

231.067 The commission on economic development shall:

1. Develop a state plan for industrial development and diversification. *The state plan must include a provision that promotes infill development in smart growth zones designated pursuant to section 12.5 of this act.*

2. Promote, encourage and aid the development of commercial, industrial, agricultural, mining and other vital economic interests of this state, except for travel and tourism, except that in a county whose population is less than 35,000, the county may include community development and the development of the nongaming recreation and tourism industry in its economic development efforts.

3. Identify sources of financing and assist businesses and industries which wish to locate in Nevada in obtaining financing.

4. Provide and administer grants of money to political subdivisions of the state and to local or regional organizations for economic development to assist them in promoting the advantages of their communities and in recruiting businesses to relocate in those communities. Each recipient must provide an amount of money, at least equal to the grant, for the same purpose, except, in a county whose population is less than 35,000, the commission may, if convinced that the recipient is financially unable to do

so, provide such a grant with less than equal matching money provided by the recipient.

5. Encourage and assist state, county and city agencies in planning and preparing projects for economic or industrial development and financing those projects with revenue bonds.

6. Coordinate and assist the activities of counties, cities, local and regional organizations for economic development and fair and recreation boards in the state which affect industrial development, except for travel and tourism, except that in a county whose population is less than 35,000, the county may include community development and the development of the nongaming recreation and tourism industry in its economic development efforts.

7. Arrange by cooperative agreements with local governments to serve as the single agency in the state where relocating or expanding businesses may obtain all required permits.

8. Promote close cooperation between public agencies and private persons who have an interest in industrial development and diversification in Nevada.

9. Organize and coordinate the activities of a group of volunteers which will aggressively select and recruit businesses and industries, especially small industries, to locate their offices and facilities in Nevada.

Sec. 19. NRS 319.160 is hereby amended to read as follows:

319.160 *1.* The division may provide advice, technical information, training and educational services, conduct research and promote the development of housing, building technology and related fields.

2. The division shall develop and carry out policies to promote infill development in smart growth zones designated pursuant to section 12.5 of this act.

Sec. 20. Section 14 of this act is hereby amended to read as follows:

Sec. 14. NRS 278.160 is hereby amended to read as follows:

278.160 1. The master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including water and its hydraulic force, underground water, water supply, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper

clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, but is not limited to:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan ~~[may]~~ *:*

(1) Must show each smart growth zone that has been designated pursuant to section 12.5 of this act;

(2) Must identify policies that would assist in promoting infill development in such zones; and

(3) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor,

including any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including natural reservations, parks, parkways, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(n) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(o) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(p) Transit plan. Showing a proposed system of transit lines, including rapid transit, streetcar, motorcoach and trolley coach lines and related facilities.

(q) Transportation plan. Showing a comprehensive transportation system, including locations of rights of way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 21. Section 3 of Senate Bill No. 121 of this session is hereby amended to read as follows:

Sec. 3. NRS 278.260 is hereby amended to read as follows:

278.260 1. The governing body shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts are determined, established, enforced and amended.

2. A zoning regulation, restriction or boundary must strictly conform to the master plan and must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region; and

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question,

at least 10 days before the hearing.

3. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 400,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 300 feet of the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change ~~[.]~~ *, must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change.*

4. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 500 feet from the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change ~~[.]~~ , *must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change.*

5. The exterior of the notice mailed pursuant to subsection 4 must bear a statement in at least 10-point bold type or font in substantially the following form:

OFFICIAL NOTICE OF PUBLIC HEARING

6. In addition to sending the notice required pursuant to subsection 4, in a county whose population is 400,000 or more, the governing body shall, *not* later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(a) The existing zoning designation of the property in question;

(b) The proposed zoning designation of the property in question;

(c) The date, time and place of the public hearing;

(d) A telephone number which may be used by interested persons to obtain additional information; and

(e) A statement which indicates whether the proposed zoning designation of the property in question complies with the requirements of the master plan of the city or county in which the property is located.

7. A sign required pursuant to subsection 6 is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

8. A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the actual costs resulting from the mailed notice required by this section and the erection of not more than one of the signs required by subsection 6, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

9. The governing body shall remove or cause to be removed any sign required by subsection 6 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

Sec. 22. On or before January 1, 2001:

1. The governing body of a county whose population is 100,000 or more shall designate initial smart growth zones as required pursuant to subsection 1 of section 12.5 of this act.

2. The commission on economic development shall amend the state plan for industrial development and diversification to include a provision that promotes infill development in smart growth zones as required pursuant to NRS 231.067, as amended by section 18 of this act.

3. The housing division of the department of business and industry shall develop the policies to promote infill development in smart growth zones as required pursuant to subsection 2 of NRS 319.160, as amended by section 19 of this act.".

Amend sec. 16, page 7, by deleting line 37 and inserting:

"Sec. 23. 1. This section and sections 1, 2, 3, 4, 5, 6, 7 to 12, inclusive, 13, 14 and 15 of this act become effective on October 1, 1999.

2. Sections 3.5, 6.5, 12.5, 13.7, 14.3 and 18 to 20, inclusive, and 22 of this act become effective on October 1, 1999, for the purposes of preparations relating to the designation of smart growth zones pursuant to subsection 1 of section 12.5 of this act, the amendment of the state plan for industrial development and diversification pursuant to section 18 of this act and the development of policies to promote infill development pursuant to section 19 of this act and on January 1, 2001, for all other purposes.

3. Section 16 of this act becomes effective at 12:01 a.m. on October 1, 1999.

4. Sections 17 and 21 of this act become effective at 12:02 a.m. on October 1, 1999.

5. Section 13.3 of this act becomes effective on January 1, 2000, for the purposes of the compilation of the registry required pursuant to subsection 3 of NRS 278.021 as amended by section 13.3 of this act and on October 1, 1999, for all other purposes.

6. Section 14.7 of this act becomes effective on January 1, 2000.

7. The provisions of section 8 of this act expire by limitation on June 1, 2004.".

Amend the title of the bill to read as follows:

"AN ACT relating to land use planning; providing for the establishment of provisions to preserve the rural character and density of certain areas in larger counties; providing for a governing body to establish an analysis of the cost to construct infrastructure in certain areas; authorizing the governing body to enter into agreements to carry out the plan for the development of infrastructure in certain areas; requiring certain governing bodies adopting any part of the master plan to adopt a land use plan; establishing provisions to promote infill development in smart growth zones; revising the limitation on local control over the location of housing for persons with disabilities; requiring the health division of the department of human resources to maintain a registry of residential facilities for groups; limiting the number of annual amendments to the land use plan of the master plan in certain circumstances; providing that zoning regulations, restrictions and boundaries adopted by a governing body must strictly conform to the master plan; revising provisions governing applications for special use permits with

regard to property located within certain unincorporated towns; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning land use planning. (BDR 22-1197).".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Courtney Miller, Jackie Swobe Borsum, Janelle Borsum, Scott Borsum and Coe Swobe.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Donald Hauth.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 21, 1999, at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:53 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 21, 1999

Assembly called to order at 10:59 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Evans and Berman, who were excused.

Prayer by the Chaplain, Father Jerry Hanley.

God, our Creator, God of Abraham, Isaac and Jacob, Speaker Dini asked jokingly yesterday, O God, for a big blessing for this Assembly. I pray they received it. Bless the Speaker—a good man—and his wife, a good woman, who supports and cares for him. Give to this Assembly good people who care for and support them. They are the people, O God, but the people first were Yours. Treat them gently and with hope. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Lee moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 311, Amendment No. 803, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 14, Amendment No. 821; Assembly Bill No. 109, Amendment Nos. 874, 1021; Assembly Bill No. 134, Amendment No. 924; Assembly Bill No. 239, Amendment No. 1042; Assembly Bill No. 258, Amendment No. 779; Assembly Bill No. 272, Amendment No. 994; Assembly Bill No. 283, Amendment No. 1004; Assembly Bill No. 297, Amendment No. 969; Assembly Bill No. 492, Amendment No. 996; Assembly Bill No. 515, Amendment No. 1050; Assembly Bill No. 536, Amendments Nos. 926, 1047; Assembly Bill No. 542, Amendment No. 997; Assembly Bill No. 615, Amendment No. 854; Assembly Bill No. 633, Amendment No. 877; Assembly Bill No. 634, Amendment No. 876; Assembly Bill No. 660, Amendment No. 998, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 69.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 457; Senate Bill No. 401.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 791 to Senate Bill No. 32; Assembly Amendment No. 838 to Senate Bill No. 139; Assembly Amendment No. 921 to Senate Bill No. 194; Assembly Amendment No. 938 to Senate Bill No. 287; Assembly Amendment No. 909 to Senate Bill No.

341; Assembly Amendment No. 778 to Senate Bill No. 366; Assembly Amendment No. 849 to Senate Bill No. 408.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 889 to Senate Bill No. 369.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 738 to Senate Bill No. 369.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 986 to Senate Bill No. 445.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 267, Senate Amendment No. 750, and requests a conference, and appointed Senators McGinness, Porter and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 617, Senate Amendment No. 842, and requests a conference, and appointed Senators Wiener, Care and Washington as a first Conference Committee to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McClain, Brower and Ohrenschall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 267.

Mr. Speaker appointed Assemblymen Brower, Leslie and Manendo as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 617.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Cegavske, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 70—Commending Henry C. Hodges Sr. for his valuable contributions toward research and development in the field of vehicular transportation.

WHEREAS, Born in 1923, Henry C. Hodges Sr. was raised in a family whose father demanded an interest in science and whose mother demanded a love of animals and the West; and

WHEREAS, In 1929, the Hodges' family pioneered the Jumping Horse Ranch in Montana and, at the age of 8 years, Henry Hodges began his career in vehicular mobility when he started his first trucking company on the ranch with three wheelbarrows, one of which was equipped with a pneumatic low pressure tire to make spring cleaning of the corrals easier; and

WHEREAS, World War II interrupted the collegiate career of Henry Hodges, but the invaluable experience he gained as a member of the 10th Mountain Division of the United States Army stimulated his interest in developing off-highway wheel and tracked vehicles to move infantrymen into combat; and

WHEREAS, From 1953 to 1957, Henry Hodges managed the Detroit Arsenal Test Operation of the United States Army at Camp Bullis, Texas, where he directed the testing and development of combat vehicles from jeeps to main battle tanks which required the establishment of controlled and repeatable test courses on beach heads, desert dunes, mountain trails and mud pits; and

WHEREAS, In 1957, the Detroit Arsenal Test Operation was closed, and the Texas test programs were transferred to Nevada where the Nevada Automotive Test Center was founded and where Henry Hodges and a four-man crew continued the essential U.S. Army wheel and track development tests which grew to include more than 60 employees by 1968; and

WHEREAS, Henry Hodges worked extensively with the military and the United States Forest Service on the use of Central Tire Inflation Systems, whereby tire pressures are reduced or increased from inside the vehicle based on the condition of the road being traversed to enhance tire traction, reduce road deterioration and diminish vehicle maintenance costs; and

WHEREAS, During the 1960s, Henry Hodges developed and implemented the methodology for testing the traction of tires on hard surfaces, soft soil and winter environments, and by using state-of-the-art recording instrumentation, he was able to measure and record for the first time a complete biaxial traction curve in these materials; and

WHEREAS, In the early 1970s, Henry Hodges developed Vehicle Dynamics Seminars, which teach students how a vehicle reacts during a tire blowout and how a person can control the situation, and these training classes, which are now promoted by the American Trucking Association, have included participants from law enforcement agencies, attorneys, and truck and school bus drivers from around the country; and

WHEREAS, By 1972, the ever-expanding Test Center had moved all of its testing to the state-of-the-art proving ground facility developed on the historic Break-A-Heart Ranch near Fort Churchill, Nevada, which currently employs more than 200 people; and

WHEREAS, In 1976, Henry Hodges built a Dynamic Force Measurement Vehicle that measures the forces acting on the vehicle and tire, and this vehicle proved to be the basis for a series of traction vehicles built to measure both road surfaces, and tire braking and traction in a variety of environments, including mud, snow, ice, and wet and dry pavement; and

WHEREAS, At the Nevada Automotive Test Center, Henry Hodges directed most of the original test and development efforts of the High Mobility Multipurpose Wheeled Vehicle which was built for the United States Army, and subsequent demonstrations of this vehicle, nicknamed the "Hummer" and other military and commercial vehicles brought many visitors to Nevada from other states and foreign countries; and

WHEREAS, In the 1990s, during Operations Desert Shield and Desert Storm, Henry Hodges worked extensively with the United States Army providing on-site advice and procedures to enhance the mobility and reliability of vehicles and tires for the troops in the field; and

WHEREAS, Henry Hodges was presented with the Commander's Award for Public Service and a Certificate of Appreciation for Patriotic Civilian Service by the Department of the Army to commemorate the work he did for the United States Army; and

WHEREAS, Based on Henry Hodges' technical expertise, the Nevada Automotive Test Center was able to develop the WesTrack project, an experimental road test facility, for the Federal Highway Administration at the proving ground in Nevada, including the longest research project on asphalt mixes in the world which has prompted visits to Nevada from thousands of pavement engineers from around the world; and

WHEREAS, The WesTrack project also led to the development of the driverless vehicle technology that has achieved more than 800,000 miles of heavy truck operation, all done by computer, which is the highest number of driverless vehicle operating miles ever achieved in the world; and

WHEREAS, Henry Hodges is one of the world's leading experts in transportation research and development, including tire and vehicle testing for both governmental and private sector clients; and

WHEREAS, His Nevada Automotive Test Center is recognized for its commitment to providing unique, timely, creative, useful and cost-effective solutions with knowledge, excellence and integrity for transportation partners worldwide; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature do hereby commend Henry C. Hodges Sr. for his achievements related to product integrity, performance and safety, his contributions to the field of transportation research and development, and his dedication and allegiance to his state and country; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Henry C. Hodges Sr.

Assemblywoman Cegavske moved the adoption of the resolution.

Remarks by Assemblymen Cegavske and Mr. Speaker.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker. It is my pleasure to add a few more comments to what the Chief Clerk has already stated about Henry Hodges. He is a giant in the field of transportation research and development. His presence in Nevada was first felt when he operated Hodges Transportation, Inc. and Nevada Automotive Test Center in the early 60's from some small offices on North Plaza Street—across from the old V&T maintenance shop in Carson City. In fact, the old shop was temporarily used as a storage and maintenance facility for the Hodges' fleet of test vehicles.

Mr. Hodges has developed a testing facility in Nevada that is known world wide. Starting from tire testing it grew into a professional engineering facility where there has yet to be any limitations on vehicle testing. All of this work now is done at proving grounds located at the Break-A-Heart Ranch on Old Fort Churchill Road.

From ordinary passenger cars to giant trucks, private and military, the hand of Henry Hodges has touched virtually all of them.

Making our world a better place through real time, scientific accurate testing is what Mr. Hodges is all about. He is a leader in his field and Nevada owes him a huge debt of gratitude for his genius, creativity, innovation, hard work and dedication to a very demanding profession. The tribute paid to Henry Hodges today reflects the giant admiration and respect Nevada has for this outstanding citizen. Thank you, Mr. Speaker.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Ms. Cegavske stole my constituents. We are very proud of the company. It has been operating in Lyon County for all these years. It's a major employer in the county. The service they have done our nation in testing for the military and for our domestic car dealers and car companies has been tremendous. It is a little company you don't hear about but the effects are significant and are felt world wide. They are just a wonderful family of God fearing Americans who believe in our country and the free enterprise system. I've always been privileged to know them and to have been able to represent them here at the legislature. We welcome you here and hope we have given you just a little bit of praise for a great job you have done for our nation.

Resolution adopted unanimously.

Assemblywoman Cegavske moved that all rules be suspended and that Assembly Concurrent Resolution No. 70 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 152 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 391 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 125 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 470 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Senate Bill No. 473 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 387 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Perkins.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 477 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 362, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 362 and 428 be placed on the Second Reading File

Motion carried.

By Assemblymen Dini, Hettrick, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 71—Providing for the compensation of the clergy for services rendered to the Assembly and the Senate during the 70th session of the Nevada Legislature.

WHEREAS, The members of the 70th session of the Nevada Legislature have been sincerely appreciative of the daily religious services rendered by members of the clergy representing various denominations; and

WHEREAS, The invocations offered by the clergy provided inspiration and guidance for the members of the Nevada Legislature as they faced the challenges and demands of the 70th session; and

WHEREAS, A reasonable compensation should be provided for the clergy who performed such services; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State Controller is authorized and directed to pay the sum of $35 per service out of the legislative fund to the members of the clergy who have performed religious services for the Assembly and the Senate during the 70th session of the Nevada Legislature.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 401.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history on all bills on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 945.

Amend sec. 2, page 1, line 3, after "*conducted*" by inserting:

"*by the department*".

Amend sec. 3.5, page 2, by deleting line 16 and inserting:
"*carry out the provisions of NRS 360.294 and 360.417.*".

Amend sec. 13, page 11, by deleting line 29 and inserting:
"City, ~~[Nevada.]~~ *the county of this state where the property owner resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the department.*".

Amend the bill as a whole by deleting sec. 17 and adding:
"Sec. 17. (Deleted by amendment.)".

Amend sec. 23, page 17, line 22, by deleting:
"or Clark County" and inserting:
"~~[or Clark County]~~ *, the county of this state where the claimant resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the department,*".

Amend sec. 26, page 18, lines 25 and 26 by deleting:
"City *or Clark County*" and inserting:
"City *, the county of this state where the dealer resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the department,*".

Amend the bill as a whole by deleting sections 28 through 30 and adding:
"Secs. 28-30. (Deleted by amendment.)".

Amend sec. 33, page 21, line 26, by deleting:
"*or Clark County*" and inserting:
"*, the county of this state where the claimant resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the department,*".

Amend sec. 41, page 25, line 39, by deleting:
"*or Clark County*" and inserting:
"*, the county of this state where the claimant resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the department,*".

Amend the bill as a whole by adding new sections designated sections 53.2 through 53.8, following sec. 53, to read as follows:

"Sec. 53.2. Section 17 of Assembly Bill No. 375 of this session is hereby amended to read as follows:

Sec. 17. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out ~~[his certificate authorizing]~~ *a certificate that describes each property on which delinquent taxes have not been paid. The certificate authorizes* the county treasurer, as trustee for the state and county, to hold ~~[the]~~ *each* property described in the ~~[notice]~~ *certificate* for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency ~~[,]~~ *on each property,* including the amount and year of assessment;

(b) The taxes , and the penalties and costs added thereto, *on each property,* and that, except as otherwise provided in NRS 360.320 and section 2 of *Senate Bill No. 362 of* this ~~[act,]~~ *session,* interest on the taxes will be added at the rate of 10 percent per annum from the date due until paid; and

(c) The name of the owner or taxpayer ~~[,]~~ *of each property,* if known.

3. The certificate must state, and it is hereby provided:

(a) That ~~[the]~~ *each* property *described in the certificate* may be redeemed within 2 years after ~~[its date;]~~ *the date of the certificate;* and

(b) That ~~[, if not redeemed,]~~ the title to ~~[the]~~ *each* property *not redeemed* vests in the county for the benefit of the state and county.

4. Until the expiration of the period of redemption, ~~[the]~~ *each* property held pursuant to the certificate must be assessed annually to the county treasurer as trustee, and before the owner or his successor redeems the property, he shall also pay the county treasurer holding the certificate any additional taxes assessed and accrued against the property after the date of the certificate, together with ~~[the]~~ interest on the taxes at the rate of 10 percent per annum from the date due until paid, unless otherwise provided in NRS 360.320 or section 2 of ~~[this act.~~

~~5. The]~~ *Senate Bill No. 362 of this session.*

5. A county treasurer shall take ~~[certificates]~~ *a certificate* issued to him ~~[under the provisions of]~~ *pursuant to* this section. *The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate the repayment of any of those delinquent taxes. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.*

Sec. 53.4. Section 48 of Assembly Bill No. 584 of this session is hereby amended to read as follows:

Sec. 48. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.320 and section 2 of *Senate Bill No. 362 of* this ~~[act,]~~ *session,* and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 364A, ~~[365,]~~ 369, 370, 372, ~~[373,]~~ 374, 377, 377A, 444A or 585 of NRS, or *the* fee provided for in NRS 482.313 , ~~[or 590.700 to 590.920, inclusive,]~~ to the state or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the department, in addition to the tax or fee, plus interest at the rate of 1 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date

of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada tax commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 53.6. Section 87 of Assembly Bill No. 584 of this session is hereby amended to read as follows:

Sec. 87. NRS 365.310 is hereby amended to read as follows:

365.310 1. The department may suspend, cancel or revoke the license of any dealer *or supplier* refusing or neglecting to comply with the provisions of this chapter.

2. If a dealer *or supplier* becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his liability exceeds the total amount of *the* bond *or bonds* furnished by the dealer ~~[,]~~ *or supplier,* the department shall suspend his license immediately.

3. Before revoking or canceling any license issued under this chapter, the department shall send a notice by registered or certified mail to the dealer *or supplier* at his last known address. The notice must order the dealer *or supplier* to show cause why his license should not be revoked by appearing before the department at Carson City, Nevada, or such other place in this state as may be designated by the department, at a time not less than 10 days after the mailing of the notice. The department shall allow the dealer *or supplier* an opportunity to be heard in pursuance of ~~[such]~~ *the* notice, and thereafter the department may revoke or cancel his license.

Sec. 53.8. 1. Notwithstanding the provisions of NRS 365.470, if a person properly files an appeal with the Nevada tax commission pursuant to NRS 365.460 before January 1, 2002, and the commission fails to render a final decision on the appeal before that date, the person may commence an action against the state treasurer pursuant to NRS 365.460 not later than:

(a) April 1, 2002; or

(b) Ninety days after the last day prescribed for the payment of the excise tax without a penalty,

whichever occurs last.

2. The provisions of subsection 4 of section 54 of this act do not affect any actions commenced before January 1, 2002, against the state treasurer pursuant to NRS 365.460.".

Amend sec. 54, page 30, line 8, by deleting "53," and inserting "53.8,".

Amend sec. 54, page 30, after line 12, by inserting:

"4. Sections 26 and 27 of this act expire by limitation on December 31, 2001.".

Amend the title of the bill by deleting the sixth through tenth lines and inserting:

"department of taxation to the Nevada tax commission; requiring the commission to adopt certain regulations; expanding the Taxpayers' Bill of Rights; increasing the amount of taxes, penalties and interest that may be waived if a taxpayer has relied to his detriment on the advice of the

department; authorizing certain actions relating to the payment of taxes to be brought in various counties; and".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1116.

Amend section 1, page 1, line 2, by deleting "7," and inserting "8,".

Amend the bill as a whole by renumbering sections 2 through 11 as sections 3 through 12 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *As used in this chapter, "case of wine" means 12 bottles each containing 750 milliliters of wine or an amount equal to that volume of wine.*".

Amend sec. 3, page 1, line 9, by deleting "*100*" and inserting "*25*".

Amend sec. 6, page 2, line 12, before "*A*" by inserting "*1.*".

Amend sec. 6, page 2, line 14, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 6, page 2, line 16, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 6, page 2, between lines 17 and 18, by inserting:

"*2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor.*".

Amend sec. 7, page 2, line 18, before "*A*" by inserting "*1.*".

Amend sec. 7, page 2, line 19, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 7, page 2, line 21, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 7, page 2, between lines 22 and 23, by inserting:

"*2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor.*".

Amend sec. 8, page 2, line 33, by deleting:

"*2 to 7,*" and inserting:

"*3 to 8,*".

Amend sec. 9, page 2, line 36, by deleting "*3*" and inserting "*4*".

Amend sec. 10, page 3, line 21, by deleting "The" and inserting:

"~~[The]~~ *Except as otherwise provided in subsection 3, the*".

Amend sec. 10, page 3, line 32, after "*3.*" by inserting:

"*The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he is acting in his professional capacity.*

4.".

Amend sec. 11, page 3, line 35, by deleting:

"October 1, 1999." and inserting:

"the effective date of this act.".

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. This act becomes effective upon passage and approval.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 521 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1087.

Amend sec. 2, pages 1 and 2, by deleting lines 7 through 20 on page 1 and lines 1 through 7 on page 2, and inserting:

"*The discounted admission fee for residents must be offered at any time the exhibition is open to the public and admission fees are being charged.*

2. Except as otherwise provided in subsection 5, if a taxpayer collects a fee for the exhibition of fine art otherwise exempt from taxation pursuant to NRS 361.068, the exemption pertaining to that fine art for the fiscal year must be reduced by the net revenue derived by the taxpayer for that fiscal year. The exemption pertaining to fine art for a particular fiscal year must not be reduced below zero, regardless of the amount of the net revenue derived by the taxpayer for that fiscal year.".

Amend sec. 2, page 2, line 8, by deleting "*4.*" and inserting "*3.*".

Amend sec. 2, page 2, between lines 13 and 14, by inserting:

"*4. A taxpayer who is required to pay a tax resulting from the operation of this section may receive a credit against the tax for any donations made by the taxpayer to the state arts council, the division of museums and history dedicated trust fund established pursuant to NRS 381.0031, a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, if the taxpayer:*

(a) Made the donation before the date that either statement required pursuant to subsection 3 is due; and

(b) Provides to the county assessor documentation of the donation at the time that he files the statement required pursuant to subsection 3.

5. If a taxpayer qualifies for and avails himself of both of the exemptions from taxation provided by NRS 361.068 and 374.291, the reduction of the exemptions by the net revenue derived by the taxpayer, as required pursuant to subsection 2 of this section and subsection 2 of section 6 of this act, must be carried out in such a manner that the total net revenue derived by the taxpayer is first applied to reduce the exemption provided pursuant to NRS 374.291. If the net revenue exceeds the amount of the exemption provided pursuant to NRS 374.291, the remaining net revenue must be applied to reduce the exemption provided pursuant to NRS 361.068. If the net revenue is less than or equal to the exemption provided pursuant to NRS 374.291 for that fiscal year, the exemption provided pursuant to NRS 361.068 must not be reduced.

6. For the purposes of this section:

(a) "Direct costs of owning and exhibiting the fine art" does not include any allocation of the general and administrative expense of a business or organization that conducts activities in addition to the operation of the facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

(b) "Net revenue" means the amount of the fees collected for exhibiting the fine art during that fiscal year less the following paid or made during that fiscal year:

(1) The direct costs of owning and exhibiting the fine art; and

(2) The cost of educational programs associated with the taxpayer's public display of fine art, including the cost of meeting the requirements of sub-subparagraph (IV) of subparagraph (1) of paragraph (b) of subsection 5 of NRS 361.068.".

Amend sec. 4, page 3, line 2, by deleting "shall, on" and inserting:

"shall ~~[, on]~~ *:*

(a) On".

Amend sec. 4, page 3, line 11, by deleting "*5.*" and inserting:

"*5; and*

(b) During any fiscal year in which he claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.".

Amend sec. 4, page 3, by deleting line 25 and inserting:

"(b) "Fine art for public display" *:*

(1) Except as otherwise provided in subparagraph (2), means a work of art which:".

Amend sec. 4, page 3, line 26, by deleting "(1)" and inserting "~~[(1)]~~ *(I)*".

Amend sec. 4, page 3, line 30, by deleting "(2)" and inserting "~~[(2)]~~ *(II)*".

Amend sec. 4, page 3, line 32, by deleting "(3)" and inserting "~~[(3)]~~ *(III)*".

Amend sec. 4, page 4, line 1, by deleting "(4)" and inserting "~~[(4)]~~ *(IV)*".

Amend sec. 4, page 4, line 3, by deleting "*20*" and inserting "*60*".

Amend sec. 4, page 4, line 5, by deleting "*charge.*" and inserting:

"*charge; and*

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.".

Amend sec. 4, page 4, by deleting line 8, and inserting:

"*(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of*".

Amend sec. 4, page 4, between lines 14 and 15, by inserting:

"*(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.*

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.".

Amend sec. 5, page 4, line 39, by deleting "shall, on" and inserting:

"shall ~~[, on]~~ *:*

(a) On".

Amend sec. 5, page 5, line 6, by deleting "*4.*" and inserting:

"*4; and*

(b) During any fiscal year in which he claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.".

Amend sec. 5, page 5, by deleting line 10 and inserting:

"(b) "Fine art for public display" *:*

(1) Except as otherwise provided in subparagraph (2), means a work of art which:".

Amend sec. 5, page 5, line 11, by deleting "(1)" and inserting "~~[(1)]~~ *(I)*".

Amend sec. 5, page 5, line 15, by deleting "(2)" and inserting "~~[(2)]~~ *(II)*".

Amend sec. 5, page 5, line 17, by deleting "(3)" and inserting "~~[(3)]~~ *(III)*".

Amend sec. 5, page 5, line 28, by deleting "(4)" and inserting "~~[(4)]~~ *(IV)*".

Amend sec. 5, page 5, line 30, by deleting "*20*" and inserting "*60*".

Amend sec. 5, page 5, line 32, by deleting "*charge.*" and inserting:

"*charge; and*

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.".

Amend sec. 5, page 5, by deleting line 35 and inserting:

"*(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of*".

Amend sec. 5, page 5, after line 41, by inserting:

"(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.".

Amend sec. 6, page 6, by deleting lines 7 through 17 and inserting:

"*charged to nonresidents. The discounted admission fee for residents must be offered at any time the exhibition is open to the public and admission fees are being charged.*

2. If a taxpayer collects a fee for the exhibition of fine art otherwise exempt from taxation on its sale, storage, use or other consumption pursuant to NRS 374.291 and the fee is collected during the first full fiscal year after the purchase of the fine art, the exemption pertaining to that fine art must be reduced by the net revenue derived by the taxpayer for that first full fiscal year. The exemption pertaining to fine art must not be reduced below zero, regardless of the amount of the net revenue derived by the taxpayer for that first full fiscal year.".

Amend sec. 6, page 6, line 21, by deleting "*calendar*" and inserting "*fiscal*".

Amend sec. 6, page 6, line 24, by deleting "*calendar*" and inserting "*fiscal*".

Amend sec. 6, page 6, by deleting line 26 and inserting:

"*4. A taxpayer who is required to pay a tax resulting from the operation of this section may receive a credit against the tax for any donations made by the taxpayer to the state arts council, the division of museums and history dedicated trust fund established pursuant to NRS 381.0031, a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, if the taxpayer:*

(a) Made the donation before the date that either return required pursuant to subsection 3 is due; and

(b) Provides the department documentation of the donation at the time that he files the return required pursuant to subsection 3.

5. For the purposes of this section:

(a) "Direct costs of owning and exhibiting the fine art" does not include any allocation of the general and administrative expense of a business or organization that conducts activities in addition to the operation of the facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

(b) "Net revenue" means the amount".

Amend sec. 6, page 6, line 27, by deleting "*calendar*" and inserting "*fiscal*".

Amend sec. 6, page 6, line 28, by deleting "*calendar*" and inserting "*fiscal*".

Amend sec. 6, page 6, by deleting line 29 and inserting:

"*(1) The direct costs of owning and exhibiting the fine art; and*".

Amend sec. 6, page 6, by deleting lines 30 and 31.

Amend sec. 6, page 6, line 32, by deleting "*(c)*" and inserting "*(2)*".

Amend sec. 6, page 6, by deleting lines 34 through 37 and inserting:

"*of paragraph (d) of subsection 4 of NRS 374.291.*".

Amend sec. 7, page 7, by deleting line 1 and inserting:

"*(a) Meets the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 4*".

Amend sec. 9, page 7, by deleting line 27 and inserting:

"*(a) Meets the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 4*".

Amend sec. 10, page 8, line 1, by deleting "*3*" and inserting "*4*".

Amend sec. 10, page 8, line 3, by deleting:

"*paragraph (c) of subsection 3*" and inserting:

"*paragraphs (c) and (d) of subsection 4*".

Amend sec. 10, page 8, by deleting line 5 and inserting:

"*3. During the first full fiscal year following the purchase of fine art for which a taxpayer receives the exemption provided in this section, make available, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display and that the facility makes available for purchase by the public at the time of the request.*

4. As used in this section ~~[, "fine]~~ *:*

(a) "Fine art for public display" *:*

(1) Except as otherwise provided in subparagraph (2), means a work of".

Amend sec. 10, page 8, line 7, by deleting "(a)" and inserting "~~[(a)]~~ *(I)*".

Amend sec. 10, page 8, line 11, by deleting "(b)" and inserting "~~[(b)]~~ *(II)*".

Amend sec. 10, page 8, line 13, by deleting "(c)" and inserting "~~[(c)]~~ *(III)*".

Amend sec. 10, page 8, line 22, by deleting "*calendar*" and inserting "*fiscal*".

Amend sec. 10, page 8, line 25, by deleting "(d)" and inserting "~~[(d)]~~ *(IV)*".

Amend sec. 10, page 8, by deleting line 27 and inserting:

"*least 60 days of the first full fiscal year after the purchase of the fine*".

Amend sec. 10, page 8, line 29, by deleting "*charge.*" and inserting:

"*charge; and*

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) Materials purchased by an artist for consumption in the production of a work of art that is to be a fixture or an improvement to real property;

(III) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(IV) Products of filmmaking or photography, including, without limitation, motion pictures;

(V) Literary works;

(VI) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VII) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(b) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(c) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.

(d) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblymen Goldwater and Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 391.

Bill read third time.

The following amendment was proposed by Assemblymen Bache, Giunchigliani and Tiffany:

Amendment No. 1110.

Amend sec. 13.3, page 5, by deleting lines 22 through 37 and inserting:

"*(a) Residential facility for groups.*

(b) Home for individual residential care.".

Amend sec. 13.3, page 6, by deleting lines 26 through 29 and inserting:

"*If, on or after October 1, 1999, a subsequent application is submitted to operate an additional residential facility for groups at a location that is within 660 feet from an existing residential facility for*".

Amend sec. 13.3, page 6, by deleting lines 40 through 43 and inserting:

"*5. The governing body of a county or city shall not require a special use permit for a residential facility for groups.*".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 152.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Perkins:

Amendment No. 1107.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 483.908 and 483.922, "actual physical control of a commercial motor vehicle" must be determined based upon:

1. Where and in what position the person was found in the commercial motor vehicle;

2. Whether the engine of the commercial motor vehicle in which the person was found was running;

3. Whether the person was found awake or asleep in the front seat of the commercial motor vehicle;

4. If the person was apprehended at night, whether the lights of the commercial motor vehicle in which he was found were on; and

5. Whether the person was trying to move the commercial motor vehicle at the time he was found.".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. NRS 483.908 is hereby amended to read as follows:

483.908 The department shall adopt regulations:

1. Providing for the issuance, expiration, renewal, suspension, revocation and reinstatement of commercial drivers' licenses;

2. Providing the same exemptions allowed pursuant to federal regulations for farmers, fire fighters, military personnel or any other class of operators or vehicles for which exemptions are authorized by federal law or regulations;

3. Specifying the violations which constitute grounds for disqualification from driving a commercial motor vehicle and the penalties associated with each violation;

4. Setting forth a schedule of various alcohol concentrations and the penalties which must be imposed if those concentrations are detected in the breath, blood, urine or other bodily substances of a person who is driving, operating or is in *actual* physical control of a commercial motor vehicle; and

5. Necessary to enable it to carry out the provisions of NRS 483.900 to 483.940, inclusive.

The department shall not adopt regulations which are more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. §§ ~~[2701-2716.]~~ *31301-05 and 31308-17.*".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 484.379 to 484.3947, inclusive, "actual physical control of a vehicle" must be determined based upon:

1. Where and in what position the person was found in the vehicle;

2. Whether the engine of the vehicle in which the person was found was running;

3. Whether the person was found awake or asleep in the front seat of the vehicle;

4. If the person was apprehended at night, whether the lights of the vehicle in which he was found were on; and

5. Whether the person was trying to move the vehicle at the time he was found.".

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

"Sec. 24.5. NRS 484.448 is here by amended to read as follows:

484.448 1. It is unlawful for a person to drink an alcoholic beverage while he is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer.

3. *For the purposes of this section, "actual physical control of a vehicle" must be determined in the manner set forth in section 5.5 of this act.*

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.".

Amend sec. 25, page 17, between lines 32 and 33 by inserting:

"*3. For the purposes of this section, "actual physical control of a motor vehicle" must be determined in the manner set forth in section 5.5 of this act.*".

Amend the bill as a whole by adding a new section designated sec. 25.5, following sec. 25, to read as follows:

"Sec. 25.5. Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 488.400 to 488.520, inclusive, "actual physical control of a vessel" must be determined based upon:

1. Where and in what position the person was found in the vessel;

2. Whether the engine of the vessel in which the person was found was running;

3. Whether the person was found awake or asleep in the front seat of the vessel;

4. If the person was apprehended at night, whether the lights of the vessel in which he was found were on; and

5. Whether the person was trying to move the vessel at the time he was found.".

Amend the bill as a whole by adding a new section designated sec. 38.5, following sec. 38, to read as follows:

"Sec. 38.5. NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense punishable pursuant to chapter 453, 484 or 488 of NRS or homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor, a controlled substance or a chemical, poison or organic solvent, and it is necessary to prove:

(a) The existence of any alcohol;

(b) The quantity of a controlled substance; or

(c) The existence or identity of a controlled substance, chemical, poison or organic solvent,

the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the trial or preliminary hearing concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence.

2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:

(a) Made at least 10 days before the date set for the trial;

(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail by the prosecuting attorney; and

(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.

3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.

4. For the purposes of this section, "actual physical control of a vehicle or a vessel" must be determined in the manner set forth in section 5.5 or 25.5 of this act, as applicable.".

Amend the bill as a whole by renumbering sections 40 and 41 as sections 43 and 44 and adding new sections designated sections 40 through 42, following sec. 39, to read as follows:

"Sec. 40. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

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

(a) The provisions of NRS 483.460, 483.490, subsection 2 of NRS 483.560 and NRS 484.384;

(b) An offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; and

(d) Any offense similar to an offense set forth in paragraph (a), (b) or (c) that is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

4. For the purposes of this section, "actual physical control of a vehicle or a vessel" must be determined in the manner set forth in section 5.5 or 25.5 of this act, as applicable.

Sec. 41. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that he is unable to exercise care for his own health or safety or the health or safety of others, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person that kind and degree of force which would be lawful if he were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, he must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his own health and safety until he is no longer under the influence of alcohol. He may not be required against his will to remain in either a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if his condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which he is delivered; and

(b) Communicated at the earliest practical time to his family or next of kin if they can be located and to the division or to a local alcohol abuse authority designated by the division.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) An offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute;

(b) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; and

(c) Any offense similar to an offense set forth in paragraph (a) or (b) of this subsection that is set forth in an ordinance or resolution of a county, city or town.

8. For the purposes of this section, "actual physical control of a vehicle or a vessel" must be determined in the manner set forth in section 5.5 or 25.5 of this act, as applicable.

Sec. 42. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider of health care shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of his blood, breath or urine if:

(a) The patient is suspected of driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420; and

(b) The records would aid in the related investigation.

To the extent possible, the provider of health care shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to the law enforcement agent or district attorney who requests it and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related criminal proceeding against the patient.

4. A provider of health care, his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. For the purposes of this section, "actual physical control of a vehicle or a vessel" must be determined in the manner set forth in section 5.5 or 25.5 of this act, as applicable.".

Amend the title of the bill, first line, after "laws;" by inserting:

"providing the manner in which to determine whether a person who is under the influence of alcohol or a controlled substance is in actual physical control of a vehicle of vessel;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning operating vehicle or vessel under influence of alcohol or controlled substance. (BDR 43-275)".

Assemblywoman Giunchigliani moved that Senate Bill No. 152 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assembly Bill No. 269.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 269:
YEAS—39.
NAYS—Hettrick.
EXCUSED—Berman, Evans—2.
Assembly Bill No. 269 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 323.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 323:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Assembly Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 342.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Assembly Bill No. 342:
YEAS—39.
NAYS—Bache.
EXCUSED—Berman, Evans—2.
Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 684.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 684:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Assembly Bill No. 684 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 31.
Bill read third time.
Remarks by Assemblymen Parnell, Segerblom, Anderson, Bache and Giunchigliani.
Roll call on Senate Bill No. 31:

YEAS—29.
NAYS—Anderson, Buckley, Chowning, Claborn, Collins, Freeman, Gustavson, Leslie, Parks, Perkins, Segerblom—11.
EXCUSED—Berman, Evans—2.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblymen Beers and Lee.

Conflict of interest declared by Assemblyman Lee.

Roll call on Senate Bill No. 38:
YEAS—38.
NAYS—None.
NOT VOTING—Collins, Lee—2.
EXCUSED—Berman, Evans—2.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 68.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 68:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.

Senate Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hettrick moved that Senate Bill No. 191 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Hettrick.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 103:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bill No. 686; Senate Bill No. 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 126 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Perkins.

Motion carried unanimously.

Assemblyman Perkins moved that Assembly Bill No. 686 and Senate Bill No. 104 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 686.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1040.

Amend section 1, page 1, line 2, by deleting "10" and inserting "11".

Amend section 1, page 1, line 15, by deleting "four" and inserting "five".

Amend section 1, page 1, by deleting line 17 and inserting:

"(a) One teacher who currently provides instruction in a high school;".

Amend section 1, page 2, line 1, after "(b)" by inserting:

"One teacher who currently provides instruction in a middle school or junior high school;

(c)".

Amend section 1, page 2, line 2, by deleting "(c)" and inserting "(d)".

Amend section 1, page 2, line 4, by deleting "(d)" and inserting "(e)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 973.

Amend section 1, page 1, line 13, by deleting:

"September 1, 1999," and inserting:

"~~[September 1, 1999,]~~ *January 15, 2000,*".

Amend section 1, page 2, line 15, by deleting:

"November 1, 1999," and inserting:

"~~[November 1, 1999,]~~ *January 15, 2000,*".

Amend section 1, page 2, line 26, by deleting:

"July 31, 1999." and inserting:

"~~[July 31, 1999.]~~ *June 30, 2001.*".

Amend section 1, page 3, line 6, by deleting "statewide," and inserting:

"statewide ~~[,]~~ *in selected grades, kindergarten through eighth,*".

Amend section 1, page 3, line 21, by deleting "statewide," and inserting:

"statewide ~~[,]~~ *in selected grades, kindergarten through eighth,*".

Amend section 1, page 3, line 32, after "5." by inserting:

"*Commencing in the 2001-2002 school year, the high school proficiency examination that, pursuant to subsection 6 of NRS 389.015, pupils must pass to receive a standard high school diploma must measure the performance of pupils on the standards of content and performance adopted by the state board of education pursuant to paragraph (a) of subsection 4. The high school proficiency examination that measures the performance of pupils on those standards must first be administered to pupils enrolled in grade 11 in the 2001-2002 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the 2002-2003 school year. Pupils who graduate from high school in the 2001-2002 school year are not required to pass the examination that measures the performance of pupils on the standards adopted pursuant to paragraph (a) of subsection 4, but must pass the examination that is administered to pupils in the immediately preceding school year.*

6.".

Amend section 1, page 4, line 1, by deleting "6." and inserting "~~[6.]~~ *7.*".

Amend section 1, page 4, line 23, by deleting "7." and inserting "~~[7.]~~ *8.*".

Amend section 1, page 4, line 28, by deleting "8." and inserting "~~[8.]~~ *9.*"

Amend the title of the bill to read as follows:

"AN ACT relating to education; revising provisions regarding the council to establish academic standards for public schools; delaying the prospective dates by which certain achievement and proficiency examinations used to measure the achievement of pupils in the standards of content and performance adopted by the state board of education must be administered in the public schools; prescribing the dates for the administration of a high school proficiency examination that measures the achievement of pupils in the standards of content and performance; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, after "Revises" by inserting:

"provisions regarding council to establish academic standards for public schools and".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 128.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 128:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 125 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 152 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 152.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Perkins:

Amendment No. 1107.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 483.908 and 483.922, "actual physical control of a commercial motor vehicle" must be determined based upon:

1. Where and in what position the person was found in the commercial motor vehicle;

2. Whether the engine of the commercial motor vehicle in which the person was found was running;

3. Whether the person was found awake or asleep in the front seat of the commercial motor vehicle;

4. If the person was apprehended at night, whether the lights of the commercial motor vehicle in which he was found were on; and

5. Whether the person was trying to move the commercial motor vehicle at the time he was found.".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. NRS 483.908 is hereby amended to read as follows:

483.908 The department shall adopt regulations:

1. Providing for the issuance, expiration, renewal, suspension, revocation and reinstatement of commercial drivers' licenses;

2. Providing the same exemptions allowed pursuant to federal regulations for farmers, fire fighters, military personnel or any other class of operators or vehicles for which exemptions are authorized by federal law or regulations;

3. Specifying the violations which constitute grounds for disqualification from driving a commercial motor vehicle and the penalties associated with each violation;

4. Setting forth a schedule of various alcohol concentrations and the penalties which must be imposed if those concentrations are detected in the breath, blood, urine or other bodily substances of a person who is driving, operating or is in *actual* physical control of a commercial motor vehicle; and

5. Necessary to enable it to carry out the provisions of NRS 483.900 to 483.940, inclusive.

The department shall not adopt regulations which are more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. §§ ~~[2701-2716.]~~ *31301-05 and 31308-17.*".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 484.379 to 484.3947, inclusive, "actual physical control of a vehicle" must be determined based upon:

1. Where and in what position the person was found in the vehicle;

2. Whether the engine of the vehicle in which the person was found was running;

3. Whether the person was found awake or asleep in the front seat of the vehicle;

4. If the person was apprehended at night, whether the lights of the vehicle in which he was found were on; and

5. Whether the person was trying to move the vehicle at the time he was found.".

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

"Sec. 24.5. NRS 484.448 is here by amended to read as follows:

484.448 1. It is unlawful for a person to drink an alcoholic beverage while he is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer.

3. *For the purposes of this section, "actual physical control of a vehicle" must be determined in the manner set forth in section 5.5 of this act.*

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.".

Amend sec. 25, page 17, between lines 32 and 33 by inserting:

"*3. For the purposes of this section, "actual physical control of a motor vehicle" must be determined in the manner set forth in section 5.5 of this act.*".

Amend the bill as a whole by adding a new section designated sec. 25.5, following sec. 25, to read as follows:

"Sec. 25.5. Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 488.400 to 488.520, inclusive, "actual physical control of a vessel" must be determined based upon:

1. Where and in what position the person was found in the vessel;

2. Whether the engine of the vessel in which the person was found was running;

3. Whether the person was found awake or asleep in the front seat of the vessel;

4. If the person was apprehended at night, whether the lights of the vessel in which he was found were on; and

5. Whether the person was trying to move the vessel at the time he was found.".

Amend the bill as a whole by adding a new section designated sec. 38.5, following sec. 38, to read as follows:

"Sec. 38.5. NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense punishable pursuant to chapter 453, 484 or 488 of NRS or homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor, a controlled substance or a chemical, poison or organic solvent, and it is necessary to prove:

(a) The existence of any alcohol;

(b) The quantity of a controlled substance; or

(c) The existence or identity of a controlled substance, chemical, poison or organic solvent,

the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the trial or preliminary hearing concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence.

2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:

(a) Made at least 10 days before the date set for the trial;

(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail by the prosecuting attorney; and

(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.

3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.

4. For the purposes of this section, "actual physical control of a vehicle or a vessel" must be determined in the manner set forth in section 5.5 or 25.5 of this act, as applicable.".

Amend the bill as a whole by renumbering sections 40 and 41 as sections 43 and 44 and adding new sections designated sections 40 through 42, following sec. 39, to read as follows:

"Sec. 40. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

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

(a) The provisions of NRS 483.460, 483.490, subsection 2 of NRS 483.560 and NRS 484.384;

(b) An offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; and

(d) Any offense similar to an offense set forth in paragraph (a), (b) or (c) that is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

4. For the purposes of this section, "actual physical control of a vehicle or a vessel" must be determined in the manner set forth in section 5.5 or 25.5 of this act, as applicable.

Sec. 41. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that he is unable to exercise care for his own health or safety or the health or safety of others, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person that kind and degree of force which would be lawful if he were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, he must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his own health and safety until he is no longer under the influence of alcohol. He may not be required against his will to remain in either a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if his condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which he is delivered; and

(b) Communicated at the earliest practical time to his family or next of kin if they can be located and to the division or to a local alcohol abuse authority designated by the division.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) An offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute;

(b) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; and

(c) Any offense similar to an offense set forth in paragraph (a) or (b) of this subsection that is set forth in an ordinance or resolution of a county, city or town.

8. For the purposes of this section, "actual physical control of a vehicle or a vessel" must be determined in the manner set forth in section 5.5 or 25.5 of this act, as applicable.

Sec. 42. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider of health care shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of his blood, breath or urine if:

(a) The patient is suspected of driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420; and

(b) The records would aid in the related investigation.

To the extent possible, the provider of health care shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to the law enforcement agent or district attorney who requests it and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related criminal proceeding against the patient.

4. A provider of health care, his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. For the purposes of this section, "actual physical control of a vehicle or a vessel" must be determined in the manner set forth in section 5.5 or 25.5 of this act, as applicable.".

Amend the title of the bill, first line, after "laws;" by inserting:

"providing the manner in which to determine whether a person who is under the influence of alcohol or a controlled substance is in actual physical control of a vehicle of vessel;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning operating vehicle or vessel under influence of alcohol or controlled substance. (BDR 43-275)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Perkins and Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 436.

Bill read third time.

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

Amendment No. 1118.

Amend sec. 8, page 3, line 36, by deleting the semicolon and inserting: ", one of whom is a member of the debt management commission established pursuant to subsection 1 of NRS 350.002;".

Amend sec. 8, page 3, line 38, by deleting the semicolon and inserting: ", one of whom is a member of the debt management commission established pursuant to subsection 1 of NRS 350.002;".

Amend sec. 8, page 3, line 40, by deleting the semicolon and inserting: ", one of whom is a member of the debt management commission established pursuant to subsection 1 of NRS 350.002;".

Amend sec. 8, page 3, line 42, by deleting the semicolon and inserting: ", one of whom is a member of the debt management commission established pursuant to subsection 1 of NRS 350.002;".

Amend sec. 8, page 4, line 2, by deleting the semicolon and inserting: "who is a member of the debt management commission established pursuant to subsection 1 of NRS 350.002;".

Amend sec. 8, page 4, line 4, by deleting the period and inserting: "who is a member of the debt management commission established pursuant to subsection 1 of NRS 350.002.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Segerblom.

Roll call on Senate Bill No. 192:

YEAS—38.

NAYS—Angle, Gibbons—2.

EXCUSED—Berman, Evans—2.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 210.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Senate Bill No. 210:
YEAS—29.
NAYS—Anderson, Angle, Bache, Carpenter, Claborn, Collins, Freeman, Giunchigliani, Goldwater, Gustavson, Price—11.
EXCUSED—Berman, Evans—2.
Senate Bill No. 210 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 282.
Bill read third time.
Remarks by Assemblymen Arberry and Chowning.
Roll call on Senate Bill No. 282:
YEAS—38.
NAYS—Angle, Gustavson—2.
EXCUSED—Berman, Evans—2.
Senate Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 292.
Bill read third time.
Remarks by Assemblymen Parks and Price.
Potential conflict of interest declared by Assemblyman Price.
Roll call on Senate Bill No. 292:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 312.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 312:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 322.
Bill read third time.
Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 322:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Senate Bill No. 322 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 323.
Bill read third time.
Remarks by Assemblymen Bache, Buckley and Ohrenschall.
Roll call on Senate Bill No. 323:
YEAS—37.
NAYS—McClain, Parnell, Thomas—3.
EXCUSED—Berman, Evans—2.
Senate Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:39 p.m.

ASSEMBLY IN SESSION

At 1:17 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 475 be taken from its position on the General File and placed at the top of the General File.
Remarks by Assemblyman Perkins.
Motion carried.

Assemblywoman Cegavske moved that Assembly Bill No. 552 be taken from the Chief Clerk's desk and placed at the top of the General File.
Remarks by Assemblywoman Cegavske.
Motion carried.

Assemblywoman Chowning moved that Senate Bill No. 302 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Remarks by Assemblywoman Chowning.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 302.
Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1091.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 405 of NRS is hereby amended by adding thereto a new section to read as follows:

A gate that:

1. Operates by electrical power;

2. Provides access for vehicular traffic; and

3. Is installed on or after March 1, 2000,

must comply with the requirements of the Underwriters Laboratories Inc. Standard for Safety 325, as published on September 18, 1998, and effective on March 1, 2000.

Sec. 2. This act becomes effective on March 1, 2000.".

Amend the title of the bill to read as follows:

"AN ACT relating to gates that provide access for vehicular traffic; requiring that certain gates comply with certain safety standards; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires that certain gates comply with certain safety standards. (BDR 35-226)".

Assemblywoman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Bache and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

MARCIA DE BRAGA, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that Senate Bill No. 363 be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.

Bill read third time.

The following amendment was proposed by Assemblywoman Cegavske:

Amendment No. 1078.

Amend sec. 2, page 1, line 4, by deleting:

"*between the ages of 16 and 18 years*" and inserting:
"*16 or 17 years of age*".

Amend sec. 2, page 2, line 18, by deleting:
"*between the ages of 16 and 18 years*" and inserting:
"*who is 16 or 17 years of age and*".

Amend sec. 3, page 2, line 42, by deleting "*if:*" and inserting:
"*under any of the following circumstances:*".

Amend sec. 3, page 3, by deleting line 2 and inserting:
"*condition of the licensee. A licensee who presents to a peace officer*".

Amend sec. 3, page 3, lines 3 and 4, by deleting:
"*his medical condition*" and inserting:
"*the medical condition of the licensee,*".

Amend sec. 3, page 3, line 6, by deleting "*himself;*" and inserting:
"*himself, must be presumed to be in compliance with this paragraph.*".

Amend sec. 3, page 3, by deleting lines 8 and 9 and inserting:
"*activity authorized by his school. A licensee who presents to a peace officer a signed statement from the parent or guardian of the licensee stating*".

Amend sec. 3, page 3, line 12, by deleting "*completed;*" and inserting:
"*completed must be presumed to be in compliance with this paragraph.*".

Amend sec. 3, page 3, by deleting lines 13 through 15 and inserting:

"*(c) It is necessary for the licensee to drive to attend work. A licensee who presents to a peace officer a signed statement from the employer of the licensee, including, without limitation, verification of his employment*".

Amend sec. 3, page 3, line 16, by deleting "*end;*" and inserting:
"*end, must be presumed to be in compliance with this paragraph.*".

Amend sec. 3, page 3, by deleting lines 18 through 20 and inserting:
"*his immediate family. A licensee who presents to a peace officer a signed statement from the parent or legal guardian of the licensee stating the reason for the necessity and the date that the necessity probably will terminate must be presumed to be in compliance with this paragraph.*".

Amend sec. 3, page 3, between lines 21 and 22, by inserting:

"*4. A peace officer may issue a citation as provided in NRS 484.799 if the officer has probable cause to believe that a licensee is in violation of this section, including, without limitation, probable cause to believe that a signed statement presented by a licensee pursuant to paragraphs (a) to (d), inclusive, of subsection 3 is forged or altered.*".

Amend sec. 3, page 3, line 22, by deleting "*4.*" and inserting "*5.*".

Amend sec. 4, page 3, line 27, by deleting "*$35,*" and inserting "*$20,*".

Amend sec. 4, page 3, line 30, by deleting "*$50,*" and inserting "*$40,*".

Amend sec. 4, page 3, between lines 31 and 32, by inserting:

"*2. A judge or his designee may void a citation for a violation of subsection 3 of section 3 of this act if the licensee presents a signed statement described in paragraphs (a) to (d), inclusive, of subsection 3 of section 3 of this act.*".

Amend sec. 4, page 3, line 32, by deleting "*2.*" and inserting "*3.*".

Amend sec. 4, page 3, line 38, by deleting "*3.*" and inserting "*4.*".

Amend sec. 4, page 3, line 43, by deleting "*$35;*" and inserting "*$20;*".

Amend sec. 4, page 4, line 2, by deleting "*$50.*" and inserting "*$40.*".

Amend sec. 4, page 4, line 5, by deleting "*4.*" and inserting "*5.*".

Amend sec. 4, page 4, line 10, by deleting "*5.*" and inserting "*6.*".

Amend sec. 5, page 4, lines 23 and 24, by deleting:

"*between the ages of 16 and 18 years;*" and inserting:

"*16 or 17 years of age;*".

Amend sec. 7, page 4, line 36, by deleting:

"between the ages of 14 and 18 years" and inserting:

"~~[between the ages of 14 and 18 years]~~ *who is 14 to 17 years of age, inclusive,*".

Amend sec. 7, page 5, by deleting lines 1 through 27 and inserting:

"(d) ~~[Except as otherwise provided in paragraph (e), a license to a person between the ages of 16 and 18 years who has completed a course:~~

~~(1) In automobile driver education pursuant to NRS 389.090; or~~

~~(2) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090,~~

~~and who has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280. The parent or legal guardian of a person who desires to obtain a license pursuant to this paragraph must sign and submit to the department a form provided by the department which attests that the person who desires a license has completed the training and experience required by this paragraph.~~

~~(e) A license to a person who is between the ages of 16 and 18 years if:~~

~~(1) The public school in which he is enrolled is located in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000;~~

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

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

~~(4) His parent or legal guardian signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the experience required by subparagraph (3).]~~ *A provisional license to a person who is 16 or 17 years of age*".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 483.267 is hereby amended to read as follows:

483.267 1. The department may issue a restricted license to any applicant ~~[between the ages of 14 and 18 years]~~ *who is 14 to 17 years of age,*

inclusive, which entitles him to drive a motor vehicle upon a highway if a member of his household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Contain such other information as may be required by the department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the department; and

(c) May contain other restrictions which the department deems necessary.

4. No license may be issued under this section until the department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.".

Amend sec. 9, page 6, line 19, by deleting:

"between the ages of 14 and 18 years" and inserting:

"~~[between the ages of 14 and 18 years]~~ *who is 14 to 17 years of age, inclusive, and*".

Amend sec. 9, page 7, line 6, by deleting "minors ~~[,]~~" and inserting "minors,".

Amend sec. 9, page 7, by deleting line 7.

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; establishing provisional drivers' licenses for persons who are 16 or 17 years of age; making various changes concerning restricted licenses for pupils in schools, instruction permits, and automobile driver education in public schools; clarifying certain provisions concerning the issuance of restricted licenses; providing penalties; and providing other matters properly relating thereto.".

Assemblywoman Cegavske moved the adoption of the amendment.

Remarks by Assemblymen Cegavske and Perkins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 475.

Bill read third time.

Assemblyman Anderson requested Amendment No. 1098 be considered first.

The following amendment was proposed by Assemblywoman Freeman:

Amendment 1098:

Amend sec. 8, page 6, line 34, after "*5.*" by inserting:

"*A contract awarded pursuant to this section must specify:*

(a) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract;

(b) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(c) A date by which performance of the work required by the contract must be completed.

6.".

Amend sec. 27, page 24, line 17, after "*5.*" by inserting:

"*A contract awarded pursuant to this section must specify:*

(a) An amount that is the maximum amount that the department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences that arise during construction and are authorized by the contract;

(b) An amount that is the maximum amount that the department will pay for the performance of the professional services required by the contract; and

(c) A date by which performance of the work required by the contract must be completed.

6.".

Amend sec. 37, page 28, line 20, by deleting "13" and inserting "16".

Amend sec. 37, page 29, between lines 3 and 4, by inserting:

"(n) One member appointed by the Board of County Commissioners of Washoe County.

(o) One member appointed by the governing body of the City of Reno.

(p) One member appointed by the governing body of the City of Sparks.".

Assemblywoman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman, Anderson and Bache.

Amendment adopted on a division of the house.

The following amendment was proposed by Assemblyman Anderson.

Amendment No. 1057.

Amend sec. 2, page 2, lines 5 and 6, by deleting "*exceeds $30,000,000;*" and inserting:

"*is at least $30,000,000 but less than $100,000,000;*".

Amend sec. 4, page 3, line 31, by deleting "*act shall*" and inserting:

"*act:*

(a) Shall".

Amend sec. 4, page 3, between lines 32 and 33, by inserting:

"*(b) May provide financial incentives for the completion of such a contract at an earlier date or for a lower cost.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Bache and Collins.

Amendment lost.

Assemblyman Anderson withdrew Amendment No. 1058 to Senate Bill No. 475.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 375.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 375:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 423.

Bill read third time.

Remarks by Assemblymen Humke and Collins.

Potential conflict of interest declared by Assemblymen Collins and Lee.

Roll call on Senate Bill No. 423:

YEAS—34.

NAYS—Angle, Carpenter, Collins, Gibbons, Price, Von Tobel—6.

EXCUSED—Berman, Evans—2.

Senate Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.

Bill read third time.

Remarks by Assemblymen Neighbors, Goldwater, Carpenter and Freeman.

Roll call on Senate Bill No. 476:

YEAS—34.

NAYS—Angle, Gibbons, Goldwater, Gustavson, Mortenson, Thomas—6.

EXCUSED—Berman, Evans—2.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 478.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 478:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 478 having received a constitutional, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 500:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Senate Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 530.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 530:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Senate Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 546.
Bill read third time.
Remarks by Assemblymen Beers and Nolan.
Roll call on Senate Bill No. 546:
YEAS—39.
NAYS—Angle.
EXCUSED—Berman, Evans—2.
Senate Bill No. 546 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 547.
Bill read third time.
Remarks by Assemblymen Price, Gustavson, Hettrick, Freeman, Arberry, Giunchigliani, Humke and Tiffany.
Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.
Roll call on Senate Bill No. 547:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Senate Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 470.
Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 470:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblyman Lee.

Roll call on Senate Bill No. 473:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 387.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 387:

YEAS—38.

NAYS—Angle, Gibbons—2.

EXCUSED—Berman, Evans—2.

Senate Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 126.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 126:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Freeman moved that the Assembly do not recede from its action on Senate Bill No. 519, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Freeman.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen McClain, Koivisto and Von Tobel as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 519.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Beers and Thomas as a Committee to review the status of the Conference Committees.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 219, 282, 295, 329, 334, 339, 350, 358, 481; Assembly Concurrent Resolution No. 25; Senate Bills Nos. 97, 131, 145, 397, 407, 439, 464, 495.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 5:00 p.m.

Assembly in recess at 2:27 p.m.

ASSEMBLY IN SESSION

At 6:28 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 673, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended, and that Assembly Bill No. 686; Senate Bills Nos. 104, 302, 362, 428 and 521 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that Assembly Bill No. 673 and Senate Bills Nos. 152, 391, 436 and 475 returned from the printer be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 47 and 167 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 435 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Perkins.

Motion carried.

Assemblyman Hettrick moved that Senate Bill No. 191 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Hettrick.

Motion carried.

Assemblywoman Giunchigliani moved that the vote whereby Amendment No. 1107 to Senate Bill No. 152 was adopted be rescinded.

Motion carried.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Senate Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1030.

Amend section 1, page 1, line 8, after "district" by inserting:
"or the governing body of the charter school".

Amend section 1, page 1, line 11, after "district" by inserting:
"or governing body".

Amend section 1, page 2, by deleting lines 1 through 4 and inserting:
"or the governing body of the charter school by whom he is employed:

(a) A written statement indicating that the teacher understands that if he does not teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he receives the reimbursement, he will be required to repay the reimbursement to the Department of Education;

(b) Proof that he has acquired the certification; and

(c) A statement of the costs incurred by the teacher in acquiring the certification.

4. A school district or the governing body of a charter school shall verify the certification and the statement of costs submitted by a teacher pursuant to

subsection 3. Upon verification, the school district or governing body shall notify the Department of Education of the".

Amend section 1, page 2, line 7, by deleting "reimbursed." and inserting: "reimbursed if the teacher agrees to teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he receives the reimbursement.".

Amend section 1, page 2, line 12, by deleting "4." and inserting:

"5. Except as otherwise provided in this subsection, if a teacher who receives a reimbursement pursuant to this section does not teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he received the reimbursement, the teacher shall repay the full amount of the reimbursement to the Department of Education. The teacher may request that the Department of Education grant a waiver from the repayment required by this subsection. The Department of Education may grant a wavier if the Department determines that the teacher suffers from a hardship that warrants a waiver. The Department of Education shall prescribe the procedures for the repayment required by this subsection and the procedures for a teacher to request a waiver from the repayment. The Department of Education shall use any money that it receives pursuant to this subsection to reimburse the costs of other teachers who acquire certification by the National Board of Professional Teaching Standards.

6.".

Amend the title of the bill, third line, after "Standards;" by inserting: "requiring a teacher to repay the reimbursement to the Department under certain circumstances;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 1109.

Amend the bill as a whole by renumbering sections 30 and 31 as sections 32 and 33 and adding new sections designated sections 30 and 31, following sec. 29, to read as follows:

"Sec. 30. NRS 244.367 is hereby amended to read as follows:

244.367 1. ~~[The]~~ *A* board of county commissioners ~~[shall have power and jurisdiction in their respective counties to pass]~~ *may adopt* ordinances prohibiting, restricting, suppressing or otherwise regulating the sale, use, storage and possession of fireworks, and providing penalties for the violation thereof ~~[.]~~ *, if the ordinances are at least as restrictive as the regulations adopted by the state fire marshal pursuant to chapter 477 of NRS.*

2. An ordinance passed pursuant to subsection 1 must provide that any license or permit that may be required for the sale of fireworks must be issued by the licensing authority for:

(a) The county, if the fireworks are sold within the unincorporated areas of the county; or

(b) A city located within the county, if the fireworks are sold within the jurisdiction of that city.

Sec. 31. Chapter 477 of NRS is hereby amended by adding thereto a new section to read as follows:

The state fire marshal shall adopt regulations relating to the types of fireworks that a local government may regulate. The types of fireworks that the state fire marshal may authorize must be listed in section 3.1 of Standard 87-1, "Standard for Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics," 1993 edition, adopted by the American Pyrotechnics Association, except the state fire marshal shall not authorize the types of fireworks listed in sections 3.1.2 and 3.1.3 of Standard 87-1.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions governing hazardous materials and fireworks. (BDR 40-746)".

Amend the title of the bill to read as follows:

"AN ACT relating to safety; revising the requirements for the transportation of hazardous materials by motor carriers; revising the authority of the department of motor vehicles and public safety to administer and enforce those requirements; providing for the imposition of an assessment upon certain motor carriers; revising the requirements for the reporting of accidents and incidents involving a hazardous material; authorizing the imposition of civil penalties for certain violations; revising the definition of a hazardous material for certain purposes; prohibiting the political subdivisions of this state from regulating the transportation of hazardous materials; making various changes regarding the amount and disposition of certain fees for permits and other regulation; revising the method for funding the state emergency response commission; authorizing the state fire marshal to adopt regulations regarding the types of fireworks that a local government may regulate; and providing other matters properly relating thereto.".

The state fire marshal shall adopt regulations relating to the types of fireworks that a local government may regulate. The types of fireworks that the state fire marshal may authorize must be listed in section 3.1 of Standard 87-1, "Standard for Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics," 1993 edition, adopted by the American Pyrotechnics Association, except the state fire marshal shall

not authorize the types of fireworks listed in sections 3.1.2 and 3.1.3 of Standard 87-1.".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 435.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1123.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district in a county whose population is 400,000 or more may, by a vote of not less than two-thirds of the total membership of the board of trustees, expand the duties of the oversight panel for school facilities established for the school district pursuant to NRS 393.092.

2. If the board of trustees votes to expand the duties of the oversight panel, the board of trustees shall:

(a) Prepare a 3-year plan for the renovation of school facilities and a 5-year plan for the construction of school facilities within the school district for submission, to the oversight panel for its review and recommendations;

(b) Appoint the assistant superintendent of school facilities or his designee, if the board of trustees has employed a person to serve in that capacity, or otherwise appoint an employee of the school district who has knowledge and experience in school construction, to act as a liaison between the school district and the oversight panel;

(c) Consider each recommendation made by the oversight panel and, if the board of trustees does not adopt a recommendation, state in writing the reason for its action and include the statement in the minutes of the board of trustees, if applicable; and

(d) In addition to the administrative support required pursuant to NRS 393.095, provide such administrative support to the oversight panel as is necessary for the oversight panel to carry out its expanded duties.

3. If the board of trustees votes to expand the duties of the oversight panel, the oversight panel shall:

(a) Work cooperatively with the board of trustees of the school district to ensure that the program of school construction and renovation is responsive to the educational needs of pupils within the school district;

(b) Review the 3-year plan for the renovation of school facilities and the 5-year plan for the construction of school facilities submitted by the board of trustees of the school district and make recommendations to the board of trustees for any necessary revisions to the plans;

(c) On a quarterly basis, or more frequently if the oversight panel determines necessary, evaluate the program of school construction and renovation that is designed to carry out the 3-year plan and the 5-year plan and make recommendations to the board of trustees concerning the program;

(d) Make recommendations for the management of construction and renovation of school facilities within the school district in a manner that ensures effective and efficient expenditure of public money; and

(e) Prepare an annual report that includes a summary of the progress of the construction and renovation of school facilities within the school district and the expenditure of money from the proceeds of bonds for the construction and renovation, if such information is available to the oversight panel.

Sec. 2. If the board of trustees of a school district expands the duties of the oversight panel for school facilities pursuant to section 1 of this act, the board of trustees shall prepare a report concerning the progress and methods of operation of the oversight panel in carrying out its expanded duties pursuant to section 1 of this act. The board of trustees shall submit the report to the director of the legislative counsel bureau for transmittal to the 71st session of the legislature.

Sec. 3. This act becomes effective on July 1, 1999.".

Amend the title of the bill by deleting the second line and inserting:
"large county to expand the duties of the oversight panel for school facilities created for the school district under certain circumstances; and".

Amend the summary of the bill by deleting the first line and inserting:
"SUMMARY—Authorizes board of trustees of school district to expand duties of oversight panel for school facilities in".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 686.

Bill read third time.

Remarks by Assemblymen Williams, Giunchigliani, Perkins, Anderson and Freeman.

Roll call on Assembly Bill No. 686:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Assembly Bill No. 686 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 104.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Senate Bill No. 104:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 302.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Senate Bill No. 302:
YEAS—39.
NAYS—Marvel.
EXCUSED—Berman, Evans—2.
Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 362.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 362:
YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.
Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 391.
Bill read third time.
The following amendment was proposed by Assemblywoman Giunchigliani:
Amendment No. 1125.
Amend sec. 13.3. page 6, line 9, by deleting:
"*October 1, 1999,*" and inserting:
"*July 1, 2000,*".
Amend sec. 13.3. page 6, line 13, by deleting:
"*October 1, 1999,*" and inserting:
"*July 1, 2000,*".
Amend sec. 13.3. page 6, line 18, by deleting:
"*October 1, 1999,*" and inserting:
"*July 1, 2000,*".
Amend sec. 13.3. page 6, line 20, by deleting:

"*October 1, 1999,*" and inserting:
"*July 1, 2000,*".

Amend sec. 23, page 22, by deleting lines 40 through 43 and inserting:
"5. Section 13.3 of this act becomes effective on July 1, 2000.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 428.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 428:

YEAS—37.

NAYS—Carpenter, Collins, Segerblom—3.

EXCUSED—Berman, Evans—2.

Senate Bill No. 428 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 436:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 475.

Bill read third time.

Remarks by Assemblymen Bache, Freeman and Segerblom.

Assemblywoman Freeman requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. When we discussed the amendment to this bill earlier, I spoke afterwards with a representative from Clark County. I'd like this on the record please. Apparently, on page 6, line 34, where it addresses the question of the costs that may be related as a result of unexpected conditions, certain provisions are not in one local government chapter but are in the one regarding DOT. That was not my intent. I will ask in Conference Committee that this be corrected because it was not my intent to change things for Clark County. I want to make that very clear.

Roll call on Senate Bill No. 475:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 475 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 521.

Bill read third time.

Remarks by Assemblymen Anderson, Humke, Manendo, Segerblom, Freeman, Chowning and Williams.

Assemblyman Williams, McClain and Koivisto moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 521.

Roll call on Senate Bill No. 521:

YEAS—31.

NAYS—Angle, Arberry, Bache, Carpenter, Giunchigliani, Leslie, Parnell, Tiffany, Williams—9.

EXCUSED—Berman, Evans—2.

Senate Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 673.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1094.

Amend sec. 10, page 2, line 36, by deleting "*or*".

Amend sec. 10, page 2, line 38, by deleting "*$350.*" and inserting: "*$250; or*

(f) A service contract issued, sold or offered for sale by a vehicle dealer on vehicles sold by the dealer, if the dealer is licensed pursuant to NRS 482.325 and the service contract obligates either the dealer or the manufacturer of the vehicle, or an affiliate of the dealer or manufacturer, to provide all services under the service contract.".

Amend sec. 12, page 3, line 24, by deleting "*$500.*" and inserting "*$1,000.*".

Amend sec. 15, page 4, line 34, by deleting "*except for*" and inserting: "*except, when applicable,*".

Amend sec. 18, page 6, by deleting lines 3 and 4 and inserting:

"*(d) Include the name and address of the provider and, if applicable:*

(1) The name and address of the administrator; and

(2) The name of the holder, if provided by the holder.

The names".

Amend sec. 18, page 6, line 10, after "*provider.*" by inserting:

"*The purchase price is not required to be preprinted on the service contract and may be negotiated with the holder and added to the service contract at the time of sale.*".

Amend sec. 18, page 6, line 23, by deleting "*NRS 687B.320.*" and inserting:

"*section 19.5 of this act.*".

Amend the bill as a whole by adding a new section designated sec. 19.5, following sec. 19, to read as follows:

"Sec. 19.5. *1. No service contract that has been in effect for at least 70 days may be canceled by the provider before the expiration of the agreed term or 1 year after the effective date of the service contract, whichever occurs first, except on any of the following grounds:*

(a) Failure by the holder to pay an amount when due;

(b) Conviction of the holder of a crime which results in an increase in the service required under the service contract;

(c) Discovery of fraud or material misrepresentation by the holder in obtaining the service contract, or in presenting a claim for service thereunder;

(d) Discovery of:

(1) An act or omission by the holder; or

(2) A violation by the holder of any condition of the service contract, which occurred after the effective date of the service contract and which substantially and materially increases the service required under the service contract; or

(e) A material change in the nature or extent of the required service or repair which occurs after the effective date of the service contract and which causes the required service or repair to be substantially and materially increased beyond that contemplated at the time that the service contract was issued or sold.

2. No cancellation of a service contract may become effective until at least 15 days after the notice of cancellation is mailed to the holder.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Senate Bill No. 477 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Goldwater.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 191.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 191:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No.152 returned from the printer be placed on the top of the General File.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 152.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 152:

YEAS—40.

NAYS—None.

EXCUSED—Berman, Evans—2.

Senate Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Remarks by Assemblymen Goldwater and Freeman.

Roll call on Senate Bill No. 477:

YEAS—36.

NAYS—Buckley, Gustavson, Neighbors, Thomas—4.

EXCUSED—Berman, Evans—2.

Senate Bill No. 477 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 435 returned from the printer be placed on the General File.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 435.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 435:

YEAS—39.

NAYS—None.

NOT VOTING—Collins.

EXCUSED—Berman, Evans—2.

Senate Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 18.

The following Senate amendment was read:

Amendment No. 955.

Amend section 1, pages 1 and 2, by deleting lines 2 through 17 on page 1 and lines 1 through 10 on page 2, and inserting:

"7.285 1. ~~[No]~~ *A* person shall *not* practice law in this state ~~[unless he is]~~ *if the person:*

(a) Is not an active member of the State Bar of Nevada *or otherwise authorized to practice law in this state* pursuant to the rules of the supreme court ~~[.~~

~~2. Any person who, not being an active member of the State Bar of Nevada, or who, after he]~~ *; or*

(b) Is suspended or has been disbarred ~~[or while suspended]~~ from membership in the State Bar of Nevada ~~[, as provided in]~~ *pursuant to* the rules of the supreme court. ~~[, shall practice law,]~~

2. A person who violates any provision of subsection 1 is guilty of *:*

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 18.

Remarks by Assemblymen Anderson and Angle.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 53.

The following Senate amendment was read:

Amendment No. 781.

Amend section 1, pages 1 and 2, by deleting lines 13 and 14 on page 1 and lines 1 and 2 on page 2 and inserting:

"*a felony that resulted in death or substantial bodily harm to the victim was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties, and the person who*".

Amend sec. 3, page 3, by deleting lines 3 through 13 and inserting:

"(a) Perpetrated by means of poison, lying in wait ~~[, torture or child abuse,]~~ or *torture, or* by any other kind of willful, deliberate and premeditated killing;

(b) Committed in the perpetration or attempted perpetration of sexual assault, kidnaping, arson, robbery, burglary, invasion of the home, sexual abuse of a child , ~~[or]~~ sexual molestation of a child under the age of 14 years ~~[;]~~ or *child abuse;*

(c) Committed to avoid or prevent the lawful arrest of any person by a peace officer or to effect the escape of any person from legal custody ~~[.]~~ *; or*

(d) Committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.".

Amend sec. 4, page 5, line 40, by deleting "*duties.*" and inserting:

"*duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.*".

Amend sec. 5, page 7, by deleting lines 5 through 13 and inserting:

"(d) *A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:*

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.".

Amend sec. 5, page 7, line 20, by deleting "4" and inserting "5".

Amend sec. 5, page 7, between lines 25 and 26, by inserting:

"*4. As used in this section, "school bus" has the meaning ascribed to it in NRS 483.160.*".

Amend the bill as a whole by deleting sec. 6 and adding new sections designated sections 6 through 10, following sec. 5, to read as follows:

"Sec. 6. Section 1 of Assembly Bill No. 262 of this session is hereby amended to read as follows:

Section 1. (Deleted by amendment.)

Sec. 7. Section 2 of Assembly Bill No. 262 of this session is hereby amended to read as follows:

Sec. 2. NRS 62.170 is hereby amended to read as follows:

62.170 1. Except as otherwise provided in NRS 62.175 and section 2 of *Assembly Bill No. 221 of* this ~~[act,]~~ *session,* a peace officer or probation officer may take into custody any child:

(a) Who the officer has probable cause to believe is violating or has violated any law, ordinance or rule or regulation having the force of law; or

(b) Whose conduct indicates that he is a child in need of supervision.

2. Except as otherwise provided in this section, section 2 of *Assembly Bill No. 221 of* this ~~[act]~~ *session* and NRS 484.383, if a child is taken into custody:

(a) The officer shall ~~[immediately]~~ *, without undue delay, attempt to* notify *, if known,* the parent, guardian or custodian of the child ~~[, if known, and the]~~ *;*

(b) The facility in which the child is detained shall, without undue delay:

(1) Notify a probation officer; and

~~[(b)]~~ *(2) Attempt to notify, if known, the parent, guardian or custodian of the child if such notification was not accomplished pursuant to paragraph (a); and*

(c) Unless it is impracticable or inadvisable or has been otherwise ordered by the court, the child must be released to the custody of his parent or other responsible adult who has signed a written agreement to bring the child to the court at a stated time or at such time as the court may direct. The written agreement must be submitted to the court as soon as possible. If this person fails to produce the child as agreed or upon notice from the court, a writ may be issued for the attachment of the person or of the child requiring that the person or child, or both of them, be brought into the court at a time stated in the writ.

3. Except as otherwise provided in this section and section 2 of *Assembly Bill No. 221 of* this ~~[act,]~~ *session,* if a child who is taken into custody is not released pursuant to subsection 2:

(a) The child must be taken without unnecessary delay to:

(1) The court; or

(2) The place of detention designated by the court ~~[,]~~ and, as soon as possible thereafter, the fact of detention must be reported to the court; and

(b) Pending further disposition of the case, the court may order that the child be:

(1) Released to the custody of the parent or other person appointed by the court;

(2) Detained in such place as is designated by the court, subject to further order of the court; or

(3) Conditionally released for supervised detention at the home of the child in lieu of detention at a facility for the detention of juveniles.

4. Except as otherwise provided in section 2 of *Assembly Bill No. 221 of* this ~~[act,]~~ *session,* if a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of juveniles unless there is probable cause to believe that:

(a) If the child is not detained, he is likely to commit an offense dangerous to himself or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the court or to its officers;

(c) The child was brought to the probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

5. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of juveniles; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

6. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained therein and who has been convicted of a crime or charged with a crime, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained therein.

7. If a child who is alleged to be delinquent is taken into custody and detained, the child must be given a detention hearing, conducted by the judge or master:

(a) Within 24 hours after the child submits a written application;

(b) In a county whose population is less than 100,000, within 24 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined;

(c) In a county whose population is 100,000 or more, within 6 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined; or

(d) Within 72 hours after the commencement of detention at a facility in which adults are not detained or confined,

whichever occurs first, excluding Saturdays, Sundays and holidays. A child must not be released after a detention hearing without the written consent of the judge or master.

8. If the parent, guardian or custodian of the child appears with or on behalf of the child at a detention hearing, the judge or master shall provide to him a certificate of attendance which he may provide to his employer. The certificate of attendance must set forth the date and time of appearance and the provisions of NRS 62.900. The certificate of attendance must not set forth the name of the child or the offense alleged.

9. Except as otherwise provided in subsection 10, if a child who is alleged to be in need of supervision is taken into custody and detained, the child must be released within 24 hours, excluding Saturdays, Sundays and holidays, after his initial contact with a peace officer to his parent, guardian or custodian, to any other person who is able to provide adequate care and supervision, or to shelter care, unless the court holds a detention hearing and determines the child:

(a) Has threatened to run away from home or from the shelter;

(b) Is accused of violent behavior at home; or

(c) Is accused of violating the terms of his supervision and consent decree.

If the court makes such a determination, the child may be detained for an additional 24 hours after the hearing, excluding Saturdays, Sundays and holidays, if needed by the court to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers. A child must not be detained pursuant to this subsection for a total period in excess of 48 hours, excluding Saturdays, Sundays and holidays.

10. If a child who is alleged to be in need of supervision is taken into custody and detained, the child need not be released pursuant to subsection 9, if the court holds a detention hearing and determines the child:

(a) Is a ward of a federal court or held pursuant to federal statute;

(b) Has run away from another state and a jurisdiction within the state has issued a want, warrant or request for the child; or

(c) Is accused of violating a valid court order.

If the court makes such a determination, the child may be detained for such an additional period as necessary for the court to return the child to the jurisdiction from which he originated or to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers.

11. During the pendency of a criminal or quasi-criminal charge of a crime excluded from the original jurisdiction of the juvenile court pursuant to NRS 62.040, a child may petition the juvenile court for temporary placement in a facility for the detention of juveniles.

12. In determining whether to release a child pursuant to this section to a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child.

Sec. 8. Assembly Bill No. 262 of this session is hereby amended by adding thereto a new section to read as follows:

Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 1999.

Sec. 9. The amendatory provisions of this act do not apply to offenses committed before October 1, 1999.

Sec. 10. This act becomes effective at 12:02 a.m. on October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to public safety; providing for an increased penalty for felonies committed under certain circumstances that threaten the safety of pupils and school employees; revising certain provisions governing the definition of first degree murder; establishing for the purposes of the death penalty an aggravating circumstance relating to murders committed under certain circumstances that threaten the safety of pupils and school employees; revising various provisions relating to juveniles who commit certain unlawful acts; making various other changes concerning the safety of pupils and school employees; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning safety of children and schools. (BDR 15-127)"

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 53.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 86.

The following Senate amendment was read:

Amendment No. 954.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 4 of Assembly Bill No. 20 of this session is hereby amended to read as follows:

Sec. 4. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person ~~[who is]~~ *shall* not *be* a ~~[qualified elector is not]~~ *candidate for or be* eligible to the office of justice of the peace ~~[.]~~ *unless he is a qualified elector and has never been removed or retired from any judicial office by the commission on judicial discipline. For the purposes of this subsection, a person shall not be ineligible to be a candidate for the office of justice of the peace if a decision to remove or retire him from a judicial office is pending appeal before the supreme court or has been overturned by the supreme court.*

2. A justice of the peace must have a high school diploma or its equivalent as determined by the state board of education and:

(a) In a county whose population is 400,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this state.

(b) In a county whose population is less than 400,000, a justice of the peace in a township whose population is 250,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this state.

3. Subsection 2 does not apply to any person who held the office of justice of the peace on June 30, 1999.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 86.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 363.

The following Senate amendment was read:

Amendment No. 915.

Amend section 1, page 2, by deleting line 16 and inserting:

"term of not less than ~~[1 year]~~ *2 years* and a maximum term of not more than ~~[6]~~ *15*".

Amend section 1, page 2, by deleting line 23 and inserting:

"than ~~[1 year]~~ *2 years* and a maximum term of not more than ~~[6]~~ *15* years, and may be".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 363.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 392.

The following Senate amendment was read:

Amendment No. 914.

Amend section 1, page 1, by deleting line 6 and inserting:

"accordance with the provisions of NRS 38.250 to 38.258, inclusive, and section 1 of *Senate Bill No. 315 of* this ~~[act.]~~ *session,*".

Amend sec. 2, page 2, line 27, by deleting:

"*In lieu of*" and inserting "*Before*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 392.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 406.

The following Senate amendment was read:

Amendment No. 906.

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

"Section 1. Chapter 211A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a probationer has violated a condition of his suspended sentence, the court may, upon its own motion or upon the report and recommendation of the chief or an assistant, do any or all of the following:

(a) Modify the conditions of the suspension of the sentence.

(b) Modify and extend the suspension of the sentence, in whole or in part, for a period of not more than 1 year after the date on which the court finds that the probationer has committed the violation, unless a longer period is authorized by specific statute.

(c) Revoke the suspension of the sentence, in whole or in part, and cause all or part of the sentence to be executed.

2. Before taking any action described in subsection 1, the court shall provide the probationer with notice of the proposed action and an opportunity to be heard.".

Amend sec. 2, page 2, by deleting lines 24 and 25 and inserting:

"4.373 1. Except as otherwise provided in subsection 2, ~~[by]~~ *section 1 of this act or another* specific statute , or unless the suspension of a sentence is".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend sec. 4, page 4, by deleting lines 10 and 11 and inserting:

"5.055 1. Except as otherwise provided in subsection 2, ~~[by]~~ *section 1 of this act or another* specific statute , or unless the suspension of a sentence is".

Amend the title of the bill to read as follows:

"AN ACT relating to crime; making various changes concerning probationers who are supervised by departments of alternative sentencing; authorizing a court to take certain actions if such a probationer violates a condition of a suspended sentence; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning probationers who are supervised by departments of alternative sentencing. (BDR 16-1120)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 406.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 517.

The following Senate amendment was read:

Amendment No. 951.

Amend sec. 9, page 5, line 17, by deleting "*determined*" and inserting: "*determined, by clear and convincing evidence,*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 517.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 583.

The following Senate amendment was read:

Amendment No. 958.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 2, line 2, by deleting "is" and inserting: "and the manufacture, sale and distribution of gaming devices and associated equipment are".

Amend sec. 2, page 2, by deleting lines 10 through 14 and inserting: "related to the operation of licensed gaming establishments, the manufacture, sale or distribution of gaming devices and associated equipment and the operation of inter-casino linked systems.

(d) All establishments where gaming is conducted and where gaming devices are operated, and manufacturers, sellers and distributors of certain gaming devices and equipment, and operators of inter-casino linked systems must therefore be licensed, controlled and".

Amend the title of the bill by deleting the first line and inserting: "AN ACT relating to gaming;".

Amend the summary of the bill to read as follows: "SUMMARY—Revises public policy concerning gaming. (BDR 41-1319)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 583.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 646.

The following Senate amendment was read:

Amendment No. 960.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 2, after "3." by inserting: "Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full

proportionate share to the licensee on or before the dates set forth in subsection 2. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any slot machine that is operated on the premises of a licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

4.".

Amend sec. 2, page 2, line 13, by deleting "4." and inserting "5.".

Amend sec. 2, page 2, line 21, by deleting "5." and inserting "6.".

Amend sec. 2, page 2, by deleting lines 27 through 30 and inserting:

"Nevada 1987, at page 1503, the bonds authorized to be issued by section 2 of chapter 614, Statutes of Nevada 1989, at page 1377, the bonds authorized to be issued by section 2 of chapter 718, Statutes of Nevada 1991, at page 2382, and the bonds authorized to be issued by section 2 of chapter 629, Statutes of Nevada 1997, at page 3106. If in any year".

Amend sec. 2, page 3, by deleting line 8 and inserting:

"7. After the requirements of subsection 6 have been met for each fiscal".

Amend sec. 2, page 3, line 22, by deleting "7." and inserting "8.".

Amend sec. 2, page 3, line 26, by deleting "8." and inserting "9.".

Amend the bill as a whole by deleting sections 4 and 5 and renumbering sec. 6 as sec. 3.

Amend the title of the bill to read as follows:

"AN ACT relating to gaming; changing the deadline for collection of the annual excise tax on slot machines; clarifying a provision governing the issuance and expiration of a manufacturer's, seller's or distributor's license; and providing other matters properly relating thereto.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 646.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 391 returned from the printer be placed on the General File.

Remarks by Assemblyman Perkins.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 391.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 391:

YEAS—40.
NAYS—None.
EXCUSED—Berman, Evans—2.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:53 p.m.

ASSEMBLY IN SESSION

At 8:19 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 9 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblymen Collins, Williams and Bache.

Potential conflict of interest declared by Assemblymen Bache, Anderson, Parnell and Giunchigliani.

Roll call on Senate Bill No. 9:

YEAS—38.
NAYS—Angle, Gustavson—2.
EXCUSED—Berman, Evans—2.

Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Donald M. Korson, Sr. and Christ K. Klefstad.

On request of Assemblywoman Cegavske, the privilege of the floor of the Assembly Chamber for this day was extended to Henry Hodges, Martha Hodges, Henry Hodges Jr., Mary Hodges, Jennifer Hodges, Kelley Hodges, Bobby Hodges, Eileen Espinosa and Lauren House.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Brauch, Tamara Canner, Tuncay Dogan, Jai Cooper, Stephanie Milich, Rebekah Vela, Rebecca Weyrick, John Corrigan, Ernest Hope, Tenli Jones, Vincent Lucido, Scott Lukas, Ryan Penrod, Vena Davidson, Jonathan Ramos, Noah Busha, Sharon Catan, Eric Edney, Daniel Garcia, Ryan Gepford, Miles King, Jeremy Knight, Travis Morgan, Claudia Segura and Richard Rossi.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Don V. Gustavson and Lee Gustavson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Glover.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Argyle Jr., Tessa Buzick, Arnulfo Ceballos, Stefan Cooper, Jonathan Deford, Marlene Fierro, Cody Fischer, Emanuel Gallegos, Christopher Gonzalez, Marc Gonzalez, Jeremiah Gray, Darryl Grimes, Danny Ray Harrington, Catia Hernandez, Summer Kyle, Brittany Meagher, Yuri Rodiles, Christian Sanborn, Heather Schofield, Amy Stair, Resa Swanson, Clinton Vondrak, Amanda Womack, Ila Yeager and Konnie McGruder.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Robert C. Burns and David A. Bogan.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, May 22, 1999, at 9:00 a.m.

Motion carried.

Assembly adjourned at 8:23 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 22, 1999

Assembly called to order at 9:59 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Evans and Williams, who were excused.

Prayer by the Chaplain, Betty Phenix.

Dear Lord, thank You for letting us all get here safely today. Please also not let anyone get food poisoning from Terry's cowboy kitchen. Watch over us in our legislative business here and help us to adjourn soon, so we can go out into the sun and enjoy ourselves at the softball game, where we will prevail and You will grant us a swift and decisive victory, by turning the enemy's throwing arms to rubber. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 60.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 21, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 279, 280, 305, 329, 411, 511.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 8, which was returned from the Governor in accordance with the provisions of Senate Concurrent Resolution No. 46.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 47, 151, 181, 288, 341, 343, 344, 370, 493, 555, 656, 657, 658, 661, 674; Senate Bills Nos. 283, 308, 368; Assembly Joint Resolution No. 25.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 70.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 39, Amendment No. 1085; Assembly Bill No. 132, Amendment No. 793; Assembly Bill No. 142, Amendment No. 964; Assembly Bill No. 158, Amendments Nos. 956, 1053; Assembly Bill No. 182, Amendment No. 852; Assembly Bill No. 193, Amendment No. 1120; Assembly Bill No. 195, Amendment No. 810; Assembly Bill No. 198, Amendment No. 794; Assembly Bill No. 200, Amendment No. 1027; Assembly Bill No. 237, Amendment No. 1081; Assembly Bill No. 238, Amendment No. 1010; Assembly Bill No.

280, Amendment No. 930; Assembly Bill No. 298, Amendment No. 971; Assembly Bill No. 306, Amendment No. 970; Assembly Bill No. 313, Amendment No. 1061; Assembly Bill No. 318, Amendment No. 963; Assembly Bill No. 400, Amendment No. 1064; Assembly Bill No. 458, Amendments Nos. 995, 1072; Assembly Bill No. 470, Amendment No. 1104; Assembly Bill No. 473, Amendment No. 952; Assembly Bill No. 530, Amendment No. 822; Assembly Bill No. 569, Amendment No. 967; Assembly Bill No. 604, Amendment No. 968; Assembly Bill No. 614, Amendment No. 965; Assembly Bill No. 621, Amendments Nos. 959, 1052; Assembly Bill No. 628, Amendment No. 993; Assembly Bill No. 631, Amendments Nos. 913, 1086; Assembly Bill No. 635, Amendment No. 1002; Assembly Bill No. 668, Amendment No. 933; Assembly Bill No. 669, Amendment No. 896; Assembly Bill No. 680, Amendment No. 1073; Assembly Joint Resolution No. 1, Amendment No. 1012; Assembly Joint Resolution No. 13, Amendment No. 853, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 15, Amendments Nos. 1096, 1122; Assembly Bill No. 130, Amendments Nos. 1080, 1124; Assembly Bill No. 154, Amendment No. 953; Assembly Bill No. 199, Amendment No. 1013; Assembly Bill No. 293, Amendment No. 999; Assembly Bill No. 332, Amendment No. 932; Assembly Bill No. 347, Amendment No. 1092; Assembly Bill No. 408, Amendment No. 1011; Assembly Bill No. 424, Amendments Nos. 966, 1115; Assembly Bill No. 429, Amendment No. 1055; Assembly Bill No. 431, Amendment No. 1119; Assembly Bill No. 486, Amendment No. 1108; Assembly Bill No. 504, Amendment No. 1089; Assembly Bill No. 533, Amendment No. 824; Assembly Bill No. 610, Amendment No. 1003, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 912 to Senate Bill No. 10; Assembly Amendment No. 972 to Senate Bill No. 21; Assembly Amendment No. 1017 to Senate Bill No. 39; Assembly Amendment No. 1037 to Senate Bill No. 51; Assembly Amendment No. 947 to Senate Bill No. 61; Assembly Amendment No. 975 to Senate Bill No. 117; Assembly Amendment No. 773 to Senate Bill No. 181; Assembly Amendment No. 859 to Senate Bill No. 211; Assembly Amendment No. 941 to Senate Bill No. 244; Assembly Amendments Nos. 808, 1022 to Senate Bill No. 273; Assembly Amendment No. 935 to Senate Bill No. 310; Assembly Amendment No. 891 to Senate Bill No. 421; Assembly Amendment No. 883 to Senate Bill No. 537.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 776 to Senate Bill No. 16; Assembly Amendment No. 904 to Senate Bill No. 381.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Porter and Care as a first Conference Committee concerning Senate Bill No. 30.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Porter and Wiener as a first Conference Committee concerning Senate Bill No. 242.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the vote whereby Senate Bill No. 8 was passed be rescinded.

Motion carried unanimously.

Assemblyman Perkins moved that Senate Bill No. 8 be re-referred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 279.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 280.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 283.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 305.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 308.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 329.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 368.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 411.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 511.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 94.

The following Senate amendment was read:

Amendment No. 784.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 417.145 is hereby amended to read as follows:

417.145 1. The veterans' home account is hereby established in the state general fund.

2. *Money received by the executive director or the deputy executive director from:*

(a) Payments by the Department of Veterans Affairs for veterans who receive care in a veterans' home;

(b) Other payments for medical care and services;

(c) Appropriations made by the legislature for veterans' homes; and

(d) Except as otherwise provided in subsection 7, gifts of money and proceeds derived from the sale of gifts of personal property he is authorized to accept for the use of veterans' homes, if the use of such gifts has not been restricted by the donor,

must be deposited with the state treasurer for credit to the veterans' home account.

3. Interest and income must not be computed on the money in the veterans' home account.

4. The *veterans' home* account must be administered by the executive director, with the advice of the deputy executive director and the Nevada veterans' services commission, and *the money deposited in the veterans' home account may only be* expended for:

(a) *The operation of veterans' homes;*

(b) A program or service related to a veterans' home;

~~[(b)]~~ *(c)* The solicitation of other sources of money to fund a veterans' home; and

~~[(c)]~~ *(d)* The purpose of informing the public about issues concerning the establishment and uses of a veterans' home.

~~[3.]~~ *5. Except as otherwise provided in subsection 7, gifts of personal property which the executive director or the deputy executive director is authorized to receive for the use of veterans' homes:*

(a) May be sold or exchanged if the sale or exchange is approved by the state board of examiners; or

(b) May be used in kind if the gifts are not appropriate for conversion to money.

6. All money in the veterans' home account must be paid out on claims approved by the executive director as other claims against the state are paid.

7. The gift account for veterans' homes is hereby established in the state general fund. The executive director ~~[may accept any gift, grant or contribution made for the use of the account. Any such gift, grant or contribution of:~~

~~(a) Money]~~ *or the deputy executive director shall use gifts of money or personal property that he is authorized to accept and which the donor has restricted to one or more uses at a veterans' home, only in the manner designated by the donor. Gifts of money that the executive director or deputy executive director is authorized to accept and which the donor has restricted to one or more uses at a veterans' home* must be deposited with the state treasurer for credit to the ~~[account.~~

~~(b) Property other than money may be sold or exchanged if the sale or exchange is approved by the state board of examiners. Money received from the sale or exchange of property pursuant to this paragraph must be deposited with the state treasurer for credit to the account.~~

~~4.]~~ *gift account for veterans' homes.* The interest and income earned on the money in the *gift* account ~~[,]~~ *for veterans' homes,* after deducting any applicable charges, must be credited to the *gift* account ~~[.]~~ *for veterans' homes.* Any money remaining in the *gift* account *for veterans' homes* at the end of each fiscal year does not lapse to the state general fund, but must be carried forward into the next fiscal year.

~~[5. All money in the account must be paid out on claims approved by the executive director as other claims against the state are paid.]~~

Sec. 2. NRS 417.147 is hereby amended to read as follows:

417.147 1. The executive director shall:

(a) Take such actions as are necessary for the maintenance and operation of ~~[a veterans' home]~~ *veterans' homes* in this state; and

(b) Apply for federal grants and other sources of money available for establishing ~~[a veterans' home.]~~ *veterans' homes.* Federal grants and other money received pursuant to this paragraph must be deposited with the state treasurer for credit to the veterans' home account. A federal grant must be used only as permitted by the terms of the grant.

2. The first veterans' home that is established in this state must be established at a location in southern Nevada determined to be appropriate by the interim finance committee. The interim finance committee shall give preference to a site that is zoned appropriately for the establishment of a veterans' home, that affords minimum costs of maintenance and that is located in an area where the members of the families of the veterans can easily visit the veterans' home. The site for the construction of the veterans' home in southern Nevada must be:

(a) Located in reasonable proximity to:

(1) A public transportation system;

(2) Shopping centers; and

(3) A major hospital that has a center for the treatment of trauma which is designated as a level II center by the administrator of the health division of the department of human resources.

(b) Not less than 5 acres in area.

3. If an additional veterans' home is authorized, it must be established in northern Nevada.".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 6 and 7 and adding new sections designated sections 4 and 5, following section 1, to read as follows:

"Sec. 4. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The director shall order the preparation of special license plates in support of ~~[a veterans' home,]~~ *veterans' homes,* and establish procedures for the application for and issuance of the plates.

2. The department shall, upon application therefor and payment of the prescribed fees, issue special license plates in support of ~~[a veterans' home]~~ *veterans' homes* to any veteran of the Armed Forces of the United States or his spouse, parent or child. The plates must be inscribed with the word VETERAN and four consecutive numbers, and with the seal of the branch of the Armed Forces of the United States requested by the applicant.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, he shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

4. In addition to all other applicable registration and license fees and motor vehicle privilege taxes, and to the special fee for ~~[a veterans' home,]~~ *veterans' homes,* the fee for:

(a) The initial issuance of the special license plates is $35.

(b) The annual renewal sticker is $10.

5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the department for a fee of $10.

Sec. 5. NRS 482.3764 is hereby amended to read as follows:

482.3764 1. Before the department issues to any person, pursuant to NRS 482.3763:

(a) An initial set of special license plates, it shall collect a special fee for ~~[a veterans' home]~~ *veterans' homes* in the amount of $25.

(b) An annual renewal sticker, it shall collect a special fee for ~~[a veterans' home]~~ *veterans' homes* in the amount of $20.

2. The department shall deposit any money collected pursuant to this section with the state treasurer for credit to the veterans' home account.".

Amend the title of the bill to read as follows:

"AN ACT relating to veterans' affairs; revising certain provisions relating to the account for a veterans' cemetery in northern Nevada, the account for a veterans' cemetery in southern Nevada and the veterans' home account; creating an account for veterans' affairs, a gift account for veterans' cemeteries and a gift account for veterans' homes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to veterans' affairs. (BDR 37-455)".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 94.

Remarks by Assemblyman Bache.

Motion carried.

The following Senate amendment was read:

Amendment No. 1032.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. Section 2 of Senate Bill No. 379 of this session is hereby amended to read as follows:

Sec. 2. NRS 482.3764 is hereby amended to read as follows:

482.3764 1. Before the department issues to any person, pursuant to NRS 482.3763:

(a) An initial set of special license plates, it shall ~~[collect]~~ *:*

(1) Collect a special fee for veterans' homes in the amount of $25 ~~[.]~~ *; and*

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in section 1 of Senate Bill No. 379 of this session.

(b) An annual renewal sticker, it shall ~~[collect]~~ *:*

(1) Collect a special fee for veterans' homes in the amount of $20 ~~[.]~~ *; and*

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in section 1 of Senate Bill No. 379 of this session.

2. The department shall deposit any money collected pursuant to this section with the state treasurer for credit to the veterans' home account.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 94.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 297.

The following Senate amendment was read:

Amendment No. 969.

Amend section 1, page 2, by deleting lines 30 through 33.

Amend section 1, page 2, line 34, by deleting "*6.*" and inserting "*5.*".

Amend section 1, page 2, line 42, by deleting "*7.*" and inserting "*6.*".

Amend the title of the bill, fourth and fifth lines, by deleting:

"authorizing a law enforcement agency to bring an action to compel the provision of such information;".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 297.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 636.

The following Senate amendment was read:

Amendment No. 875.

Amend sec. 8, page 2, by deleting lines 12 through 14 and inserting:

"*a single-family residence from the owner of the residence.*".

Amend sec. 10, page 2, by deleting lines 36 through 39 and inserting:

"*complaint with the board or its designee within 4 years after the completion of qualified services.*".

Amend sec. 14, page 4, line 26, by deleting the italicized semicolon and inserting an italicized period.

Amend sec. 14, page 4, by deleting line 29 and inserting:

"*money in the account. Except as otherwise provided in subsection 3, the expenditures made by the board pursuant to this paragraph must not exceed $10,000 in any fiscal year.*".

Amend sec. 14, page 4, lines 32 and 33, by deleting:

"*account, but not to exceed 10 percent of the account in any fiscal year,*" and inserting "*account*".

Amend sec. 14, page 4, by deleting line 37 and inserting:

"*in the account to increase public awareness of the account. Except as otherwise provided in subsection 3, the expenditures made by the board*".

Amend sec. 14, page 4, line 38, by deleting "*the expenditure*".

Amend sec. 14, page 4, between lines 39 and 40, by inserting:

"*3. The total expenditures made by the board pursuant to this section must not exceed 10 percent of the account in any fiscal year.*".

Amend sec. 15, page 4, line 40, by deleting "*1.*".

Amend sec. 15, pages 4 and 5, by deleting lines 42 and 43 on page 4 and lines 1 through 7 on page 5, and inserting "*account.*".

Amend sec. 18, page 6, by deleting line 15 and inserting:

"*(d) Any assessment required pursuant to section 9 of*".

Amend sec. 20, page 8, line 11, by deleting "*or 15*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 636.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 432.

The following Senate amendment was read:

Amendment No. 948.

Amend sec. 3, page 1, line 13, by deleting "*An*" and inserting "*1. An*".

Amend sec. 3, page 1, after line 15, by inserting:

"*2. An optometrist who has been issued a certificate to treat persons diagnosed with glaucoma pursuant to section 5 of this act shall refer a patient diagnosed with glaucoma to an ophthalmologist for treatment if any one of the following is applicable:*

(a) The patient is under 16 years of age.

(b) The patient has been diagnosed with malignant glaucoma or neovascular glaucoma.

(c) The patient has been diagnosed with acute closed angle glaucoma. The provisions of this paragraph do not prohibit the optometrist from administering appropriate emergency treatment to the patient.

(d) The patient's glaucoma is caused by diabetes, and, after joint consultation with a physician who is treating the diabetes and an ophthalmologist, the physician or ophthalmologist determines that the patient should be treated by an ophthalmologist. If an optometrist determines that a patient's glaucoma is caused by diabetes, he shall consult with a physician and ophthalmologist in the manner provided in this paragraph.".

Amend the title of the bill, third line, after "glaucoma" by inserting:

", under certain circumstances,".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 432.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 311.

The following Senate amendment was read:

Amendment No. 803.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section, designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. "Agreement" means a written and signed agreement of indenture as an apprentice.

2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

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

Amend sec. 4, page 3, by deleting line 33 and inserting:

"~~[section 501(c) of the Internal Revenue Code of 1954.]~~ *26 U.S.C. § 501(c).*".

Amend the bill as a whole by renumbering sections 5 through 13 as sections 7 through 15 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. NRS 613.320 is hereby amended to read as follows:

613.320 *1. The provisions of* NRS 613.310 to 613.435, inclusive, do not apply to:

~~[1.]~~ *(a)* Any employer with respect to employment outside this state.

~~[2.]~~ *(b)* Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.435, inclusive, concerning unlawful employment practices related to sexual orientation do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).".

Amend sec. 12, page 9, between lines 2 and 3 by inserting:

"*4. As used in this section, "sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 311.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 258.

The following Senate amendment was read:

Amendment No. 779.

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

"Section 1. NRS 597.490 is hereby amended to read as follows:

597.490 1. ~~[Every]~~ *Each* garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

~~[STATE LAW REQUIRES THAT UPON REQUEST BY ANY PERSON AUTHORIZING REPAIRS TO A MOTOR VEHICLE, SUCH PERSON SHALL BE GIVEN A WRITTEN ESTIMATE OF TOTAL CHARGES~~

~~FOR LABOR AND PARTS AND ACCESSORIES, AND THAT NO CHARGE MAY BE MADE EXCEEDING THE ESTIMATED AMOUNT BY 20 PERCENT OR $40, WHICHEVER IS LESS, WITHOUT THE CONSENT OF THE PERSON AUTHORIZING THE REPAIRS.]~~

STATE OF NEVADA

REGISTERED GARAGE

THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS

AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is REGISTERED with the department of motor vehicles and public safety that will ensure the proper repair of your vehicle. (NRS 597.490)

YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed $50. (NRS 597.510)

YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (NRS 597.490)

YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (NRS 597.550)

YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 597.520)

YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.035)

YOU have the right to a FAIR RESOLUTION of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF BUSINESS AND INDUSTRY

CONSUMER AFFAIRS DIVISION

IN CLARK COUNTY: (702) 486-7355

ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

2. *The sign required pursuant to the provisions of subsection 1 must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."*

3. Any person who violates the provisions of this section is guilty of a misdemeanor.".

Amend the bill as a whole by adding a new section designated sec. 19, following sec. 18, to read as follows:

"Sec. 19. In preparing the reprint and supplements to the Nevada Revised Statutes, the legislative counsel shall ensure that:

1. The word "You" at the beginning of each sentence included in the Nevada Automotive Repair Customer Bill of Rights set forth in section 1 of this act is printed in boldface letters; and

2. Each word that is underscored in those sentences is printed in boldface, underscored and italicized letters.".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 258.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 536.

The following Senate amendment was read:

Amendment No. 926

Amend sec. 9, page 5, line 31, by deleting "*transported*" and inserting: "*moved on site*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 536.

Remarks by Assemblywoman Buckley.

Motion carried.

The following Senate amendment was read:

Amendment No. 1047

Amend sec. 5, page 2, line 25, after "inclusive," by inserting: "~~[and]~~ sections 2 and 3 of *Assembly Bill No. 535 of* this ~~[act,]~~ *session,*".

Amend sec. 5, page 2, line 27, after "inclusive," by inserting: "~~[and]~~ section 2 of *Assembly Bill No. 535 of* this ~~[act,]~~ *session,*".

Amend sec. 5.5, page 2, line 42, after "substances" by inserting: "or explosives".

Amend sec. 6, page 3, line 16, after "459.387," by inserting: "~~[or]~~ section 3 of *Assembly Bill No. 535 of* this ~~[act,]~~ *session,*".

Amend sec. 6, page 3, line 23, after "459.387," by inserting: "~~[or]~~ section 3 of *Assembly Bill No. 535 of* this ~~[act,]~~ *session,*".

Amend sec. 7, page 4, line 13, by deleting "annual fee:" and inserting: "the fee required pursuant to NRS 459.3824:".

Amend sec. 7, page 5, line 16, after "459.387," by inserting:

"~~[or]~~ section 3 of *Assembly Bill No. 535 of* this ~~[act,]~~ *session,*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 536.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 134.

The following Senate amendment was read:

Amendment No. 924.

Amend sec. 2, page 1, line 4, by deleting "*§*" and inserting:
"*§§ 300g-9 and*".

Amend sec. 6, page 2, by deleting lines 19 through 23 and inserting:
"*that is not a community water system.*".

Amend sec. 12, page 3, line 15, by deleting "general" and inserting "~~[general]~~".

Amend sec. 12, page 3, by deleting lines 18 and 19 and inserting:
"*act,* ~~[used by residents of the state throughout the year]~~ or regularly serves 25 or more persons . ~~[for 60 or more days a year.]~~".

Amend sec. 17, page 5, by deleting line 19 and inserting:
"*comply with 40 C.F.R. Part 141, but the regulations do*".

Amend sec. 17, page 5, by deleting lines 27 and 28 and inserting:
"*operation before October 1, 1999, to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the*".

Amend sec. 23, page 8, by deleting lines 8 and 9 and inserting:

"Sec. 23. This act becomes effective upon passage and approval.".

Amend the title of the bill, third line, by deleting "capacities" and inserting "capabilities".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 134.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 3.

The following Senate amendment was read:

Amendment No. 819.

Amend section 1, page 1, line 3, after "*form*" by inserting:
"*that contains the basic information necessary*".

Amend section 1, page 1, line 9, by deleting "*Each*" and inserting:
"*2. Except as otherwise provided in this subsection, each*".

Amend section 1, page 1, line 12, after "*district.*" by inserting:
"*A school district may use an expanded form that contains additions to the form prescribed by the department if the basic information contained in the expanded form complies with the form prescribed by the department.*".

Amend section 1, page 1, line 13, by deleting "*2.*" and inserting "*3.*".

Amend section 1, page 1, line 15, by deleting "*3.*" and inserting "*4.*".

Amend section 1, page 2, line 13, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 2, line 18, by deleting "*5.*" and inserting "*6.*".

Amend section 1, page 2, line 22, by deleting "*6.*" and inserting "*7.*".

Amend sec. 2, page 2, line 29, after "education" by inserting:

"or an expanded form authorized pursuant to subsection 2 of NRS 388.520 as amended by this act".

Amend the title of the bill, third line, after "disabilities;" by inserting:

"authorizing school districts to use expanded forms that comply with the form prescribed by the department;".

Assemblyman Collins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 3.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 37.

The following Senate amendment was read:

Amendment No. 929

Amend section 1, page 2, line 4, after "*shall,*" by inserting:

"*to the extent practicable and*".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 386.320 is hereby amended to read as follows:

386.320 1. If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:

(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $170 a month.

(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $160 a month.

(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

2. If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:

(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed ~~[$340]~~ *$510* a month.

(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed ~~[$320]~~ *$480* a month.

(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.".

Amend the title of the bill, fifth line, after "personnel;" by inserting:
"increasing the maximum salaries allowed for the members of the boards of trustees of certain school districts;".

Amend the summary of the bill, second line, by deleting "personnel." and inserting:
"personnel and increasing maximum salaries allowed for boards of trustees of certain school districts.".

Assemblyman Collins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 37.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 376.

The following Senate amendment was read:

Amendment No. 846.

Amend section 1, page 2, lines 7 and 8, by deleting:
"*board of trustees.*" and inserting:
"*superintendent of schools of the school district.*".

Amend section 1, page 2, line 10, after "*subsection 5*" by inserting "*or 6*".

Amend section 1, page 2, line 18, by deleting "*section,*" and inserting "*subsection,*".

Amend section 1, page 2, line 22, by deleting "*section,*" and inserting "*subsection,*".

Amend section 1, page 2, between lines 26 and 27 by inserting:

"*6. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS, may contract with the appropriate local law enforcement agency within the school district for the provision of police services in the public schools within the school district and on property therein that is owned by the school district.*".

Amend the title of the bill, fourth line, after "services;" by inserting:
"authorizing the boards of trustees of certain other school districts to contract with local law enforcement agencies for police services;".

Assemblyman Collins moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 376.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 573.

The following Senate amendment was read:

Amendment No. 823.

Amend sec. 3, page 3, lines 26 and 27, by deleting:
", *except as otherwise provided in subsection 4,*".

Amend sec. 3, page 4, by deleting lines 6 through 12.

Amend sec. 4, page 4, lines 34 and 35, by deleting:
", *except as otherwise provided in subsection 4 of NRS 499.185,*".
Amend sec. 4, page 4, lines 40 and 41, by deleting:
", *except as otherwise provided in subsection 4 of NRS 449.185,*".
Amend the title of the bill, third and fourth lines, by deleting:
"authorizing the retention of certain employees with criminal histories under certain circumstances;".
Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 573.
Remarks by Assemblywoman Freeman.
Motion carried.
Bill ordered enrolled.

Assembly Bill No. 271.
The following Senate amendment was read:
Amendment No. 885.
Amend sec. 7, page 3, line 10, after "*inclusive,*" by inserting:
"*and section 1 of Senate Bill No. 209 of this session,*".
Amend sec. 7, page 3, by deleting line 13 and inserting:
"*482.4245, inclusive, and section 1 of Senate Bill No. 209 of this session by displaying a special permit or temporary placard to operate the vehicle*".
Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 271.
Remarks by Assemblywoman Chowning.
Motion carried.
Bill ordered enrolled.

Assembly Bill No. 452.
The following Senate amendment was read:
Amendment No.949.
Amend the bill as a whole by renumbering sections 1 through 10 as sections 2 through 11 and adding a new section designated section 1, following the enacting clause, to read as follows:
"Section 1. NRS 482.245 is hereby amended to read as follows:
482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the legal name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the department.
2. The certificate of ownership must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, and such other statement of facts as

may be determined by the department. The reverse side of the certificate of ownership must contain forms for notice to the department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of ownership is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. *Except as otherwise required by federal law, the certificate of ownership of a vehicle which the department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.*".

Amend the title of the bill, first line, after "vehicles;" by inserting:
"prohibiting the inclusion of certain statements regarding mileage in certain certificates of ownership;".

Amend the summary of the bill, first line, by deleting "Revises" and inserting:
"Prohibits inclusion of certain statements regarding mileage in certificates of ownership of certain vehicles and revises".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 542.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 503.

The following Senate amendment was read:

Amendment No. 888.

Amend section 1, page 2, line 4, by deleting "agency or" and inserting:
"agency , *an agent of the public defender's office* or".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 503.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 59.

The following Senate amendment was read:

Amendment No. 733.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 5 through 7 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person for which special license plates have been issued pursuant to NRS 482.380, 482.381, 482.3812, 482.3814 or 482.3816, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the department at the time of registration the registrations of all of the cars registered to him.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.

5. For each transfer of registration, a fee of $6 in addition to any other fees.

6. To reinstate the registration of a motor vehicle suspended pursuant to NRS 485.317:

(a) A fee of $250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the department pursuant to subsection 2 of NRS 485.317; or

(b) A fee of $50 for a registered owner of a dormant vehicle who canceled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first canceling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

both of which must be deposited in the account for verification of insurance which is hereby created in the state highway fund. Money in the account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.

9. For every low-speed vehicle, as that term is defined in section 4 of this act, a fee for registration of $33.

Sec. 3. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the department at the time of registration the registrations of all of the cars registered to him.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.

5. For each transfer of registration, a fee of $6 in addition to any other fees.

6. To reinstate the registration of a motor vehicle suspended pursuant to NRS 485.317:

(a) A fee of $250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the department pursuant to subsection 2 of NRS 485.317; or

(b) A fee of $50 for a registered owner of a dormant vehicle who canceled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first canceling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

both of which must be deposited in the account for verification of insurance which is hereby created in the state highway fund. Money in the account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.

9. For every low-speed vehicle, as that term is defined in section 4 of this act, a fee for registration of $33.

Sec. 4. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. As used in this section, "low-speed vehicle" means a motor vehicle:

(a) Designed to carry not more than four persons;

(b) Designed to operate at a maximum speed of at least 20 but not more than 25 miles per hour;

(c) Having at least four wheels in contact with the ground;

(d) Having an unladen weight of less than 1,800 pounds; and

(e) Complying with the standards for safety of such a vehicle set forth in Federal Motor Safety Standard No. 500 at 49 CFR § 571.500.

2. If registered, a low-speed vehicle may be operated upon a highway where the posted speed limit is 35 miles per hour or less. A person shall not operate a low-speed vehicle upon a highway where the posted speed limit is greater than 35 miles per hour, except to cross such a highway at an intersection.".

Amend sec. 4, page 5, by deleting lines 20 and 21 and inserting:

"Sec. 7. 1. This section and sections 2 and 4 of this act become effective on July 1, 1999.

2. Sections 1 and 5 of this act become effective on October 1, 1999.

3. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1999.

4. Section 3 of this act becomes effective at 12:01 a.m. on January 1, 2001.

5. Section 2 of this act expires by limitation on January 1, 2001.".

Amend the title of the bill, third line, after "handicapped;" by inserting: "requiring the registration of certain low-speed vehicles; limiting highways upon which a low-speed vehicle may be operated;".

Amend the summary of the bill to read as follows:

"SUMMARY—Clarifies provisions governing parking for handicapped persons and limits operation and requires registration of certain low-speed vehicles. (BDR 43-132)".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 59.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

The following Senate amendment was read:

Amendment No. 754.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 482.3667 is hereby amended to read as follows:

482.3667 1. The department shall establish, design and otherwise prepare for issue personalized prestige license plates and shall establish all necessary procedures not inconsistent with this section for the application and issuance of ~~[such]~~ *those* license plates.

2. The department shall issue personalized prestige license plates, upon *the* payment of the prescribed fee, to any person who otherwise complies with the laws relating to the registration and licensing of motor vehicles or trailers for use on private passenger cars, motorcycles, trucks or trailers.

3. Personalized prestige license plates are valid for 12 months and are renewable upon expiration. ~~[These]~~ *The* plates may be transferred from one vehicle or trailer to another if the transfer and registration fees are paid as set ~~[out]~~ *forth* in this chapter. Any person transferring plates must be allowed a 1/12 reduction in fees for each calendar month remaining unused from the previous registration, applicable to the fees which are for the registration year for which the plates are being transferred.

4. In case of any conflict, the person who first ~~[made application]~~ *applied* for personalized prestige license plates and has continuously renewed ~~[them by payment of]~~ *those plates by paying* the required fee has priority.

5. The department may limit by regulation the number of letters , ~~[and]~~ numbers *and symbols* used and prohibit the use of inappropriate letters *or symbols* or combinations of letters ~~[and numbers.]~~ *, numbers and symbols.*

6. The department shall not assign to any person ~~[not holding]~~ *who does not hold* the relevant office any letters , ~~[and]~~ numbers *or symbols* denoting that the holder holds a public office.".

Amend the title of the bill, third line, after "silver;" by inserting: "authorizing the department to use symbols on personalized prestige license plates;".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 76.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

The following Senate amendment was read:

Amendment No. 996.

Amend section 1, page 2, line 1, by deleting "*1,000*" and inserting "*100*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 492.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 109.

The following Senate amendment was read:

Amendment No. 874.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend the title of the bill to read as follows:

"AN ACT relating to deceptive trade practices; revising the definition of "organization" for the purposes of determining the applicability of certain provisions relating to deceptive trade practices; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to deceptive trade practices. (BDR 52-292)".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 109.

Remarks by Assemblywoman Buckley.

Motion carried.

The following Senate amendment was read:

Amendment No. 1021.

Amend the bill as a whole by renumbering section 1 as sec. 10 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Informal market" means:*

1. A gathering at which:

(a) Two or more persons offer personal property for sale or exchange;

(b) A fee is charged for the sale or exchange of personal property; or

(c) A fee is charged for admission to the area in which personal property is offered for sale or exchange; or

2. A place at which personal property is offered or displayed for sale or exchange on more than six occasions in a period of 12 months,

whether held in a building, under cover or in the open air.

Sec. 4. *"Informal merchant" means a person who does not have an established retail store in the county and who transports an inventory of goods to an informal market and displays the goods for sale, offers them for sale at retail or sells them at retail.*

Sec. 5. *The provisions of sections 2 to 8, inclusive, of this act do not apply to:*

1. The sale or exchange of personal property organized for the sole benefit of a religious, educational or charitable purpose, if no part of any fee for admission or parking charged to vendors or prospective purchasers, or receipts from the sale or exchange, inures to the benefit of any private person participating in the organization or conduct of the gathering;

2. Offering for sale or displaying new personal property if all participants are manufacturers, their authorized representatives or distributors;

3. Business conducted in an industrial or commercial trade show;

4. The sale of a vehicle that is required to be registered or is the subject of a certificate of title issued in this state;

5. A farmers' market or the sale of firewood or livestock;

6. The sale of the product of the seller's art or craft;

7. Property, even if never used, whose style, packaging or material indicates that it was not recently manufactured or produced;

8. A sale by sample, catalog or brochure for future delivery;

9. The sale or exchange of personal property at an event which is held at the residence of the seller or one of the sellers of the personal property that is commonly referred to as a "garage sale" or "yard sale"; or

10. Presentation for sale made pursuant to a previous individual invitation to the prospective purchaser by the owner or occupant of the premises.

Sec. 6. *1. An informal merchant shall not offer for sale at an informal market, or knowingly allow the sale of, infant formula, medical devices, nonprescription drugs, cosmetics or products for personal care, unless the seller keeps available for public inspection a genuine written authorization from the manufacturer or distributor of the product sold.*

2. As used in this section:

(a) "Infant formula" means food manufactured, packaged and labeled for consumption by children who have not attained 2 years of age.

(b) "Medical device" means:

(1) An article, or any part of an article, required pursuant to federal law to bear the label: "Caution: Federal law requires dispensing by or on the order of a physician"; or

(2) An article defined by federal law as a medical device which:

(I) Is intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in man or other animals or to affect the structure or any function of the body of man or other animals;

(II) Does not achieve any intended purpose through chemical action within the body; and

(III) Does not depend upon being metabolized for the achievement of any intended purpose.

(c) "Nonprescription drug" means a nonnarcotic medicine or drug that may be sold without a prescription and is prepackaged for use by the customer or prepared by the manufacturer or producer for use by the customer. The term does not include herbal products, dietary supplements, botanical extracts or vitamins.

Sec. 7. *1. An informal merchant shall maintain a receipt for each purchase of unused property, containing:*

(a) The date of the purchase;

(b) The name of the person from whom the property was acquired;

(c) An identification or description of the property;

(d) The price paid for the property; and

(e) The signatures of the merchant and the person from whom the property was acquired.

2. It is unlawful for a merchant required by subsection 1 to maintain a receipt to:

(a) Falsify, obliterate or destroy the receipt;

(b) Refuse, or fail upon request, to produce the receipt for inspection within a time reasonable under the circumstances of the request, but an informal merchant need not keep such receipts on his person without reasonable notice; or

(c) Fail to maintain the receipt for at least 2 years.

3. As used in this section, "unused property" means tangible personal property acquired by an informal merchant directly from the manufacturer, producer, wholesaler or retailer of the property in the ordinary course of business which has never been used since its manufacture or production or which is in its original, unopened package or container.

Sec. 8. *An informal merchant who violates a provision of sections 2 to 7, inclusive, of this act is guilty of:*

1. For the first offense, a misdemeanor.

2. For the second offense, a gross misdemeanor.

3. For the third or a subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

Sec. 9. *1. A person who, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt or a Universal Product Code Label, is guilty of a category E felony and shall be punished as provided in NRS 193.130 and by a fine not exceeding three times the value represented on the retail sales receipts or the Universal Product Code Labels.*

2. A person who, with intent to cheat or defraud a retailer, possesses 15 or more fraudulent receipts or Universal Product Code Labels, or possesses a device that manufactures fraudulent receipts or Universal Product Code Labels, is guilty of a category D felony and shall be punished as provided in NRS 193.130.".

Amend the bill as a whole by adding a new section designated sec. 11, following section 1, to read as follows:

"Sec. 11. The amendatory provisions of this act do not apply to offenses that were committed before October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to trade practices; regulating the merchandise sold at informal markets and the records required to be kept; prohibiting certain use of retail sales receipts or Universal Product Code Labels; revising the definition of "organization" for the purposes of determining the applicability of certain provisions relating to deceptive trade practices; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting "deceptive".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 109.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 527, Amendment No. 1103, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11: 00 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 552 and 673; Senate Bills Nos. 47 and 167 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 812.

Amend sec. 2, page 1, line 6, by deleting "*transported*" and inserting: "*moved on site*".

Amend sec. 2, page 2, line 6, by deleting "*transportation*" and inserting "*on-site movement*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 112.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 451.

The following Senate amendment was read:

Amendment No. 925.

Amend section 1, page 1, line 6, by deleting "*transported* " and inserting: "*moved on site*".

Amend section 1, page 1, by deleting line 7 and inserting:

"*division shall schedule the inspections in such a manner as to provide an opportunity for participation by:*".

Amend the title of the bill to read as follows:

"AN ACT relating to explosives; providing for inspections by various state and local agencies of certain regulated facilities where certain explosives are manufactured, used, processed, handled, moved on site or stored; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for inspections by various state and local agencies of certain regulated facilities where certain explosives are manufactured, used, processed, handled, moved on site or stored. (BDR 40-777)".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 451.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 283.

The following Senate amendment was read:

Amendment No. 1004.

Amend section 1, page 3, by deleting line 4 and inserting:

"NRS 599B.115 ~~[,]~~ *, if the seller is required to obtain a work card;* and".

Amend sec. 2, page 3, line 14, by deleting "Each" and inserting:

"~~[Each]~~ *Except as otherwise provided in subsection 5, each*".

Amend sec. 2, page 3, line 18, by deleting "Each" and inserting:

"~~[Each]~~ *Except as otherwise provided in subsection 5, each*".

Amend sec. 2, page 3, between lines 36 and 37, by inserting:

"*5. A person who is licensed or registered pursuant to chapter 119A or 645 of NRS is not required to obtain a work card pursuant to this section.*".

Amend sec. 3, page 4, by deleting lines 2 through 8 and inserting:

"~~relating to sporting events,~~] submitting to the division ~~[a]~~ *:*

(1) A copy of the work card obtained by:

~~[(1)]~~ *(I)* The seller pursuant to subsection 1 of NRS 599B.115; and

~~[(2)]~~ *(II)* Each principal officer, director, trustee, shareholder, ~~[employee,]~~ owner , *partner* and ~~[partner]~~ *employee* of the seller , *and each salesman associated with the seller who is not an employee of the seller,* pursuant to subsection 2 of NRS 599B.115 ~~[.]~~ *; and*

(2) If applicable, a statement listing each person who, pursuant to subsection 5 of NRS 599B.115, is not required to obtain a work card.".

Amend the title of the bill, first line, by deleting "an applicant" and inserting "certain applicants".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 283.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 515.

The following Senate amendment was read:

Amendment No. 1050.

Amend sec. 4.5, page 2, lines 7 and 8, by deleting:

"*health care services for women*" and inserting:

"*gynecological or obstetrical services*".

Amend sec. 4.5, page 2, by deleting lines 18 through 23 and inserting:

"*4. As used in this section, "primary care physician" has the meaning ascribed to it in NRS 695G.060.*".

Amend sec. 7.5, page 2, line 29, by deleting:

"*health care services for women*" and inserting:

"*gynecological or obstetrical services*".

Amend sec. 7.5, pages 2 and 3, by deleting lines 39 through 42 on page 2 and lines 1 and 2 on page 3, and inserting:

"*4. As used in this section, "primary care physician" has the meaning ascribed to it in NRS 695G.060.*".

Amend sec. 13.5, page 3, line 9, by deleting:

"*health care services for women*" and inserting:

"*gynecological or obstetrical services*".

Amend sec. 13.5, page 3, by deleting lines 19 through 24 and inserting:

"*4. As used in this section, "primary care physician" has the meaning ascribed to it in NRS 695G.060.*".

Amend sec. 16.5, page 3, lines 29 and 30, by deleting:

"*health care services for women*" and inserting:

"*gynecological or obstetrical services*".

Amend sec. 16.5, pages 3 and 4, by deleting lines 40 through 43 on page 3 and lines 1 and 2 on page 4 and inserting:

"*4. As used in this section, "primary care physician" has the meaning ascribed to it in NRS 695G.060.*".

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

"Sec. 17.5. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a managed care organization contracts for the provision of emergency medical services, outpatient services or inpatient services with a hospital or other licensed health care facility that provides acute care and is located in a city whose population is less than 45,000 or a county whose population is less than 100,000, the managed care organization shall not:

(a) Prohibit an insured from receiving services covered by the health care plan of the insured at that hospital or licensed health care facility if the

services are provided by a provider of health care with whom the managed care organization has contracted for the provision of the services;

(b) Refuse to provide coverage for services covered by the health care plan of an insured that are provided to the insured at that hospital or licensed health care facility if the services were provided by a provider of health care with whom the managed care organization has contracted for the provision of the services;

(c) Refuse to pay a provider of health care with whom the managed care organization has contracted for the provision of services for providing services to an insured at that hospital or licensed health care facility if the services are covered by the health care plan of the insured;

(d) Discourage a provider of health care with whom the managed care organization has contracted for the provision of services from providing services to an insured at that hospital or licensed health care facility that are covered by the health care plan of the insured; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care:

(1) To provide services to an insured that are covered by the health care plan of the insured at another hospital or licensed health care facility; or

(2) Not to provide services to an insured at that hospital or licensed health care facility that are covered by the health care plan of the insured.

2. Nothing in this section prohibits a managed care organization from informing an insured that enhanced health care services are available at a hospital or licensed health care facility other than the hospital or licensed health care facility described in subsection 1 with which the managed care organization contracts for the provision of emergency medical services, outpatient services or inpatient services.".

Amend the title of the bill to read as follows:

"AN ACT relating to health insurance; providing that a policy of health insurance must include a provision allowing a woman who is covered by the policy to have direct access to certain health care services for women; prohibiting a managed care organization from committing certain acts that limit the accessibility of its insureds to services provided at certain hospitals and other licensed health care facilities with which the managed care organization has contracted; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to services covered by policies of health insurance and health care plans. (BDR 57-254)".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 515.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 289.

The following Senate amendment was read:

Amendment No. 902.

Amend section 1, page 1, line 4, after "*in*" by inserting:
"*a visitors' area of*".

Amend section 1, page 1, line 7, after "*in*" by inserting:
"*a visitors' area of*".

Amend the title of the bill, second line, after "in the" by inserting:
"visitors' areas of".

Amend the summary of the bill, first line, after "in" by inserting:
"visitors' areas of".

Assemblyman Arberry moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 289.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 615.

The following Senate amendment was read:

Amendment No. 854.

Amend the bill as whole by deleting sections 1 and 2 and renumbering sections 3 through 22 as sections 1 through 20.

Amend sec. 3, page 2, by deleting line 1 and inserting:

"Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

A person may sign a petition required under the election laws".

Amend the bill as a whole by deleting section 23 and renumbering sections 24 through 46 as sections 21 through 43.

Amend sec. 24, page 11, by deleting line 42 and inserting:
"candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution.".

Amend sec. 31, page 15, line 34, by deleting "294A.160;" and inserting:
"294A.160 ~~[:]~~ *as of the last day of the first month after his election;*".

Amend sec. 31, page 15, by deleting line 38 and inserting:
"294A.160 during the period ~~[since]~~ *from the last date covered by* his last report *through December 31 of the immediately preceding year* and the manner in which".

Amend sec. 42, page 23, line 12, by deleting "chapter 686,".

Amend sec. 42, page 23, by deleting line 13 and inserting:
"Assembly Bill No. 444 of this session, is hereby amended to read as".

Amend sec. 42, page 23, by deleting lines 23 through 27 and inserting:
"3. All candidates for elective office must be voted upon by the".

Amend sec. 42, page 23, line 29, by deleting "5." and inserting "4.".

Amend sec. 42, page 23, by deleting lines 38 through 41.

Amend sec. 43, page 24, line 2, by deleting "chapter 570,".

Amend sec. 43, page 24, by deleting line 3 and inserting:
"Senate Bill No. 274 of this session, is hereby amended to read as".

Amend sec. 43, page 24, line 6, by deleting "~~[1st]~~ *first*" and inserting "first".

Amend sec. 43, page 24, line 7, by deleting "1985," and inserting "2001,".

Amend sec. 43, page 24, line 9, by deleting "two" and inserting:
"half of the".

Amend sec. 43, page 24, line 11, by deleting "~~[1st]~~ *first*" and inserting "first".

Amend sec. 43, page 24, line 12, by deleting "1987," and inserting "2003,".

Amend sec. 43, page 24, line 14, by deleting "two" and inserting:
"the other half of the".

Amend sec. 43, page 24, line 19, by deleting:
"wards 2 and 4" and inserting:
"each even-numbered ward".

Amend sec. 43, page 24, line 20, by deleting:
"wards 1 and 3" and inserting:
"each odd-numbered ward".

Amend sec. 43, page 24, by deleting lines 30 through 32 and inserting:
"with the city clerk. All".

Amend sec. 43, page 24, line 33, by deleting "which are".

Amend sec. 43, pages 24 and 25, by deleting lines 35 through 41 on page 24 and line 1 on page 25, and inserting:

"6. If, in the primary election, regardless of the number of".

Amend the title of the bill by deleting the first line and inserting:
"AN ACT relating to elections;".

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 615.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 369, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Tiffany and Parnell as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 369.

Assembly Bill No. 238.

The following Senate amendment was read:

Amendment No. 1010.

Amend section 1, page 1, line 11, by deleting "*10,*" and inserting "*9,*".

Amend sec. 2, page 2, line 2, by deleting "10," and inserting "9,".

Amend sec. 3, page 2, line 3, by deleting "*10,*" and inserting "*9,*".

Amend sec. 7, page 2, line 16, by deleting "*10,*" and inserting "*9,*".

Amend sec. 7, page 2, line 17, after "*act.*" by inserting:

"*The regulations must:*

(a) Require the exclusion from the system of the name of a patient if the patient or, if the patient is a minor, a parent or legal guardian of the patient has not given his informed consent to the inclusion of the name of the patient in the system; and

(b) Establish a procedure for obtaining the informed consent required by paragraph (a).

3. The provisions of sections 3 to 9, inclusive, of this act do not authorize any prenatal genetic testing of children.".

Amend sec. 8, page 2, line 18, by deleting "*The*" and inserting:

"*Except as otherwise provided in subsection 2, the*".

Amend sec. 8, page 2, line 20, by deleting "*Maintain*" and inserting "*Prepare*".

Amend sec. 8, page 2, by deleting lines 30 through 32 and inserting:

"*2. The name of a patient must be excluded from the information prepared and made available pursuant to subsection 1 if the patient or, if the patient is a minor, a parent or legal guardian of the patient has not given his informed consent to the inclusion of the name of the patient in that information in the manner prescribed by the state board of health pursuant to section 7 of this act. The provisions of this subsection do not relieve the chief administrative officer of the duty of preparing and making available the information required by subsection 1.*".

Amend sec. 8, page 2, by deleting line 34 and inserting:

"*the records and lists required to be prepared and made available pursuant to this section such*".

Amend sec. 9, page 3, line 3, after "*defects;*" by inserting "*and*".

Amend sec. 9, page 3, by deleting lines 5 through 7 and inserting:

"*with birth defects.*".

Amend sec. 9, page 3, by deleting lines 11 through 19 and inserting:

"*who are employed by the health division or the University of Nevada School of Medicine.*

(b) Any information obtained by the system that would reveal the identity of a patient remains confidential.

(c) Except as otherwise provided in subsection 3, information obtained by the system is used solely for the purposes set forth in subsection 1.".

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 through 15 as sections 10 through 14.

Amend sec. 11, pages 3 and 4, by deleting lines 41 and 42 on page 3 and lines 1 and 2 on page 4, and inserting:

"4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health division" means the health division of the department of human resources.

6. *"Obstetric center" has the meaning ascribed to it in NRS 449.0155.*

7. "Provider of health care or other services" means:

(a) A person who has been certified as a counselor or an administrator of an alcohol and drug abuse program pursuant to chapter 458 of NRS;

(b) A physician or a physician's assistant who is licensed pursuant to chapter 630 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed social worker; or

(g) A holder of a certificate of registration as a pharmacist.".

Amend sec. 12, page 4, by deleting line 6 and inserting:

"~~[attendant on]~~ *attending* or assisting in any way ~~[whatever]~~ any infant, or the mother of".

Amend sec. 14, page 4, line 29, after "preventable" by inserting "or".

Amend sec. 15, page 5, by deleting line 10 and inserting:

"449.720 Every patient of a medical facility, facility for the dependent or home for individual residential care".

Amend sec. 15, page 5, line 21, by deleting "*10,*" and inserting "*9,*".

Amend sec. 15, page 5, line 26, after "facility" by inserting "or home".

Amend sec. 15, page 5, line 27, by deleting "facility." and inserting "facility or home.".

Amend sec. 15, page 5, line 30, after "facility" by inserting "or home".

Amend the bill as a whole by renumbering sections 16 and 17 as sections 18 and 19 and adding new sections designated sections 15 through 17, following sec. 15, to read as follows:

"Sec. 15. NRS 451.555 is hereby amended to read as follows:

451.555 1. Any person may:

(a) Make an anatomical gift for any of the purposes stated in subsection 1 of NRS 451.560;

(b) Limit an anatomical gift to one or more of those purposes; or

(c) Refuse to make an anatomical gift.

2. Except as otherwise provided in subsection 3, an anatomical gift may be made only by a document of gift signed by the donor. If the donor:

(a) Cannot sign, the document of gift must be signed by another person and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other and state that it has been so signed.

(b) Is less than 18 years of age, the document of gift must also be signed by two witnesses, one of whom is a parent or guardian of the donor and consents to the donation, at the direction and in the presence of the donor and of each other and state that it has been so signed.

3. If the donor is less than 12 years of age, the document of gift must be signed by a parent or guardian of the donor, on behalf of the donor, and two witnesses at the direction and in the presence of the parent or guardian and of each other and state that it has been so signed. The document is not required to be signed by the donor.

4. If a document of gift is imprinted on a donor's driver's license or identification card, the document of gift must comply with subsection 2. Revocation, suspension, expiration or cancellation of the license or card does not invalidate the anatomical gift.

5. A document of gift may authorize a particular physician to carry out the appropriate procedures. In the absence of such authorization or if the designated physician is not available, the donee or other person authorized to accept the anatomical gift may employ or authorize any physician, technician or enucleator to carry out the appropriate procedures.

6. An anatomical gift by will takes effect upon the death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

7. Except as otherwise provided in subsections 8 and 9, a donor may amend or revoke an anatomical gift, not made by will, only by:

(a) A signed statement;

(b) An oral statement made in the presence of two persons;

(c) Any form of communication during a terminal illness or injury addressed to a physician; or

(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

8. Except as otherwise provided in subsection 9, a donor who is less than 18 years of age may, with the consent of his parent or guardian, amend or revoke an anatomical gift, not made by will, by:

(a) A signed statement;

(b) An oral statement made in the presence of two persons;

(c) Any form of communication during a terminal illness or injury addressed to a physician; or

(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

9. A donor who is less than 12 years of age may not amend or revoke an anatomical gift. The parent or guardian who made the gift on behalf of the donor may amend or revoke an anatomical gift, not made by will, only by:

(a) A signed statement;

(b) An oral statement made in the presence of two persons;

(c) Any form of communication during a terminal illness or injury addressed to a physician; or

(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

10. The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills in chapter 133 of NRS or as provided in subsection 7, 8 or 9.

11. An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. *The intent of a donor to make an anatomical gift, as evidenced by a document of gift, may not be revoked by any member of the classes of persons set forth in subsection 1 of NRS 451.557.*

12. A person may refuse to make an anatomical gift of his body or part by:

(a) A writing signed in the same manner as a document of gift;

(b) A statement imprinted on his driver's license or identification card; or

(c) Any other writing used to identify him as refusing to make an anatomical gift.

During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

13. In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under NRS 451.557.

14. In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, he shall make the refusal pursuant to subsection 12.

Sec. 16. NRS 451.560 is hereby amended to read as follows:

451.560 1. The following persons may become donees of anatomical gifts for the purposes stated:

(a) A hospital, physician, dentist or procurement organization, for transplantation, therapy, medical or dental education, research or advancement of medical or dental science;

(b) An accredited medical or dental school, college or university, for education, research or advancement of medical or dental science; or

(c) A designated person, for transplantation or therapy needed by that person.

2. An anatomical gift may be made to a designated donee or without designating a donee. If a donee is not designated or if the donee is not available or rejects the anatomical gift, the anatomical gift may be accepted by any hospital or procurement organization.

3. *In the absence of evidence that an anatomical gift has been revoked by the donor, a document of gift must be presumed to be valid.* If the donee knows of the decedent's refusal or contrary indications to make an anatomical gift or that an anatomical gift by a member of a class having priority to act is opposed by a member of the same class or a prior class

under subsection 1 of NRS 451.557, the donee shall not accept the anatomical gift.

Sec. 17. NRS 451.576 is hereby amended to read as follows:

451.576 *1.* Each hospital in this state, after consultation with other hospitals and procurement organizations, shall establish agreements or affiliations for coordination of procurement and use of human bodies and parts.

2. Except as otherwise required by the specific terms of an anatomical gift, an anatomical gift from a resident of this state must be offered to any residents of this state in need of transplantation or therapy before the anatomical gift may be used by another person.".

Amend sec. 16, page 6, line 1, by deleting "*10,*" and inserting "*9,*".

Amend sec. 17, page 6, line 9, by deleting "*10,*" and inserting "*9,*".

Amend the bill as a whole by deleting sec. 18, renumbering sections 19 and 20 as sections 20 and 21 and adding a new section designated sec. 22, following sec. 20, to read as follows:

"Sec. 22. Sections 10 and 13 of this act become effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill, fourth line, after "system;" by inserting:

"making various changes to the Uniform Anatomical Gift Act;".

Amend the summary of the bill, third line, by deleting "outcomes." and inserting:

"outcomes and makes various changes to Uniform Anatomical Gift Act.".

Assemblywoman Freeman moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 238.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272.

The following Senate amendment was read:

Amendment No 994.

Amend the bill as a whole by deleting sections 1 and 2 and inserting new sections designated sections 1 through 16 to read as follows:

"Section 1. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the department and contain:

(a) The signature of the owner.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The department shall use this declaration to determine the county to which the privilege tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether *the vehicle is* new or used and the last license number, if known, and the state in which it was issued, and ~~[upon]~~ *for* the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this state for the make to be registered to the person first purchasing or operating the vehicle.

(e) Proof satisfactory to the department or registered dealer that the applicant has provided the insurance required by NRS 485.185 and his signed declaration that he will maintain the insurance during the period of registration.

(f) If the insurance is provided by a contract of insurance, evidence of that insurance provided by the insurer in the form of:

(1) A certificate of insurance on a form approved by the commissioner of insurance; or

(2) A ~~[card]~~ *form* issued pursuant to NRS 690B.023 which identifies the vehicle and indicates, at the time of application for registration, coverage which ~~[meets]~~ *complies with* the requirements of NRS 485.185.

The department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the department or registered dealer, and must be accompanied by proof of ownership satisfactory to the department.

5. For purposes of the proof, declaration and evidence required by paragraphs (e) and (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this state, may be declared as a fleet by the registered owner thereof, on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance ~~[covering]~~ *for* that fleet.

(b) Other fleets composed of 10 or more vehicles based in this state or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance ~~[covering]~~ *for* that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his certificate of self-insurance.

~~[(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.]~~

Sec. 2. Chapter 485 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An operator's policy of liability insurance must state, in addition to the requirements of NRS 485.3091, that:

(a) The insurer is only liable under the policy for liability incurred by the insured while the named insured is the operator of a motor vehicle or while a motor vehicle owned by the insured is not being operated by any person;

(b) The policy does not provide coverage for any vicarious liability imposed on the owner of the motor vehicle as a result of the operation by another person of a motor vehicle owned by the insured or for any liability imposed by NRS 41.440 or 483.300; and

(c) The coverage provided by the policy may not meet the requirements of the financial responsibility laws of other states,

unless such extended coverage is expressly included in the policy. No operator's policy of liability insurance may be delivered or issued for delivery in this state unless the insured has signed an endorsement stating that he has read and understood the policy and its limitations.

2. An operator's policy of liability insurance must not provide coverage for damages incurred while a person other than the named insured is operating a motor vehicle.

3. An operator's policy of liability insurance must provide coverage for liability incurred by the insured while a motor vehicle owned by the insured is not being operated by any person.

Sec. 3. NRS 485.0335 is hereby amended to read as follows:

485.0335 "Dormant vehicle" means a motor vehicle:

1. For which ~~[a]~~ *an owner's* policy of liability insurance is required pursuant to this chapter; and

2. That will not be operated for an extended period because of mechanical or seasonal circumstances.

Sec. 4. NRS 485.034 is hereby amended to read as follows:

485.034 "Evidence of insurance" means:

1. The form provided by an insurer pursuant to NRS 690B.023 as evidence of ~~[a contract of insurance for a motor vehicle liability policy;]~~ *an owner's policy of liability insurance;* or

2. The certificate of self-insurance issued to a self-insurer by the ~~[department]~~ *division* pursuant to NRS 485.380.

Sec. 5. NRS 485.186 is hereby amended to read as follows:

485.186 ~~[1. Except as otherwise provided in subsection 6, any natural]~~ *A* person may *not* satisfy the requirements of NRS 485.185 by obtaining, in lieu of an owner's policy of liability insurance, an operator's policy of liability insurance . ~~[which meets the requirements of this section and NRS 485.3091.~~

~~2. An operator's policy of liability insurance must state, in addition to the requirements of NRS 485.3091, that:~~

~~(a) The insurer is only liable under the policy for liability incurred by the insured while the named insured is the operator of a motor vehicle or while a motor vehicle owned by the insured is not being operated by any person;~~

~~(b) The policy does not provide coverage for any vicarious liability imposed on the owner of the motor vehicle as a result of the operation by another person of a motor vehicle owned by the insured or for any liability imposed by NRS 41.440 or 483.300; and~~

~~(c) The coverage provided by the policy may not meet the requirements of the financial responsibility laws of other states,~~

~~unless such extended coverage is expressly included in the policy. No operator's policy of liability insurance may be delivered or issued for delivery in this state unless the insured has signed an endorsement stating that he has read and understood the policy and its limitations.~~

~~3. An owner of a motor vehicle which is registered or required to be registered in this state and who holds an operator's policy of liability insurance shall not permit another person to operate his motor vehicle if the owner knows or should have known that the person does not have liability insurance to cover his own operation of that motor vehicle.~~

~~4. An operator's policy of liability insurance must not provide coverage for damages incurred while a person other than the named insured is operating a motor vehicle.~~

~~5. An operator's policy of liability insurance must provide coverage for liability incurred by the insured while a motor vehicle owned by the insured is not being operated by any person.~~

~~6. This section does not apply to a lessor, dealer, manufacturer, rebuilder or distributor of a motor vehicle, an owner of a fleet, a common, contract or private motor carrier or any other employer who owns a motor vehicle for use in his business.]~~

Sec. 6. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 5, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this state, without having insurance as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the department the evidence of insurance.

(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.

2. A person shall not operate the motor vehicle of another person unless:

(a) He first ensures that the required evidence of insurance is present in the motor vehicle; or

(b) He has his own evidence of insurance which ~~[covers]~~ *provides coverage for* him as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 *is guilty of a misdemeanor. Except as otherwise provided in this subsection, in addition to any other penalty, a person sentenced pursuant to this subsection* shall be punished by a fine of not less than $600 ~~[nor]~~ *and not* more than $1,000 for each violation. The fine must be reduced to $100 for the first violation if the person obtains a motor vehicle liability policy ~~[not later than 30 days after the fine is imposed,]~~ *of liability insurance by the time of sentencing,* unless:

(a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or

(b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.

4. A court:

(a) Shall not *find a person guilty or* fine a person for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if he presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a fine of *not more than* $1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend *a portion of* the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is ~~[currently]~~ in effect.

5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a ~~[valid]~~ permit issued by the department pursuant to subsection 1 or 2 of NRS 482.3955, or NRS 482.396, 482.3965, 482.423 or 482.424 authorizing the movement or operation of that vehicle within ~~[the]~~ *this* state for a limited time.

Sec. 7. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 5, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this state, without having insurance as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the department the evidence of insurance.

~~[(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.]~~

2. A person shall not operate the motor vehicle of another person unless:

(a) He first ensures that the required evidence of insurance is present in the motor vehicle; or

(b) He has his own evidence of insurance which provides coverage for him as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 is guilty of a misdemeanor. Except as otherwise provided in this subsection, in addition to any other penalty, a person sentenced pursuant to this subsection shall be punished by a fine of not less than $600 and not more than $1,000 for each violation. The fine must be reduced to $100 for the first violation if the person obtains ~~[a motor vehicle liability]~~ *an owner's* policy of liability insurance by the time of sentencing, unless:

(a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or

(b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.

4. A court:

(a) Shall not find a person guilty or fine a person for a violation of ~~[paragraph (a), (b) or (c) of]~~ subsection 1 or ~~[for a violation of subsection]~~ 2 if he presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a fine of not more than $1,000 for a violation of ~~[paragraph (a), (b) or (c) of]~~ subsection 1, and suspend a portion of the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is in effect.

5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a permit issued by the department pursuant to subsection 1 or 2 of NRS 482.3955, or NRS 482.396, 482.3965, 482.423 or 482.424 authorizing the movement or operation of that vehicle within this state for a limited time.

Sec. 8. NRS 485.190 is hereby amended to read as follows:

485.190 1. If 20 days after the receipt of a report of an accident involving a motor vehicle within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of $750, the division does not have on file evidence satisfactory to ~~[it]~~ *the division* that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the division shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The division shall, at any time after a determination adverse to an operator or owner pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this state, and, if the owner is a nonresident, the privilege of the use within this state of any motor vehicle owned by him,

unless the operator or owner, or both, deposit security in the sum so determined by the division. Notice of such a suspension must be sent by the division to the operator and owner not less than 10 days before the effective date of the suspension and must state the amount required as security. ~~[Where]~~ *If* erroneous information is given to the division with respect to the matters set forth in ~~[paragraph (a), (b) or (c) of]~~ subsection 1 *, 2 or 3* of NRS 485.200, the division shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

Sec. 9. NRS 485.200 is hereby amended to read as follows:

485.200 ~~[1.]~~ The requirements ~~[as]~~ *relating* to security and suspension in NRS 485.190 to 485.300, inclusive, do not apply:

~~[(a)]~~ *1.* To the operator or owner if he had in effect at the time of the accident a motor vehicle liability policy with respect to the motor vehicle involved in the accident;

~~[(b)]~~ *2.* To the operator if there was in effect at the time of the accident a motor vehicle liability policy with respect to his operation of any motor vehicle;

~~[(c)]~~ *3.* To the operator or owner if his liability for damages resulting from the accident is, in the judgment of the division, covered by any other form of liability insurance policy or a bond;

~~[(d)]~~ *4.* To any person qualifying as a self-insurer pursuant to NRS 485.380, or to any person operating a motor vehicle for the self-insured;

~~[(e)]~~ *5.* To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of ~~[anyone]~~ *another person* other than the operator or owner;

~~[(f)]~~ *6.* To the operator or the owner of a motor vehicle legally parked at the time of the accident;

~~[(g)]~~ *7.* To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating the motor vehicle without permission; or

~~[(h)]~~ *8.* If, before the date that the division would otherwise suspend the license and registration or nonresident's operating privilege pursuant to NRS 485.190, there is filed with the division evidence satisfactory to ~~[it]~~ *the division* that the person who would otherwise have to file security has been released from liability or has received a determination in his favor at a hearing conducted pursuant to NRS 485.191, or has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

~~[2. An owner who is not the operator of the motor vehicle is not exempt from the requirements as to security and suspension in NRS 485.190 to 485.300, inclusive, if he holds a motor vehicle liability policy which provides coverage only when he is operating the motor vehicle and, at the time of the~~

~~accident, another person is operating the motor vehicle with the express or implied permission of the owner.]~~

Sec. 10. NRS 485.280 is hereby amended to read as follows:

485.280 A deposit or any balance thereof must be returned to the depositor or his personal representative:

1. ~~[When]~~ *If* evidence satisfactory to the division has been filed with ~~[it]~~ *the division* that there has been a release from liability, a final adjudication of nonliability or an acknowledged agreement, in accordance with ~~[paragraph (h) of subsection 1]~~ *the provisions of subsection 8* of NRS 485.200; or

2. If 2 years after the date of the accident or 1 year ~~[from]~~ *after* the date of deposit of any security under NRS 485.230, whichever period is longer, the division is given reasonable evidence that there is no action pending and no judgment rendered in such an action left unpaid.

Sec. 11. NRS 485.314 is hereby amended to read as follows:

485.314 1. On or before the 15th calendar day of each month, each insurer that has executed a contract of insurance for ~~[a motor vehicle liability]~~ *an owner's* policy *of liability insurance* which may be used to ~~[meet]~~ *comply with* the requirements of NRS 485.185 shall provide the department with a record of each such policy issued, amended or terminated in the previous month on the date the record is provided. The record must include:

(a) The name or identification number of each insured named in the policy of insurance;

(b) The make, year and vehicle identification number of each motor vehicle included in the policy of insurance;

(c) The number, effective date and expiration date of the policy of insurance; and

(d) Any other information required by the department.

2. The record provided pursuant to subsection 1 must be submitted in a form approved by the department and may include, without limitation, magnetic tape or any other electronic medium deemed acceptable by the department.

3. The department shall notify the commissioner of insurance if an insurer:

(a) Fails to comply with subsection 1 or 2; or

(b) In complying with subsection 1 or 2, provides to the department information that is false, incomplete or misleading.

Sec. 12. NRS 485.317 is hereby amended to read as follows:

485.317 1. The department shall, at least monthly, compare the current registrations of motor vehicles to the information in the data base created pursuant to NRS 485.313 to verify that each motor vehicle:

(a) Which is newly registered in this state; or

(b) For which a policy of liability insurance has been issued, amended or terminated,

is covered by ~~[a policy of liability]~~ insurance as required by NRS 485.185. In identifying a motor vehicle for verification pursuant to this subsection, the department shall, if the motor vehicle was manufactured during or after 1981, use only the vehicle identification number, in whole or in part.

2. The department shall send a form for verification by first-class mail to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the department, including whether he carries an owner's ~~[or operator's]~~ policy of liability insurance or a certificate of self-insurance, and return the completed form within 20 days after the date on which the form was mailed by the department. If the department does not receive the completed form within 20 days after it mailed the form to the owner, the department shall send to the owner a second form for verification by certified mail. The owner shall complete the form and return it to the department within 15 days after the date on which it was sent by the department. ~~[This subsection does]~~ *The provisions of this subsection do* not prohibit an authorized agent of the owner from providing to the department:

(a) The information requested by the department pursuant to this subsection.

(b) Additional information to amend or correct information already submitted to the department pursuant to this subsection.

3. When the department receives a completed form for verification , it shall verify the information on the form.

4. The department shall suspend the registration and require the return to the department of the license plates of any vehicle for which:

(a) Neither of the forms for verification set forth in subsection 2 is returned to the department by the registered owner or his authorized agent within the period specified in that subsection;

(b) Either of the forms for verification set forth in subsection 2 is returned to the department by the registered owner or his authorized agent and the department is not able to verify the information on the form; or

(c) Either of the forms for verification set forth in subsection 2 is returned by the registered owner or his authorized agent with an admission of having no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self-insurance.

5. If the department suspends a registration pursuant to subsection 4 because:

(a) Neither the owner nor his authorized agent returned a form for verification within the specified period or the owner or his authorized agent returned a form for verification that was not completed sufficiently, and the owner or his authorized agent, thereafter:

(1) Proves to the satisfaction of the department that there was a justifiable cause for his failure to do so;

(2) Submits a completed form regarding his insurance on the date stated in the form mailed by the department pursuant to subsection 2; and

(3) Presents evidence of current insurance; or

(b) The owner or his authorized agent submitted to the department a form for verification containing information that the department was unable to verify and, thereafter, the owner or his authorized agent presents to the department:

(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and

(2) Evidence of current insurance,

the department shall rescind its suspension of the registration if it is able to verify the information on the form or the other evidence presented. The department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection. For the purposes of this subsection, "justifiable cause" may include, but is not limited to, the fact that the owner did not receive the form mailed by the department pursuant to subsection 2.

6. Except as otherwise provided in subsection 7, if a registered owner whose registration is suspended pursuant to subsection 4, failed to have insurance on the date specified in the form for verification, the department shall reinstate the registration of the vehicle and reissue the license plates only upon filing by the registered owner of evidence of current insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

7. If a registered owner proves to the satisfaction of the department that his vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the department shall reinstate his registration and, if applicable, reissue his license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.

8. For the purposes of verification of insurance by the department pursuant to this section, a registered owner shall not be deemed to have failed to maintain ~~[liability]~~ insurance for a motor vehicle unless the vehicle is without coverage for ~~[a period of]~~ more than 7 days.

Sec. 13. NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by ~~[a contract]~~ *an owner's policy* of *liability* insurance, the insurer shall:

1. Provide evidence of insurance to the insured on a form approved by the commissioner. The evidence of insurance must include:

(a) The name and address of the policyholder;

(b) The name and address of the insurer;

(c) The year, make and complete identification number of the insured vehicle or vehicles;

(d) The term of the insurance, including the day, month and year on which the policy:

(1) Becomes effective; and

(2) Expires;

(e) The number of the policy;

(f) A statement that the coverage ~~[meets]~~ *complies with* the requirements set forth in NRS 485.185; and

(g) The statement "This card must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

Sec. 14. Each insurer who has issued operators' policies of liability insurance pursuant to NRS 485.186 and 485.3091 for the purpose of complying with the requirements of NRS 485.185 which are in effect on July 1, 1999:

1. Shall not renew an operator's policy of liability insurance issued for that purpose; and

2. Shall provide, not later than October 1, 1999, a written notice to each holder of an operator's policy of liability insurance issued by the insurer which states that, after December 31, 1999, the policy will not satisfy the requirements set forth in NRS 485.185 for insurance for the payment of liability arising from the maintenance or use of a motor vehicle that is registered or required to be registered in this state.

Sec. 15. The amendatory provisions of section 6 of this act do not apply to offenses that were committed before October 1, 1999.

Sec. 16. 1. This section and section 14 of this act become effective on July 1, 1999.

2. Section 6 of this act becomes effective on October 1, 1999.

3. Sections 1 to 5, inclusive, 7 to 13, inclusive, and 15 of this act become effective on January 1, 2000.".

Amend the title of the bill, first line, after "vehicles;" by inserting: "providing that an operator's policy of liability insurance does not satisfy the requirements for liability insurance for a motor vehicle that is registered or required to be registered in this state;".

Amend the summary of the bill by deleting the first line and inserting: "SUMMARY—Revises provisions regarding requirements for liability insurance for motor vehicle that is registered or required to be registered in Nevada.".

Assemblywoman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 272.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 677.

The following Senate amendment was read:

Amendment No. 887.

Amend section 1, pages 1 and 2, by deleting lines 11 through 13 on page 1 and lines 1 and 2 on page 2 and inserting:

"*706.791, inclusive, if at the time that the vehicle was impounded, the vehicle was in the care, custody or control of a lessee.*".

Amend section 1, page 2, by deleting lines 10 through 18 and inserting:

"*3. Upon the receipt of a true copy of a written lease or rental agreement pursuant to subsection 2 which evidences that the vehicle impounded by the authority pursuant to NRS 706.476 was under the care, custody or control of a lessee and not the registered owner of the vehicle, the authority shall release the vehicle to the short-term lessor.*".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 677.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 16, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Buckley.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Segerblom, Giunchigliani and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 16.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Chowning moved that the Assembly do not recede from its action on Senate Bill No. 381, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Chowning.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ohrenschall, McClain and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 381.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 18, 53, 71, 82, 86, 159, 309, 363, 392, 406, 457, 517, 520, 528, 539, 543, 583, 590, 591, 599, 637, 638, 641, 646; Assembly Concurrent Resolution No. 69; Senate Bills Nos. 10, 21, 32, 39, 50, 51, 61, 117, 139, 169, 181, 194, 211, 235, 244, 273, 287, 289, 300, 310, 338, 341, 366, 408, 421, 437, 442, 537; Senate Joint Resolutions Nos. 1, 3, 10, 12.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 24, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 24, 1999

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Evans and Humke, who were excused.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Almighty God, on this the first day of the last week of the Seventieth Session of the Nevada State Legislature, we join with thousands across our state in intercession and supplication to You, the Sovereign Lord of our State of Nevada. As we sound that sacred word "Sovereign," we echo Washington, Jefferson, Madison, and Lincoln along with leaders of Nevada through the years, in stating You are our ultimate ruler. Today we make a new commitment to serve You above and before all other entities and persons. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass, as amended, and re-refer to the Committee on Ways and Means.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 687, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 224, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 71.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 5 of the 69th Session, Amendment No. 1093, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 690—AN ACT making an appropriation to the Department of Prisons for equipment and supplies to open Cold Creek State Prison; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 691—AN ACT relating to prisons; authorizing travel expenses for certain persons employed at the Men's Prison No. 7; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 692—AN ACT making an appropriation to Clark County for distribution to the Enterprise Community Federal Credit Union to fund small business loans and for additional operating expenses related to the expansion of the services provided by the credit union; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 693—AN ACT relating to fees; revising the provisions governing certain fees imposed by the state board of agriculture and the division of agriculture of the department of business and industry; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:

Assembly Concurrent Resolution No. 72—Urging the Council to Establish Academic Standards for Public Schools to incorporate the study of certain historical documents into the standards of content and performance that the Council establishes for the subject of social studies.

Assemblyman Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.

Bill read third time.

Assemblyman Hettrick moved that Assembly Bill No. 552 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Hettrick.

Motion carried.

Assembly Bill No. 673.

Bill read third time.

Remarks by Assemblymen Hettrick, Buckley and Arberry.

Roll call on Assembly Bill No. 673:

YEAS—36.

NAYS—Angle, Buckley, Carpenter, Gustavson—4.

EXCUSED—Evans, Humke—2.

Assembly Bill No. 673 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 47.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Potential conflict of interest declared by Assemblymen Giunchigliani, Parnell, Bache and Anderson.

Roll call on Senate Bill No. 47:

YEAS—38.

NAYS—Angle, Gustavson—2.

EXCUSED—Evans, Humke—2.

Senate Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 167:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Humke—2.

Senate Bill No. 167 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 224, 324, 480, 687 and Senate Bills Nos. 485 and 508 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that the reading of the history on Senate Bills on the Second Reading File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1129.

Amend section 1, page 1, by deleting lines 2 through 5 and inserting:

"the Department of Education the sum of $300,000 for the support of nonprofit public broadcasting stations in Nevada whose programs are devoted primarily to serving the educational, informational and cultural needs of the communities in Nevada.".

Amend the title of the bill to read as follows:

"AN ACT making an appropriation to the Department of Education for certain nonprofit public broadcasting stations that primarily serve educational, informational and cultural needs of communities in Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriation to Department of Education for certain nonprofit public broadcasting stations. (BDR S-285)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1133.

Amend sec. 3, page 3, line 1, by deleting "$125,000" and inserting "$75,000".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1137.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. There is hereby appropriated from the state general fund to the White Pine County School District the sum of $2,031,337 for the payment of short-term debts incurred by the school district.

Sec. 2. On or before June 30, 2000, the White Pine County School District shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau verification that the debts have been repaid.

Sec. 3. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2000, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill to read as follows:

"AN ACT making an appropriation to the White Pine County School District for the payment of short-term debts incurred by the school district; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriation to White Pine County School District for payment of short-term debts incurred by school district. (BDR S-1506)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 687.

Bill read second time and ordered to third reading.

Senate Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1121.

Amend sec. 22, page 8, by deleting line 4 and inserting:

"Sec. 22. *1. Any*".

Amend sec. 22, page 8, by deleting lines 12 and 13.

Amend sec. 22, page 8, line 14, by deleting "*3.*" and inserting "*2.*".

Amend sec. 55, page 23, by deleting line 30 and inserting:

"Sec. 55. 1. This act becomes effective upon passage and approval.

2. Section 39 of this act expires by limitation on December 31, 2001.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 485 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

Senate Bill No. 508.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1132.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective on July 1, 1999.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 132.

The following Senate amendment was read:

Amendment No. 793.

Amend section 1, page 1, line 2, by deleting "7," and inserting "6,".

Amend sec. 2, page 2, between lines 3 and 4, by inserting:

"*6. The powers and duties set forth in sections 2 to 6, inclusive, of this act are intended to be exercised by the division in a manner that complements and does not duplicate the activities of the Tahoe Regional Planning Agency.*".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 8 as sections 3 through 7.

Amend sec. 4, page 2, by deleting lines 8 through 17 and inserting:

"Sec. 3. *The division may establish and carry out programs to preserve, restore and enhance the natural environment of the Lake Tahoe Basin on*

public land and on privately owned property with the consent of the owner of the property.".

Amend sec. 5, page 2, line 19, by deleting "*4*" and inserting "*3*".

Amend sec. 5, page 2, line 21, after "*Acquire*" by inserting:

"*, from a willing owner,*".

Amend sec. 5, page 3, line 6, after "*acquired*" by inserting:

"*by this state*".

Amend sec. 5, page 3, by deleting lines 8 through 15 and inserting:

"*6. As used in this section:*

(a) "Interest in real property" includes, without limitation:

(1) An easement for conservation as that term is defined in NRS 111.410;

(2) The right to develop the real property;

(3) The right to place land coverage on the real property; and

(4) Such other easements or rights as are appurtenant to the real property.

(b) "Land Coverage" means a covering over or compaction of the natural surface of the ground that prevents water from percolating into the ground.".

Amend sec. 6, page 3, line 16, by deleting "*7,*" and inserting "*6,*".

Amend sec. 8, page 3, line 35, by deleting "7," and inserting "6,".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 132.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 198.

The following Senate amendment was read:

Amendment No. 794.

Amend section 1, page 1, line 9, after "*property*" by inserting:

"*solely on the basis of the sale, lease or other transfer of that property*".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 198.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 154.

The following Senate amendment was read:

Amendment No. 953.

Amend section 1, page 1, line 2, by deleting:

"2 to 7, inclusive," and inserting:

"2, 3 and 4".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sec. 4 as sec. 2.

Amend sec. 4, page 1, line 9, by deleting "*family court*" and inserting "*family court.*".

Amend sec. 4, page 1, by deleting line 10.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 3 and 4.

Amend the bill as whole by deleting sec. 8 and renumbering sections 9 through 11 as sections 5 through 7.

Amend sec. 9, page 3, by deleting lines 13 through 27 and inserting:

"3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a chief judge who is to be the presiding judge of the judicial district.

2. The chief judge shall:

(a) Assign cases to each judge in the judicial district;

(b) Prescribe the hours of court;

(c) Adopt such other rules or regulations as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the chief judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.".

Amend sec. 9, page 4, by deleting lines 7 through 20.

Amend sec. 11, pages 5 and 6, by deleting lines 9 through 42 on page 5 and lines 1 through 10 on page 6, and inserting:

"*1. In any action for divorce, at any time more than 10 days before trial, a party may serve upon the opposing party a written offer to allow a decree to be entered concerning the property rights of the parties in accordance with the terms and conditions of the offer.*

2. If an offer made by a party pursuant to this section is accepted by the opposing party and approved by the court, the court shall, upon entry of the decree of divorce, enter judgment in accordance with the terms and conditions of the offer.

3. If an offer made by a party pursuant to this section is not accepted by the opposing party before trial or within 10 days after it is made, whichever occurs first, the offer shall be deemed rejected and cannot be given in evidence upon the trial. The rejection of an offer does not preclude either party from making another offer pursuant to this section.

4. If an offer is deemed rejected pursuant to subsection 3 and the party who rejected the offer fails to obtain a more favorable judgment concerning the property rights that would have been resolved by the offer if it had been accepted, the court may do any or all of the following:

(a) Order the party who rejected the offer to pay the taxable costs of the opposing party that relate to the adjudication of those property rights.

(b) Order the party who rejected the offer to pay the reasonable attorney's fees incurred by the opposing party after the date of the offer that relate to the adjudication of those property rights.

(c) Prohibit the party who rejected the offer from recovering any costs or attorney's fees that relate to the adjudication of those property rights, except that the court may not, pursuant to the provisions of this paragraph, prohibit the party from recovering any preliminary attorney's fees that were awarded to the party during the pendency of the divorce action.

5. In determining whether to take any action described in subsection 4, the court shall consider:

(a) Whether each party was represented by counsel when the offer was made;

(b) Whether the issues related to the property rights of the parties were conducive to an offer made pursuant to this section;

(c) Whether the offer was made in good faith and was reasonable with respect to its timing and its amount;

(d) Whether rejection of the offer was done in bad faith or was grossly unreasonable;

(e) Whether, during the pendency of the divorce action, the conduct of the party who rejected the offer or his counsel furthered or frustrated the policy of the law to promote settlement of litigation and to reduce the costs of litigation by encouraging cooperation between the parties and their counsel;

(f) Whether the judgment differs from the terms and conditions of the offer in such a manner, with respect to the property rights that would have been resolved by the offer if it had been accepted, that the court cannot make a clear determination whether the party failed to obtain a more favorable judgment concerning those property rights; and

(g) Whether the divorce action involved so many changes in the issues that the court cannot make a clear determination whether the party failed to obtain a more favorable judgment concerning the property rights that would have been resolved by the offer if it had been accepted.

6. The provisions of this section do not apply to any issues related to the custody of a child, the support of a child or the support of a spouse. If any offer that is made by a party pursuant to this section includes any such issue, the offer shall be deemed to be void in its entirety and all terms and conditions of the offer, including, without limitation, all terms and conditions related to the property rights of the parties, shall be deemed to have no force or effect pursuant to this section.".

Amend the bill as a whole by adding new sections designated sections 8 through 11, following sec. 11, to read as follows:

"Sec. 8. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

As used in this subsection, "contribution" includes a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. ~~[Whether]~~ *Except as otherwise provided in section 7 of this act, whether* or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce if those fees are in issue under the pleadings.

4. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by

the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony he has been ordered to pay.

8. In granting a divorce the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

9. If the court determines that alimony should be awarded pursuant to the provisions of subsection 8:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his career; or

(III) Courses of training in skills desirable for employment.

Sec. 9. Assembly Bill No. 50 of this session is hereby amended by deleting sections 2 through 4 and inserting:

Secs. 2-4. (Deleted by amendment.)

Sec. 10. Assembly Bill No. 50 of this session is hereby amended by deleting sections 6 and 7 and inserting:

Secs. 6 and 7. (Deleted by amendment.)

Sec. 11. Section 3 of Assembly Bill No. 51 of this session is hereby amended to read as follows:

Sec. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of *Assembly Bill No. 51 of* this ~~[act]~~ *session and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.".

Amend sec. 12, page 6, line 11, by deleting "11" and inserting "7".

Amend the bill as a whole by adding a new section designated sec. 13, following sec. 12, to read as follows:

"Sec. 13. 1. This section and sections 9 and 10 of this act become effective on June 30, 1999.

2. Sections 1 to 8, inclusive, 11 and 12 of this act become effective on October 1, 1999.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 154.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 158.

The following Senate amendment was read:

Amendment No. 956.

Amend sec. 14, page 6, by deleting lines 10 through 17 and inserting:

"Sec. 14. *1. The district court in each judicial district that includes a county whose population is less than 100,000 shall create a local advisory board to expedite proceedings for the placement of children. The district court shall appoint to the local advisory board:*".

Amend sec. 14, page 6, line 28, by deleting "*3.*" and inserting "*2.*".

Amend sec. 14, page 6, line 37, by deleting "*4.*" and inserting "*3.*".

Amend sec. 14, page 6, line 40, by deleting "*5.*" and inserting "*4.*".

Amend sec. 14, page 6, line 42, by deleting "*6.*" and inserting "*5.*".

Amend sec. 14, page 7, line 3, by deleting "*7.*" and inserting "*6.*".

Amend sec. 14, page 7, line 13, by deleting "*8.*" and inserting "*7.*".

Amend sec. 18, page 8, by deleting line 25 and inserting:

"*court determines that*".

Amend sec. 18, page 8, line 28, after "*agency*" by inserting:

"*which provides protective services*".

Amend sec. 18, page 9, line 19, by deleting "*30*" and inserting "*60*".

Amend sec. 18, page 9, line 22, by deleting "*30*" and inserting "*60*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 158.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1053.

Amend sec. 21, page 13, line 42, by deleting the italicized semicolon and inserting:

"*or pursuant to section 3 of Senate Bill No. 148 of this session in making a general investigation and report;*".

Amend sec. 21, page 14, line 32, by deleting "176.135," and inserting:

"176.135 [,] *or making a general investigation and report pursuant to section 3 of Senate Bill No. 148 of this session,*".

Amend sec. 21, page 14, line 34, after "report" by inserting "*and*".

Amend the bill as a whole by adding new sections designated sections 29.5 and 29.6, following sec. 29, to read as follows:

"Sec. 29.5. Section 11 of Senate Bill No. 148 of this session is hereby amended to read as follows:

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

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

(a) A physician who has before him a child who he reasonably believes may have been abused or neglected;

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

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

(1) The child; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

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

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

(q) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court ~~[;]~~ *or pursuant to section 3 of this act in making a general investigation and report;*

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

(s) The rural advisory board to expedite proceedings for the placement of children created pursuant to section 13 of *Assembly Bill No. 158 of* this ~~[act]~~ *session* or a local advisory board to expedite proceedings for the placement of children created pursuant to section 14 of *Assembly Bill No. 158 of* this ~~[act;]~~ *session;* or

(t) The panel established pursuant to section 17 of *Assembly Bill No. 158 of* this ~~[act]~~ *session* to evaluate agencies which provide protective services.

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

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

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

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

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

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

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

(a) A copy of:

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

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

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

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

7. Any person, except for:

(a) The subject of a report;

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

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135 ~~[,]~~ *or making a general investigation and report pursuant to section 3 of this act,*

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

8. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 29.6. Section 15 of Senate Bill No. 148 of this session is hereby amended to read as follows:

Sec. 15. 1. This section and sections 1 to 11, inclusive, and 13 and 14 of this act become effective on October 1, 1999.

2. Section 11 of this act expires by limitation on June 30, 2001.

~~[3. Section 12 of this act becomes effective on July 1, 2001.]~~".

Amend sec. 30, page 21, line 6, by deleting "Sections" and inserting: "Section 12 of Senate Bill No. 148 of this session and sections".

Amend sec. 31, page 21, by deleting line 15 and inserting:

"3. Sections 20 and 29.5 of this act expire by limitation on June 30, 2001.".

Amend the text of repealed sections by adding the text of section 12 of Senate Bill No. 148 of this session.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 158.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 1042.

Amend sec. 2, page 2, between lines 23 and 24, by inserting:

"*6. The following facts must not be considered as evidence of negligence or causation in any civil action brought against a nonprofit agency:*

(a) The fact that the nonprofit agency did not apply for a grant of money from the account.

(b) The fact that the nonprofit agency did not request that the central repository, through the use of the account, determine whether a volunteer or prospective volunteer of the nonprofit agency has committed a sexual offense.".

Amend the title of the bill to read as follows:

"AN ACT relating to volunteers; creating a revolving account to pay the costs of the central repository to process requests from nonprofit agencies to determine whether a volunteer who works directly with children has committed a sexual offense; authorizing state and local governmental

agencies to establish forms and procedures for persons to make donations to the account while they are transacting business with the governmental agency; providing that the decision by a nonprofit agency not to use the account must not be considered as evidence of negligence or causation in a civil action brought against the agency; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning background checks of volunteers. (BDR 14-61)".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 239.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 400.

The following Senate amendment was read:

Amendment No. 1064.

Amend sec. 13, page 2, by deleting lines 38 and 39 and inserting:

"Sec. 13. *"Community property with right of survivorship" means community property in which a right of survivorship exists pursuant to NRS 111.064 or 115.060 or any other provision of law.*".

Amend the bill as a whole by deleting sections 95 through 98 and inserting:

"Secs. 95-98. (Deleted by amendment.)".

Amend sec. 256, page 64, line 1, by deleting "*145.090,*".

Amend sec. 275, page 72, line 17, by deleting "The" and inserting:

"Except as otherwise provided in subsection 7, the".

Amend sec. 275, page 72, between lines 21 and 22, by inserting:

"7. The court shall allow the welfare division of the department of human resources to amend at any time before the filing of the final account a claim for the payment of benefits for Medicaid that the division identifies after the original claim has been filed.".

Amend sec. 279, page 73, by deleting line 32 and inserting:

" ~~3. If an executor or administrator refuses or neglects~~] *and filed with*".

Amend sec. 279, page 73, line 36, by deleting "~~[shall]~~ *does*" and inserting "does".

Amend sec. 279, page 73, between lines 39 and 40, by inserting:

"~~[4.]~~ *3.* If a claim is deemed rejected pursuant to subsection ~~[3, the executor or administrator]~~ *2, the personal representative* must, not more than 10 days after the rejection, provide written notice of the rejection by registered mail to all affected creditors.".

Amend sec. 279, page 73, line 40, by deleting "*3.*" and inserting "*4.*".

Amend sec. 539, page 161, line 1, by deleting "133.030,".

Amend sec. 539, page 161, line 2, by deleting "138.030, 139.020,".

Amend the bill as a whole by adding a new section, designated sec. 540, following sec. 539, to read as follows:

"Sec. 540. Sections 275 and 279 of this act become effective at 12:01 a.m. on October 1, 1999.".

Amend the leadlines of repealed sections by deleting the leadlines of NRS 133.030, 138.030 and 139.020.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 400.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 473.

The following Senate amendment was read:

Amendment No. 952.

Amend section 1, page 3, line 5, by deleting "~~[4]~~ *5*" and inserting "~~[5]~~ *6*".

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 62.170 is hereby amended to read as follows:

62.170 1. Except as otherwise provided in NRS 62.175 and section 2 of Assembly Bill No. 221 of this session, a peace officer or probation officer may take into custody any child:

(a) Who the officer has probable cause to believe is violating or has violated any law, ordinance or rule or regulation having the force of law; or

(b) Whose conduct indicates that he is a child in need of supervision.

2. Except as otherwise provided in this section, section 2 of Assembly Bill No. 221 of this session and NRS 484.383, if a child is taken into custody:

(a) The officer shall, without undue delay, attempt to notify, if known, the parent, guardian or custodian of the child;

(b) The facility in which the child is detained shall, without undue delay:

(1) Notify a probation officer; and

(2) Attempt to notify, if known, the parent, guardian or custodian of the child if such notification was not accomplished pursuant to paragraph (a); and

(c) Unless it is impracticable or inadvisable or has been otherwise ordered by the court, the child must be released to the custody of his parent or other responsible adult who has signed a written agreement to bring the child to the court at a stated time or at such time as the court may direct. The written agreement must be submitted to the court as soon as possible. If this person fails to produce the child as agreed or upon notice from the court, a writ may be issued for the attachment of the person or of the child requiring that the person or child, or both of them, be brought into the court at a time stated in the writ.

3. Except as otherwise provided in this section and section 2 of Assembly Bill No. 221 of this session, if a child who is taken into custody is not released pursuant to subsection 2:

(a) The child must be taken without unnecessary delay to:

(1) The court; or

(2) The place of detention designated by the court and, as soon as possible thereafter, the fact of detention must be reported to the court; and

(b) Pending further disposition of the case, the court may order that the child be:

(1) Released to the custody of the parent or other person appointed by the court;

(2) Detained in such place as is designated by the court, subject to further order of the court; or

(3) Conditionally released for supervised detention at the home of the child in lieu of detention at a facility for the detention of juveniles.

4. *A child who is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018 must not be released from custody sooner than 12 hours after he is taken into custody.*

5. Except as otherwise provided in *subsection 4 and* section 2 of Assembly Bill No. 221 of this session, if a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of juveniles unless there is probable cause to believe that:

(a) If the child is not detained, he is likely to commit an offense dangerous to himself or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the court or to its officers;

(c) The child was brought to the probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

~~[5.]~~ *6.* If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of juveniles; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

~~[6.]~~ *7.* If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained therein and who has been convicted of a crime or charged with a crime, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained therein.

~~[7.]~~ *8.* If a child who is alleged to be delinquent is taken into custody and detained, the child must be given a detention hearing, conducted by the judge or master:

(a) Within 24 hours after the child submits a written application;

(b) In a county whose population is less than 100,000, within 24 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined;

(c) In a county whose population is 100,000 or more, within 6 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined; or

(d) Within 72 hours after the commencement of detention at a facility in which adults are not detained or confined,

whichever occurs first, excluding Saturdays, Sundays and holidays. A child must not be released after a detention hearing without the written consent of the judge or master.

~~[8.]~~ *9.* If the parent, guardian or custodian of the child appears with or on behalf of the child at a detention hearing, the judge or master shall provide to him a certificate of attendance which he may provide to his employer. The certificate of attendance must set forth the date and time of appearance and the provisions of NRS 62.900. The certificate of attendance must not set forth the name of the child or the offense alleged.

~~[9.]~~ *10.* Except as otherwise provided in subsection ~~[10,]~~ *11,* if a child who is alleged to be in need of supervision is taken into custody and detained, the child must be released within 24 hours, excluding Saturdays, Sundays and holidays, after his initial contact with a peace officer to his parent, guardian or custodian, to any other person who is able to provide adequate care and supervision, or to shelter care, unless the court holds a detention hearing and determines the child:

(a) Has threatened to run away from home or from the shelter;

(b) Is accused of violent behavior at home; or

(c) Is accused of violating the terms of his supervision and consent decree.

If the court makes such a determination, the child may be detained for an additional 24 hours after the hearing, excluding Saturdays, Sundays and holidays, if needed by the court to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers. A child must not be detained pursuant to this subsection for a total period in excess of 48 hours, excluding Saturdays, Sundays and holidays.

~~[10.]~~ *11.* If a child who is alleged to be in need of supervision is taken into custody and detained, the child need not be released pursuant to subsection ~~[9,]~~ *10,* if the court holds a detention hearing and determines the child:

(a) Is a ward of a federal court or held pursuant to federal statute;

(b) Has run away from another state and a jurisdiction within the state has issued a want, warrant or request for the child; or

(c) Is accused of violating a valid court order.

If the court makes such a determination, the child may be detained for such an additional period as necessary for the court to return the child to the jurisdiction from which he originated or to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers.

~~[11.]~~ *12.* During the pendency of a criminal or quasi-criminal charge of a crime excluded from the original jurisdiction of the juvenile court pursuant to NRS 62.040, a child may petition the juvenile court for temporary placement in a facility for the detention of juveniles.

~~[12.]~~ *13.* In determining whether to release a child pursuant to this section to a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child.".

Amend the bill as a whole by renumbering sec. 5 as sec. 8 and adding new sections designated sections 5 through 7, following sec. 4, to read as follows:

"Sec. 5. Assembly Bill No. 262 of this session is hereby amended by deleting section 1 and adding:

Section 1. (Deleted by amendment.)

Sec. 6. Section 2 of Assembly Bill No. 262 of this session is hereby amended to read as follows:

Sec. 2. NRS 62.170 is hereby amended to read as follows:

62.170 1. Except as otherwise provided in NRS 62.175 and section 2 of *Assembly Bill No. 221 of* this ~~[act,]~~ *session,* a peace officer or probation officer may take into custody any child:

(a) Who the officer has probable cause to believe is violating or has violated any law, ordinance or rule or regulation having the force of law; or

(b) Whose conduct indicates that he is a child in need of supervision.

2. Except as otherwise provided in this section, section 2 of *Assembly Bill No. 221 of* this ~~[act]~~ *session* and NRS 484.383, if a child is taken into custody:

(a) The officer shall ~~[immediately]~~ *, without undue delay, attempt to* notify *, if known,* the parent, guardian or custodian of the child ~~[, if known, and the]~~ *;*

(b) The facility in which the child is detained shall, without undue delay:

(1) Notify a probation officer; and

~~[(b)]~~ *(2) Attempt to notify, if known, the parent, guardian or custodian of the child if such notification was not accomplished pursuant to paragraph (a); and*

(c) Unless it is impracticable or inadvisable or has been otherwise ordered by the court, the child must be released to the custody of his parent or other responsible adult who has signed a written agreement to bring the child to the court at a stated time or at such time as the court may direct. The written agreement must be submitted to the court as soon as possible. If this person

fails to produce the child as agreed or upon notice from the court, a writ may be issued for the attachment of the person or of the child requiring that the person or child, or both of them, be brought into the court at a time stated in the writ.

3. Except as otherwise provided in this section and section 2 of *Assembly Bill No. 221 of* this ~~[act,]~~ *session,* if a child who is taken into custody is not released pursuant to subsection 2:

(a) The child must be taken without unnecessary delay to:

(1) The court; or

(2) The place of detention designated by the court ~~[,]~~ and, as soon as possible thereafter, the fact of detention must be reported to the court; and

(b) Pending further disposition of the case, the court may order that the child be:

(1) Released to the custody of the parent or other person appointed by the court;

(2) Detained in such place as is designated by the court, subject to further order of the court; or

(3) Conditionally released for supervised detention at the home of the child in lieu of detention at a facility for the detention of juveniles.

4. Except as otherwise provided in section 2 of *Assembly Bill No. 221 of* this ~~[act,]~~ *session,* if a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of juveniles unless there is probable cause to believe that:

(a) If the child is not detained, he is likely to commit an offense dangerous to himself or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the court or to its officers;

(c) The child was brought to the probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

5. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of juveniles; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

6. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained therein and who has been convicted of a crime or charged with a crime, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained therein.

7. If a child who is alleged to be delinquent is taken into custody and detained, the child must be given a detention hearing, conducted by the judge or master:

(a) Within 24 hours after the child submits a written application;

(b) In a county whose population is less than 100,000, within 24 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined;

(c) In a county whose population is 100,000 or more, within 6 hours after the commencement of detention at a police station, lockup, jail, prison or other facility in which adults are detained or confined; or

(d) Within 72 hours after the commencement of detention at a facility in which adults are not detained or confined,

whichever occurs first, excluding Saturdays, Sundays and holidays. A child must not be released after a detention hearing without the written consent of the judge or master.

8. If the parent, guardian or custodian of the child appears with or on behalf of the child at a detention hearing, the judge or master shall provide to him a certificate of attendance which he may provide to his employer. The certificate of attendance must set forth the date and time of appearance and the provisions of NRS 62.900. The certificate of attendance must not set forth the name of the child or the offense alleged.

9. Except as otherwise provided in subsection 10, if a child who is alleged to be in need of supervision is taken into custody and detained, the child must be released within 24 hours, excluding Saturdays, Sundays and holidays, after his initial contact with a peace officer to his parent, guardian or custodian, to any other person who is able to provide adequate care and supervision, or to shelter care, unless the court holds a detention hearing and determines the child:

(a) Has threatened to run away from home or from the shelter;

(b) Is accused of violent behavior at home; or

(c) Is accused of violating the terms of his supervision and consent decree.

If the court makes such a determination, the child may be detained for an additional 24 hours after the hearing, excluding Saturdays, Sundays and holidays, if needed by the court to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers. A child must not be detained pursuant to this subsection for a total period in excess of 48 hours, excluding Saturdays, Sundays and holidays.

10. If a child who is alleged to be in need of supervision is taken into custody and detained, the child need not be released pursuant to subsection 9, if the court holds a detention hearing and determines the child:

(a) Is a ward of a federal court or held pursuant to federal statute;

(b) Has run away from another state and a jurisdiction within the state has issued a want, warrant or request for the child; or

(c) Is accused of violating a valid court order.

If the court makes such a determination, the child may be detained for such an additional period as necessary for the court to return the child to the jurisdiction from which he originated or to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers.

11. During the pendency of a criminal or quasi-criminal charge of a crime excluded from the original jurisdiction of the juvenile court pursuant to NRS 62.040, a child may petition the juvenile court for temporary placement in a facility for the detention of juveniles.

12. In determining whether to release a child pursuant to this section to a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child.

Sec. 7. Assembly Bill No. 262 of this session is hereby amended by adding thereto a new section designated sec. 3, following sec. 2, to read as follows:

Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 5, to read as follows:

"Sec. 9. Sections 1, 2, 5, 6 and 7 of this act become effective at 12:03 a.m. on October 1, 1999.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 473.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 542.

The following Senate amendment was read:

Amendment No. 997.

Amend sec. 2, page 1, line 6, by deleting "*30*" and inserting "*5*".

Amend sec. 3, page 2, by deleting lines 13 through 19, inclusive, and inserting:

"*The provisions of this subsection do not apply if the period of suspension*".

Amend sec. 7, page 7, line 16, by deleting "*30*" and inserting "*5*".

Amend sec. 14, page 15, line 36, by deleting "1999." and inserting "2000.".

Amend sec. 15, page 15, by deleting lines 37 through 40 and inserting:

"Sec. 15. This act becomes effective on October 1, 2000.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 542.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 621.

The following Senate amendment was read:

Amendment No. 959.

Amend the bill as a whole by deleting sections 2 through 5 and renumbering sections 6 and 7 as sections 2 and 3.

Amend sec. 6, page 2, line 30, by deleting "*17*" and inserting "*7*".

Amend sec. 7, page 3, by deleting lines 40 and 41 and inserting:

"to sexual offenses and other records of criminal history *that* it ~~[collects,]~~ *creates or issues,* and any information in its".

Amend sec. 7, page 4, line 18, by deleting "~~[and]~~" and inserting "and".

Amend sec. 7, page 4, by deleting lines 21 through 24 and inserting:

"offense.

(b) ~~[Use]~~ *When practicable, use* a record of the ~~[subject's fingerprints]~~".

Amend sec. 7, pages 4 and 5, by deleting lines 33 through 41 on page 4 and lines 1 through 7 on page 5, and inserting:

"(a) Disseminate any information which is contained in the central repository to any other agency of criminal justice;

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

(c) Request of and receive from the Federal Bureau of".

Amend sec. 7, page 7, by deleting lines 3 and 4.

Amend the bill as a whole by deleting sections 8 through 13 and renumbering sections 14 through 17 as sections 4 through 7.

Amend the bill as a whole by deleting sections 18 through 20 and renumbering sec. 21 as sec. 8.

Amend the title of the bill to read as follows:

"AN ACT relating to the central repository for Nevada records of criminal history; requiring certain agencies of criminal justice to submit certain records to the central repository for Nevada records of criminal history; authorizing the central repository to disseminate information contained in the central repository by electronic means; making various other changes concerning the central repository for Nevada records of criminal history; and providing other matters properly relating thereto.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 621.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1052.

Amend the bill as a whole by renumbering sec. 8 as sec. 10 and adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

"Sec. 8. Section 2 of Assembly Bill No. 165 of this session is hereby amended to read as follows:

Sec. 2. NRS 62.350 is hereby amended to read as follows:

62.350 1. The fingerprints of a child must be taken if the child is in custody for an act that, if committed by an adult:

(a) Would be a felony, a gross misdemeanor or a sexual offense; or

(b) Would be a misdemeanor, and the act involved:

(1) The use or threatened use of force or violence against the victim; or

(2) The possession, use or threatened use of a firearm or a deadly weapon.

2. The fingerprints of a child who is in custody but who is not subject to the provisions of subsection 1 may be taken if a law enforcement officer finds latent fingerprints during the investigation of an offense and the officer has reason to believe that the latent fingerprints are those of the child. The officer shall use the fingerprints taken from the child to make an immediate comparison with the latent fingerprints. If the comparison is:

(a) Negative, the fingerprint card and other copies of the fingerprints taken may be immediately destroyed or may be retained for future use.

(b) Positive, the fingerprint card and other copies of the fingerprints:

(1) Must be delivered to the court for disposition if the child is referred to court.

(2) May be immediately destroyed or may be retained for future use if the child is not referred to court.

3. Fingerprints that are taken from a child pursuant to the provisions of this section:

(a) May be retained in a local file or a local system for the automatic retrieval of fingerprints if they are retained under special security measures that limit inspection of the fingerprints to law enforcement officers who are conducting criminal investigations. If the child from whom the fingerprints are taken subsequently is not adjudicated delinquent, the parent or guardian of the child or, when the child becomes at least 18 years of age, the child, may petition the court for the removal of the fingerprints from any such local file or local system.

(b) Must be submitted to the central repository for Nevada records of criminal history if the child is adjudicated delinquent for an act that, if committed by an adult, would be a felony or sexual offense, and may be submitted to the central repository for any other act. Any such fingerprints submitted to the central repository must be submitted with a description of the child and the unlawful act, if any, that the child committed. The central repository shall retain the fingerprints and such information of the child under special security measures that limit inspection of the fingerprints and such information to law enforcement officers who are conducting criminal investigations and to officers and employees of the central repository who are assisting law enforcement officers with criminal investigations or who are conducting research or performing a statistical analysis.

(c) Must not be submitted to the Federal Bureau of Investigation unless the child is adjudicated delinquent for an act that, if committed by an adult, would be a felony or a sexual offense.

4. A child who is in custody must be photographed for the purpose of identification. Except as otherwise provided in this subsection, the photographs of the child must be kept in the file pertaining to the child under special security measures *which provide* that ~~[limit inspection of]~~ the photographs ~~[to law enforcement officers who are conducting]~~ *may be inspected only to conduct* criminal investigations ~~[.]~~ *and photographic lineups.* If a court subsequently determines that the child is not delinquent, the court shall order the photographs to be destroyed.

5. Any person who willfully violates any provision of this section is guilty of a misdemeanor.

Sec. 9. Section 22 of Assembly Bill No. 626 of this session is hereby amendment to read as follows:

Sec. 22. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

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

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

(b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense, to the division in the manner prescribed by the director of the department. The information must be submitted to the division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the director of the department,

within the period prescribed by the director of the department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall, in the manner prescribed by the director of the department:

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

(1) Sexual offenses and other records of criminal history; and

(2) The genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

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

(c) Upon request during a state of emergency *or declaration of disaster* proclaimed pursuant to NRS 414.070, provide the information that is contained in the central repository to the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety.

5. The division may:

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

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

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

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

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

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

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

6. The central repository shall:

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

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

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

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

(1) Has applied to the superintendent of public instruction for a license;

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

(3) Is employed by a county school district,

and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central

repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:

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

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation,

who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.

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

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

(h) On or before July 1 of each year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, or the legislative commission when the legislature is not in regular session, a report containing statistical data about domestic violence in this state.

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

7. The central repository may:

(a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety. All money collected

pursuant to this paragraph must be used to pay for the cost of operating the central repository.

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Advisory committee" means the committee established by the director of the department pursuant to NRS 179A.078.

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

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

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

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 621.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 313.

The following Senate amendment was read:

Amendment No. 1061.

Amend the bill as a whole by deleting sections 1 through 13 and inserting new sections designated sections 1 through 13, following the enacting clause, to read as follows:

"Section 1. NRS 386.550 is hereby amended to read as follows:

386.550 A charter school shall:

1. Comply with all laws and regulations relating to discrimination and civil rights.

2. Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

3. Refrain from charging tuition or fees, levying taxes or issuing bonds.

4. Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

5. Comply with the provisions of chapter 241 of NRS.

6. Schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located.

7. Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 to the pupils who are enrolled in the charter school.

8. Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.

9. Provide *instruction in the core academic subjects set forth in subsection 1 of section 6 of this act, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide* at least the courses of instruction that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to *receive that instruction and* take those courses of study. This subsection does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

10. Provide instruction on acquired immune deficiency syndrome and the human reproductive system, related to communicable diseases and sexual responsibility in accordance with NRS 389.065.

11. Adhere to the same transportation policy that is in effect in the school district in which the charter school is located.

Sec. 2. NRS 386.585 is hereby amended to read as follows:

386.585 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school immediately upon being given an explanation of the reasons for his removal and pending proceedings, which must be conducted as soon as practicable after removal, for his suspension or expulsion.

4. A pupil who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters, be:

(a) Suspended from the charter school pursuant to this section for not more than 10 days.

(b) Suspended from the charter school for more than 10 days or permanently expelled from school pursuant to this section only after the ~~[governing]~~ *:*

(1) Pupil's individualized education program team has conducted a review in accordance with 20 U.S.C. § 1415(k) and determined that the behavior of the pupil is not a manifestation of his disability. In conducting the review, the individualized education program team shall not presume that the behavior of the pupil is a manifestation of his disability.

(2) Governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, ~~[(]~~ 20 U.S.C. §§ 1400 et seq. ~~[).]~~

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

7. As used in this section, "individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 3. NRS 388.380 is hereby amended to read as follows:

388.380 1. Except as otherwise provided in subsection 2, the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:

(a) Establish and maintain occupational schools or classes giving instruction in the subjects approved by the state board for occupational education.

(b) Raise and expend money for the establishment and maintenance of occupational schools or classes.

2. The board of trustees of each school district shall incorporate into the curriculum:

(a) Occupational guidance and counseling ~~[;]~~ *in accordance with NRS 389.180;* and

(b) Technology . ~~[,~~

~~in accordance with the courses of study adopted by the state board pursuant to NRS 389.170 and 389.180.]~~

Sec. 4. NRS 388.450 is hereby amended to read as follows:

388.450 1. The legislature declares that the basic support guarantee for each special education program unit established by law for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities and gifted and talented pupils residing in Nevada.

2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the board of trustees of each school district shall make such special provisions as

may be necessary for the education of pupils with disabilities and gifted and talented pupils.

3. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.440 to 388.520, inclusive. *The criteria must prohibit the placement of a pupil in a program for pupils with disabilities solely because the pupil is a disciplinary problem in school.* The criteria are subject to such standards as may be prescribed by the state board . ~~[of education.]~~

Sec. 5. NRS 388.470 is hereby amended to read as follows:

388.470 1. Before any child is placed in a special program for pupils with disabilities or gifted and talented pupils:

(a) A consultation must be held with his parents or guardian.

(b) An examination must be conducted for the purpose of finding the extent to which the child deviates from normal growth and development patterns. The examination must be conducted in accordance with standards prescribed by the state board . ~~[of education.]~~

2. A psychiatrist may be consulted in any specific case when the board of trustees of a school district deems it necessary.

3. The board of trustees of a school district or the governing body of a charter school shall not place a child or authorize the placement of a child in a program for pupils with disabilities solely because the child is a disciplinary problem in school.

Sec. 6. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente youth center and the Nevada youth training center:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente youth center and the Nevada youth training center:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

If the state board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a

subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

3. The state board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:

(a) The academic subjects set forth in subsections 1 and 2.

(b) Citizenship and physical training for pupils enrolled in high school.

(c) Physiology, hygiene and cardiopulmonary resuscitation.

(d) The prevention of suicide.

(e) Instruction relating to child abuse.

(f) The economics of the American system of free enterprise.

(g) American Sign Language.

(h) Environmental education.

(i) Adult roles and responsibilities.

A course of study established for paragraph (a) may include one or more of the subjects listed in paragraphs (b) to (i), inclusive.

Sec. 7. NRS 389.010 is hereby amended to read as follows:

389.010 Except as otherwise provided in ~~[NRS 389.170 and]~~ 389.180, boards of trustees of school districts shall enforce in schools the courses of study prescribed and adopted by the state board.

Sec. 8. NRS 389.020 is hereby amended to read as follows:

389.020 1. In all public schools, the Caliente youth center and the Nevada youth training center, instruction must be given in American government, including , but not limited to , the ~~[essentials of the]~~ *:*

(a) Essentials of:

(1) The Constitution of the United States, ~~[the constitution]~~ *including, without limitation, the Bill of Rights;*

(2) The Constitution of the State of Nevada ~~[, the origin]~~ *;*

(3) The Declaration of Independence;

(4) The Federalist Papers;

(5) Abraham Lincoln's Gettysburg Address;

(6) The Emancipation Proclamation; and

(7) George Washington's Farewell Address;

(b) Origin and history of the constitutions ~~[and the study]~~ *; and*

(c) Study of and devotion to American institutions and ideals.

2. The instruction required ~~[in]~~ *by* subsection 1 must be given during at least 1 year of the elementary school grades and for a period of at least 1 year in all high schools.

Sec. 9. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school, sells or distributes any controlled substance or is found in possession of a dangerous weapon, while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be

placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must:

(a) Be permanently expelled from that school; and

(b) Receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must:

(a) Be permanently expelled from the school; and

(b) Receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

The superintendent of schools of a school district may, in a particular case in that school district, allow an exception to the expulsion requirement of this subsection.

3. Except as otherwise provided in this section, any pupil who is a habitual disciplinary problem as set forth in NRS 392.4655 must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the ~~[board]~~ *:*

(1) Pupil's individualized education program team has conducted a review in accordance with 20 U.S.C. § 1415(k) and determined that the behavior of the pupil is not a manifestation of his disability. In conducting

the review, the individualized education program team shall not presume that the behavior of the pupil is a manifestation of his disability.

(2) Board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, ~~[(]~~ 20 U.S.C. §§ 1400 et seq. ~~[).]~~

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slung shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 10. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 4 and 5, the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until he has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his removal, and pending proceedings, to be conducted as soon as practicable after removal, for his suspension or expulsion.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

5. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the ~~[board]~~ :

(1) Pupil's individualized education program team has conducted a review in accordance with 20 U.S.C. § 1415(k) and determined that the behavior of the pupil is not a manifestation of his disability. In conducting the review, the individualized education program team shall not presume that the behavior of the pupil is a manifestation of his disability.

(2) Board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act , ~~[(]~~ 20 U.S.C. §§ 1400 et seq. ~~[).]~~

6. As used in this section, "individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 11. 1. The subjects taught in public schools pursuant to subsections 1 and 2 of section 6 of this act must be in accordance with the standards of content and performance established for grade levels by the council to establish academic standards for public schools pursuant to section 45 of chapter 473, Statutes of Nevada 1997, at page 1780.

2. The courses of study established by the state board of education pursuant to paragraph (a) of subsection 3 of section 6 of this act must comply with and carry out the standards of content and performance that are submitted to the state board of education by the council to establish academic standards for public schools pursuant to section 45 of chapter 473, Statutes of Nevada 1997, at page 1780.

Sec. 12. NRS 389.050, 389.060, 389.063, 389.075, 389.080, 389.083, 389.085, 389.110, 389.120, 389.130, 389.140, 389.170 and 389.190 are hereby repealed.

Sec. 13. This act becomes effective on July 1, 1999.".

Amend the bill as a whole by adding the leadlines of repealed sections, following sec. 12, to read as follows:

"

LEADLINES OF REPEALED SECTIONS

389.050 Instruction in high school in citizenship and physical training; employment of teachers of physical training.

389.060 Instruction in physiology, hygiene and cardiopulmonary resuscitation.

389.063 Instruction on prevention of suicide.

389.075 Instruction relating to child abuse.

389.080 Instruction in economics of American system of free enterprise.

389.083 American Sign Language: Approval of course work; credit as foreign language.

389.085 Automobile driver education program: Establishment; appropriations; apportionments to school districts and charter schools; restrictions on expenditures.

389.110 Environmental education: Instruction in environmental preservation and protection, principles of ecology and conservation of resources.

389.120 Environmental education: Counseling programs.

389.130 Environmental education: Programs for outdoor education and camping.

389.140 Environmental education: Duties of superintendent of public instruction.

389.170 Course of study: Technology.

389.190 Course of study: Adult roles and responsibilities.".

Amend the title of the bill by deleting the third through sixth lines and inserting:

"with disabilities solely because the child is a disciplinary problem in school; prescribing the academic subjects for public schools; requiring the state board of education to adopt certain courses of study; requiring that pupils be instructed in certain additional subjects relating to American government; repealing certain courses of study; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the first line and inserting:

"SUMMARY—Revises provisions governing education.".

Assemblyman Collins moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 313.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.

The following Senate amendment was read:

Amendment No. 1096.

Amend sec. 2, page 4, by deleting line 23 and inserting:

"provisions set forth as sections 2.5 to 5, inclusive, of this act.".

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. *Notwithstanding the provisions of NRS 392.040 to the contrary, the provisions of sections 3, 4 and 5 of this act apply to all pupils who are less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.*".

Amend sec. 3, page 4, line 24, by deleting "*three*" and inserting "*one*".

Amend sec. 3, page 4, line 33, by deleting "*Submit*" and inserting:

"*If the parent or legal guardian of a pupil has signed a written consent pursuant to subsection 4, submit*".

Amend sec. 3, page 4, between lines 40 and 41 by inserting:

"*4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to sections 4 and 5 of this act. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall report the pupil to a school police officer or to a local law enforcement agency pursuant to paragraph (a) of subsection 2.*".

Amend sec. 5, page 6, between lines 29 and 30 by inserting:

"*6. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.*

7. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or his family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.".

Amend sec. 6, page 7, line 2, by deleting "*alternate,*" and inserting: "*alternate who is also a parent or legal guardian,*".

Amend sec. 8, page 8, line 11, after "*act.*" by inserting:

"*If the chairman of an advisory board divides the advisory board into subcommittees, the chairman shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.*".

Amend sec. 9, page 8, by deleting line 30 and inserting:

"2. ~~[Absence for any part]~~ *An unapproved absence for at least one period, or the equivalent of one*".

Amend sec. 9, page 8, line 31, by deleting "shall" and inserting "~~[shall]~~ *may*".

Amend sec. 9, page 9, between lines 5 and 6, by inserting:

"*6. Notwithstanding the provisions of NRS 392.040 to the contrary, the provisions of this section apply to all pupils who are less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.*".

Amend sec. 10, page 9, line 7, by deleting "~~[three]~~ *five*" and inserting "three".

Amend sec. 10, page 9, between lines 15 and 16 by inserting:

"*3. Notwithstanding the provisions of NRS 392.040 to the contrary, the provisions of this section apply to all pupils who are less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.*".

Amend sec. 11, page 9, line 23, by deleting "a written" and inserting: "manually or electronically a".

Amend sec. 11, page 9, between lines 34 and 35 by inserting:

"*4. Notwithstanding the provisions of NRS 392.040 to the contrary, the provisions of this section apply to all pupils who are less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.*".

Amend the bill as a whole by adding new sections designated sections 11.3 and 11.7, following sec. 11, to read as follows:

"Sec. 11.3. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and 17 years; and

(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. *Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:*

(a) The child is enrolled in a public school; and

(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.

3. Except as otherwise provided in subsection ~~[3.]~~ *4:*

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

~~[3.]~~ *4.* The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school

district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 11.7. NRS 392.360 is hereby amended to read as follows:

392.360 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

(a) Interscholastic contests;

(b) School festivals; or

(c) Other activities properly a part of a school program.

2. *In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:*

(a) Programs for the supervision of children before and after school; and

(b) Other programs or activities that the board of trustees deems appropriate,

regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in ~~[subsection 1]~~ *subsections 1 and 2* is governed by regulations made by the board of trustees, which must not conflict with regulations of the state board . ~~[of education.]~~ Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 392.300 to 392.410, inclusive.

~~[3.]~~ *4.* A driver shall not operate a vehicle for the purposes enumerated in ~~[subsection 1]~~ *subsections 1 and 2* for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he again operates a vehicle for such purposes.

~~[4.]~~ *5.* Before January 1, 1984, the state board ~~[of education]~~ shall adopt regulations to carry out the provisions of subsection ~~[3.]~~ *4.*".

Amend sec. 14, page 11, by deleting lines 25 through 34 and inserting:

"NRS 62.223; ~~[and]~~ *or*

(II) Perform not less than 8 hours but not more than 16 hours of community service in compliance with the provisions of subsection 3; and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for 30 days. If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for 30 days:".

Amend sec. 14, page 12, by deleting line 4 and inserting:

"(II) Perform not more than 10".

Amend sec. 14, page 12, by deleting lines 10 through 13 and inserting:

"child's driver's license for 60 days. If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for 60 days:".

Amend the bill as a whole by deleting sections 15 and 16 and renumbering sections 17 and 18 as sections 15 and 16.

Amend sec. 18, page 13, by deleting line 10 and inserting:

"Sec. 16. 1. This section and sections 1 to 10, inclusive, and 12 to 15, inclusive, of this act become effective on July 1, 1999.

2. Section 11 of this act becomes effective at 12:01 a.m. on July 1, 1999.".

Amend the title of the bill, third line, after "truants;" by inserting:

"providing that an enrolled pupil who is 17 years of age but less than 18 years of age is subject to the truancy statutes; expanding the circumstances under which a school district may permit children to be transported on school buses and vehicles;".

Amend the summary of the bill by deleting the first line and inserting:

"SUMMARY—Makes various changes regarding truancy, discipline and transportation of pupils.".

Assemblyman Collins moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 15.

Remarks by Assemblyman Collins.

Motion carried.

The following Senate amendment was read:

Amendment No. 1122.

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. NRS 392.122 is hereby amended to read as follows:

392.122 1. The board of trustees of each school district shall prescribe a minimum number of days that a pupil who is enrolled in a school in the district must be in attendance for the pupil to be promoted to the next higher grade. *For the purposes of this subsection, the days on which a pupil is not in attendance because the pupil is:*

(a) Physically or mentally unable to attend school; or

(b) Absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130,

must be credited towards the required days of attendance.

2. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.".

Assemblyman Collins moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 15.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No 533.

The following Senate amendment was read:

Amendment No. 824.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 450 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 2. *1. A board of county commissioners may create a hospital district in*".

Amend section 1, page 1, by deleting line 12 and inserting:

"*(e) May borrow money and incur or assume indebtedness pursuant to NRS 450.665.*".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 7 and 8 and adding new sections designated sections 3 through 6, following section 1, to read as follows:

"Sec. 3. *The board of trustees may contract with a public agency or a privately owned hospital to provide the services of a hospital to the residents of the hospital district if it determines that:*

1. There is a need to provide medical services to the residents of the district which are not being provided by the district; or

2. It is less costly or more efficient to provide the services of a hospital to the residents of the district by contracting with a public agency or a privately owned hospital.

Sec. 4. *1. The board of trustees may contract with a company which manages hospitals for the rendering of management services in a district hospital.*

2. The agreement may provide:

(a) That the chief executive officer of the hospital must be an employee of the company which manages the hospital; and

(b) That the hospital may, in accordance with the requirements of section 6 of this act, purchase supplies, materials and equipment through the purchasing contracts of the company which manages the hospital, or through a purchasing group, without complying with the requirements for competitive bidding set forth in chapter 332 of NRS.

Sec. 5. *1. A district hospital may, with the approval of the board of trustees, become a member of a purchasing group for the purpose of purchasing supplies, materials and equipment used by the district hospital.*

2. A district hospital that becomes a member of a purchasing group may, in accordance with the requirements of section 6 of this act, purchase supplies, materials and equipment through the purchasing group without

complying with the requirements for competitive bidding set forth in chapter 332 of NRS.

Sec. 6. *A district hospital that is authorized pursuant to section 4 or 5 of this act to purchase supplies, materials and equipment in accordance with this section through the purchasing contracts of the company that manages the hospital or through a purchasing group may purchase the supplies, materials and equipment without complying with the requirements for competitive bidding set forth in chapter 332 of NRS if:*

1. The documents pertaining to the proposed purchase, including, without limitation, the prices available to the company or purchasing group, are summarized in writing and, together with a sworn statement by an officer or agent of the company or purchasing group that the prices were obtained by the company or purchasing group through a process of competitive bidding, are presented to the board of trustees at its next regularly scheduled meeting; and

2. The board of trustees, after reviewing the summary and statement, finds that the proposed purchase will be made at a lower price than the lowest price reasonably obtainable by the hospital through competitive bidding pursuant to chapter 332 of NRS or available to the hospital pursuant to NRS 333.470 and approves the proposed purchase.".

Amend sec. 2, page 2, line 8, by deleting "*section 1*" and inserting: "*sections 2 to 6, inclusive,*".

Amend sec. 3, page 2, line 40, by deleting "*1*" and inserting "*2*".

Amend the title of the bill, third line, after "circumstances;" by inserting: "authorizing district hospitals to join purchasing groups to purchase supplies, materials and equipment used by the hospital; authorizing district hospitals under certain circumstances to purchase supplies, material and equipment without complying with the Local Government Purchasing Act;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions governing county hospital districts. (BDR 40-1549)".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 533.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 280.

The following Senate amendment was read:

Amendment No. 930.

Amend the bill as a whole by deleting sections 1 through 108 and adding new sections designated sections 1 through 23, following the enacting clause, to read as follows:

"Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Aversive intervention" means the intentional application of any of the following to reduce or modify a specific behavior:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of electric shock;

5. The administration of chemical restraint to a person;

6. Requiring a person to obtain or maintain a physically extreme position, excluding physical restraint;

7. Requiring a person to perform exercise under forced conditions;

8. Any intervention, technique or procedure that deprives a person of the use of one or more of his senses, regardless of the length of the deprivation;

9. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation;

10. The placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise positioned to prevent the person from leaving the room;

11. The use of mechanical restraints on a person for purposes other than to provide proper body alignment to the person; or

12. The use of physical restraint.

Sec. 4. *"Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 5. *"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

Sec. 6. *1. An aversive intervention may be used on a pupil with a disability only if:*

(a) The use of the aversive intervention is part of an individualized plan for behavior modification designed for the pupil by an individualized education program team; and

(b) Less intrusive or restrictive interventions have failed to modify the behavior of the pupil or the behavior of the pupil is so severe that the use of the aversive intervention is in his best interest.

2. A person shall not use an aversive intervention on a pupil with a disability for the sole purpose of causing pain or discomfort to the pupil with a disability or for the convenience of the person using the aversive intervention.

Sec. 7. *1. The board of trustees of each county school district shall form a committee on behavior management, consisting of at least one:*

(a) School psychologist;

(b) Parent of a pupil with a disability attending a school within the school district;

(c) Licensed school nurse; and

(d) Licensed teacher.

2. The committee on behavior management shall work in consultation with a behavioral psychologist.

Sec. 8. *1. The board of trustees of each county school district shall establish a plan for behavior management that identifies the policies and procedures for using, prohibiting and monitoring the use of techniques of behavior modification and behavior management, including the use of aversive interventions. The plan must include, without limitation, a procedure for reporting violations of the policies and procedures established by the plan.*

2. The plan for behavior management must:

(a) Promote the use of positive techniques of behavior modification;

(b) Provide guidelines concerning the relative restrictiveness of a range of techniques of behavior modification, including aversive interventions;

(c) Specify techniques of behavior management, including aversive interventions, to be used as emergency interventions;

(d) Specify the programmatic use of techniques of behavior modification, including aversive interventions;

(e) Prohibit the unauthorized use of techniques of behavior management, including aversive interventions; and

(f) Set forth a process for reviewing violations of the policies and procedures of the plan, and set forth corrective actions, including disciplinary actions for willful violations.

3. A plan for behavior management established pursuant to this section must be approved by the committee on behavior management established by the school district pursuant to section 7 of this act.

Sec. 9. *For the use of techniques of behavior management as emergency interventions, a plan for behavior management established pursuant to section 8 of this act must:*

1. Specify the situations in which techniques of behavior management may be used as emergency interventions. The use of techniques of behavior management in such situations must be related to the protection of the health and safety of:

(a) The pupil with a disability on whom the techniques are used; and

(b) The pupils, teachers and any other persons who are in the immediate vicinity.

2. Specify which techniques of behavior management may be used in each situation.

3. Specify which persons may authorize the application of techniques of behavior management as emergency interventions and which persons may apply such techniques.

4. Provide a procedure for the prompt reporting, in writing, of each incident in which techniques of behavior management are used as emergency interventions. Such reports must be made to the parents of the pupil with a

disability on whom the techniques were used and to the person within the school district who is designated by the plan for behavior management to receive such reports.

5. Provide for the regular review of reports of the use of techniques of behavior management as emergency interventions, including:

(a) When applicable, the attachment to the reports of a statement indicating any actions determined to be necessary to correct inappropriate uses of any techniques of behavior management as emergency interventions.

(b) The creation and maintenance of a cumulative record of the uses of techniques of behavior management as emergency interventions. The cumulative record may include any categories useful in tracking the use of techniques of behavior management as emergency interventions, including, without limitation, the type and frequency of emergency interventions used per pupil, teacher, classroom or school.

(c) The submission of the cumulative reports, including the statement of any corrective actions, to the committee on behavior management for the school district not less often than quarterly.

(d) The submission of a report by the committee on behavior management to the board of trustees of the school district at least once each year, regarding the use of techniques of behavior management as emergency interventions within the school district. The report may include the recommendations of the committee for any changes in the policies or procedures, or both, of the plan for behavior management, relating to the use of such techniques as emergency interventions.

Sec. 10. *For the programmatic use of techniques of behavior modification that would use aversive interventions on a pupil with a disability pursuant to an individualized plan for behavior modification designed for that pupil, a plan for behavior management established pursuant to section 8 of this act must:*

1. Require that the target behavior to be modified be identified in the current individualized education program of the pupil;

2. Require that the current individualized education program of the pupil specify the reason that the target behavior must be modified;

3. Require that the current individualized education program of the pupil describe previous plans for behavior modification that have been applied to the target behavior and the results of those plans as applied;

4. Require that the current individualized education program team, including the parent of the pupil, recommend the use of the aversive intervention before it may be used to modify the target behavior of the pupil; and

5. Specify that the individualized plan for behavior modification using the aversive intervention for the pupil must:

(a) Be designed by a person qualified to design such a plan;

(b) Conform to the plan for behavior management approved by the committee on behavior management;

(c) Be carried out by a person trained to conduct such a plan;

(d) Be monitored continuously, including requiring daily documentation of the response of the pupil with a disability to the plan;

(e) Be reviewed at least monthly by persons qualified to design or review such plans, and, if necessary, revised by the individualized education program team; and

(f) Be reauthorized by the individualized education program team at least quarterly.

Sec. 11. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.520, inclusive ~~[:]~~ *, and sections 2 to 10, inclusive, of this act:*

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 12. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 22, inclusive, of this act.

Sec. 13. *As used in sections 13 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 14 to 17, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 14. *"Aversive intervention" means the intentional application of any of the following to reduce or modify a specific behavior:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of electric shock;

5. The administration of chemical restraint to a person;

6. Requiring a person to obtain or maintain a physically extreme position, excluding physical restraint;

7. Requiring a person to perform exercise under forced conditions;

8. Any intervention, technique or procedure that deprives a person of the use of one or more of his senses, regardless of the length of the deprivation;

9. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation;

10. The placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise positioned to prevent the person from leaving the room;

11. The use of mechanical restraints on a person for purposes other than to provide proper body alignment to the person; or

12. The use of physical restraint.

Sec. 15. *"Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 16. *"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

Sec. 17. *"Pupil with a disability" has the meaning ascribed to in NRS 388.440.*

Sec. 18. *1. An aversive intervention may be used on a pupil with a disability only if:*

(a) The use of the aversive intervention is part of an individualized plan for behavior modification designed for the pupil by an individualized education program team; and

(b) Less intrusive or restrictive interventions have failed to modify the behavior of the pupil or the behavior of the pupil is so severe that the use of the aversive intervention is in his best interest.

2. A person shall not use an aversive intervention on a pupil with a disability for the sole purpose of causing pain or discomfort to the pupil with a disability or for the convenience of the person using the aversive intervention.

Sec. 19. *1. The governing body of each private school shall form a committee on behavior management, consisting of at least one:*

(a) School psychologist;

(b) Parent of a pupil with a disability attending the private school;

(c) Licensed school nurse; and

(d) Licensed teacher.

2. The committee on behavior management shall work in consultation with a behavioral psychologist.

Sec. 20. *1. The governing body of each private school shall establish a plan for behavior management that identifies the policies and procedures for using, prohibiting and monitoring the use of techniques of behavior modification and behavior management, including the use of aversive interventions. The plan must include, without limitation, a procedure for reporting violations of the policies and procedures established by the plan.*

2. The plan for behavior management must:

(a) Promote the use of positive techniques of behavior modification;

(b) Provide guidelines concerning the relative restrictiveness of a range of techniques of behavior modification, including aversive interventions;

(c) Specify techniques of behavior management, including aversive interventions, to be used as emergency interventions;

(d) Specify the programmatic use of techniques of behavior modifications, including aversive interventions;

(e) Prohibit the unauthorized use of techniques of behavior management, including aversive interventions; and

(f) Set forth a process for reviewing violations of the policies and procedures of the plan, and set forth corrective actions, including disciplinary actions for willful violations.

3. A plan for behavior management established pursuant to this section must be approved by the committee on behavior management established pursuant to section 19 of this act.

Sec. 21. *For the use of techniques of behavior management as emergency interventions, a plan for behavior management established pursuant to section 20 of this act must:*

1. Specify the situations in which techniques of behavior management may be used as emergency interventions. The use of techniques of behavior management in such situations must be related to the protection of the health and safety of:

(a) The pupil with a disability on whom the techniques are used; and

(b) The pupils, teachers and any other persons who are in the immediate vicinity.

2. Specify which techniques of behavior management may be used in each situation.

3. Specify which persons may authorize the application of techniques of behavior management as emergency interventions and which persons may apply such techniques.

4. Provide a procedure for the prompt reporting, in writing, of each incident in which techniques of behavior management are used as emergency interventions. Such reports must be made to the parents of the pupil with a disability on whom the techniques were used and to the person within the private school who is designated by the plan for behavior management to receive such reports.

5. Provide for the regular review of reports of the use of techniques of behavior management as emergency interventions, including:

(a) When applicable, the attachment to the reports of a statement indicating any actions determined to be necessary to correct inappropriate uses of any techniques of behavior management as emergency interventions.

(b) The creation and maintenance of a cumulative record of the uses of techniques of behavior management as emergency interventions. The cumulative record may include any categories useful in tracking the use of techniques of behavior management as emergency interventions, including, without limitation, the type and frequency of emergency interventions used per pupil, teacher, classroom or school.

(c) The submission of the cumulative reports, including the statement of any corrective actions, to the committee on behavior management for the private school not less often than quarterly.

(d) The submission of a report by the committee on behavior management to the governing body of the private school at least once each year, regarding the use of techniques of behavior management as emergency interventions at the private school. The report may include the recommendations of the committee for any changes in the policies or procedures, or both, of the plan for behavior management, relating to the use of such techniques as emergency interventions.

Sec. 22. *For the programmatic use of techniques of behavior modification that would use aversive interventions on a pupil with a disability pursuant to an individualized plan for behavior modification designed for that pupil, a plan for behavior management established pursuant to section 20 of this act must:*

1. Require that the target behavior to be modified be identified in the current individualized education program of the pupil;

2. Require that the current individualized education program of the pupil specify the reason that the target behavior must be modified;

3. Require that the current individualized education program of the pupil describe previous plans for behavior modification that have been applied to the target behavior and the results of those plans as applied;

4. Require that the current individualized education program team, including the parent of the pupil, recommend the use of the aversive intervention before it may be used to modify the target behavior of the pupil; and

5. Specify that the individualized plan for behavior modification using the aversive intervention for the pupil must:

(a) Be designed by a person qualified to design such a plan;

(b) Conform to the plan for behavior management approved by the committee on behavior management;

(c) Be carried out by a person trained to conduct such a plan;

(d) Be monitored continuously, including requiring daily documentation of the response of the pupil with a disability to the plan;

(e) Be reviewed at least monthly by persons qualified to design or review such plans, and, if necessary, revised by the individualized education program team; and

(f) Be reauthorized by the individualized education program team at least quarterly.

Sec. 23. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.".

Amend the preamble of the bill, page 1, line 6, by deleting:

"is entitled to" and inserting:

"should, wherever possible,".

Amend the preamble of the bill, page 1, line 11, by deleting:

"is entitled to" and inserting:

"should, wherever possible, have".

Amend the title of the bill to read as follows:

"AN ACT relating to pupils with disabilities; prohibiting the use of aversion interventions as techniques of behavior management on pupils with disabilities in certain circumstances; requiring the board of trustees of each county school district and the governing body of each private school to establish a committee on behavior management; defining the duties of such a committee; requiring each such board of trustees and governing body to

establish a plan for behavior management to identify policies and procedures for using, prohibiting and monitoring techniques of behavior modification and behavior management; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to use of techniques of behavior modification and behavior management, including aversive interventions, on pupils with disabilities. (BDR 34-286)".

Assemblywoman Freeman moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 280.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

The following Senate amendment was read:

Amendment No. 970.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 12 as sections 3 through 11.

Amend the title of the bill by deleting the second and third lines and inserting:

"redevelopment agency in certain counties; authorizing the creation of advisory councils for redevelopment within".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 306.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 318.

The following Senate amendment was read:

Amendment No. 963.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may donate personal property that is owned by the county, but is no longer needed by the county, to a private organization, not for profit, or another governmental entity to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

2. A donation to a private organization or governmental entity must be made by resolution which must specify:

(a) The purpose of the donation; and

(b) Any conditions or other limitations upon its use.".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 6 and 7 and adding new sections designated sections 3 through 5, following section 1, to read as follows:

"Sec. 3. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. *1. A city council or other governing body of an incorporated city may expend money for any purpose which will provide a substantial benefit to the inhabitants of the city. The city council or other governing body may grant all or part of the money to a private nonprofit organization to be expended for the selected purpose.*

2. A grant to a private organization must be made by resolution which must specify:

(a) The purpose of the grant;

(b) The maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon its expenditure.

Sec. 5. *1. A city council or other governing body of an incorporated city may donate personal property that is owned by the city, but is no longer needed by the city, to a private nonprofit organization or another governmental entity to be used for any purpose which will provide a substantial benefit to the inhabitants of the city.*

2. A donation to a private organization or governmental entity must be made by resolution which must specify:

(a) The purpose of the donation; and

(b) Any conditions or other limitations upon its use.".

Amend the title of the bill to read as follows:

"AN ACT relating to local government; authorizing a county to donate certain personal property to a private nonprofit organization or governmental entity; specifying the contents and requiring the recordation of an agreement pursuant to which a board of county commissioners or governing body of a city conveys certain property to a nonprofit organization for use as affordable housing; authorizing a county or city to take certain actions if a nonprofit organization or its assignee fails to use the property to provide affordable housing pursuant to such an agreement; authorizing a city to grant public money and donate certain personal property to a private nonprofit organization or governmental entity; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes regarding conveyance of certain money and property by county or city to nonprofit organization or governmental entity. (BDR 20-227)".

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 318.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

The following Senate amendment was read:

Amendment No. 966.

Amend the bill as a whole by deleting sections 3 and 4 and adding:

"Secs. 3 and 4. (Deleted by amendment.)".

Amend sec. 7, pages 4 and 5, by deleting lines 28 through 43 on page 4 and lines 1 through 20 on page 5, and inserting:

"consisting of:

(a) Three members from the local planning commission of each city in the county whose population is 40,000 or more, appointed by the respective governing bodies of those cities;

(b) One member from the local planning commission of each city in the county whose population is less than 40,000, appointed by the respective governing bodies of those cities; and

(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is 40,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

4. A member of the commission must be compensated at the rate of ~~[$40]~~ *$80* per meeting or ~~[$200]~~ *$400* per month, whichever is less.".

Amend the bill as a whole by deleting sec. 8.5 and adding:

"Sec. 8.5. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 10 and 11 and adding:

"Secs. 10 and 11. (Deleted by amendment.)".

Amend the title of the bill by deleting the second through seventh lines and inserting:

"improvements; expanding the contents of a comprehensive regional plan; requiring members of the regional planning commission to complete certain training; authorizing".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 424.

Remarks by Assemblyman Bache.

Motion carried.

Amendment No. 1115.

Amend sec. 6, page 2, line 29, by deleting:

"*university, community college*".

Amend sec. 6, page 2, by deleting lines 34 and 35 and inserting:

"(a) A state agency; or".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 424.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 530.

The following Senate amendment was read:

Amendment No. 822.

Amend section 1, page 1, by deleting lines 9 through 13 and inserting:

"3. Meetings of the veterans' services commission must ~~[alternate between the city in which the office of the executive director is located and]~~ *be held:*

(a) In Las Vegas ~~[.]~~ *;*

(b) In Reno; or

(c) At any other location if conducted by teleconference.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 530.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 569.

The following Senate amendment was read:

Amendment No. 967.

Amend section 1, page 2, line 4, by deleting "by mail".

Amend section 1, page 2, by deleting line 16 and inserting:

"The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must".

Amend section 1, page 2, line 27, by deleting "by mail".

Amend section 1, page 2, by deleting line 39 and inserting:

"The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must".

Amend section 1, page 3, by deleting lines 4 and 5 and inserting:

"5. If a notice is required to be sent pursuant to subsection 4:

(a) The exterior of a notice sent by mail; or

(b) The cover sheet, heading or subject line of a notice sent by electronic means,

must bear a statement in at least 10-point bold type or font in substantially the".

Amend section 1, page 3, line 10, by deleting "mailing" and inserting "sending".

Amend section 1, page 3, line 40, after "*district*" by inserting:

"*in a county whose population is 400,000 or more*".

Amend section 1, page 4, line 7, by deleting "*the county*" and inserting:

"*a county whose population is 400,000 or more*".

Amend section 1, page 4, line 10, by deleting:

"*the approval of*" and inserting:

"*sending a notice to*".

Amend section 1, page 4, line 11, after "*city.*" by inserting:

"*The governing body of the city, or its designee, must submit any recommendations to the governing body of the county within 15 days after receiving the notice. The governing body of the county shall consider any such recommendations. If the governing body of the county does not accept a recommendation, the governing body of the county, or its authorized agent, shall specify for the record the reasons for its action.*".

Amend the bill as a whole by adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Section 3 of Senate Bill No. 121 of this session is hereby amended to read as follows:

Sec. 3. NRS 278.260 is hereby amended to read as follows:

278.260 1. The governing body shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts are determined, established, enforced and amended.

2. A zoning regulation, restriction or boundary must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region; and

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question,

at least 10 days before the hearing.

3. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 400,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 300 feet of the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change ~~[.]~~ *, must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change.* If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment.

4. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 500 feet from the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change ~~[.]~~ *, must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change.* If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment.

5. If a notice is required to be sent pursuant to subsection 4:

(a) The exterior of a notice sent by mail; or

(b) The cover sheet, heading or subject line of a notice sent by electronic means,

must bear a statement in at least 10-point bold type or font in substantially the following form:

OFFICIAL NOTICE OF PUBLIC HEARING

6. In addition to sending the notice required pursuant to subsection 4, in a county whose population is 400,000 or more, the governing body shall, ~~[no]~~ *not* later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(a) The existing zoning designation of the property in question;

(b) The proposed zoning designation of the property in question;

(c) The date, time and place of the public hearing;

(d) A telephone number which may be used by interested persons to obtain additional information; and

(e) A statement which indicates whether the proposed zoning designation of the property in question complies with the requirements of the master plan of the city or county in which the property is located.

7. A sign required pursuant to subsection 6 is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

8. A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the actual costs resulting from the mailed notice required by this section and the erection of not more than one of the signs required by subsection 6, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

9. The governing body shall remove or cause to be removed any sign required by subsection 6 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

10. If a proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more that would reduce the density or intensity with which a parcel of land may be used and at least 20 percent of the property owners to whom notices were sent pursuant to subsections 3 and 4 indicate in their responses opposition to the proposed amendment, the governing body shall not approve the proposed amendment unless the governing body:

(a) Considers separately the merits of each aspect of the proposed amendment to which the owners expressed opposition; and

(b) Makes a written finding that the public interest and necessity will be promoted by approval of the proposed amendment.

11. The governing body of a county whose population is 400,000 or more shall not approve a zoning regulation, restriction or boundary, or the amendment thereof, that affects any unincorporated area of the county that is surrounded completely by the territory of an incorporated city without sending a notice to the governing body of the city. The governing body of the city, or its designee, must submit any recommendations to the governing body of the county within 15 days after receiving the notice. The governing body of the county shall consider any such recommendations. If the governing body of the county does not accept a recommendation, the governing body of the county, or its authorized agent, shall specify for the record the reasons for its action.

Sec. 3. 1. This section and section 1 of this act become effective at 12:01 a.m. on October 1, 1999.

2. Section 2 of this act becomes effective at 12:02 a.m. on October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to zoning; revising the type of notice that certain governing bodies must provide for certain proposed amendments to the boundary of a zoning district; revising the requirements for the approval of an amendment of the boundary of a zoning district in certain circumstances; requiring the governing body of certain counties to give notice to the governing body of a city of zoning regulations, restrictions or boundaries or amendments thereof in certain unincorporated areas; and providing other matters properly relating thereto.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 569.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 604.

The following Senate amendment was read:

Amendment No. 968.

Amend sec. 13, page 5, by deleting lines 25 through 29 and inserting:

"*provisions of sections 2 to 15, inclusive, of this act.*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 604.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Joint Resolution No. 1.

The following Senate amendment was read:

Amendment No. 1012.

Amend the resolution, page 2, by deleting lines 34 through 40 and inserting:

"Nellis Air Force Range indefinitely, provided that:

1. If the range or any portion thereof ceases to be used for such purposes, the range or that portion which is no longer used for such purposes would revert to the State of Nevada for economic development or other purposes that the state determines are compatible with the character of the land;

2. The Federal Government will be responsible for any environmental cleanup of the range that may be required; and

3. The United States Air Force will provide periodic reports, every 5 years, to the Congress and the state, with continued public involvement and input, to:

(a) Determine whether continued operation of the range is necessary;

(b) Assess any damage to the environment of areas within the range; and

(c) Consider the possibility of authorizing other uses of the land within the range by residents of this state; and be it further".

Amend the preamble of the resolution, page 1, line 14, by deleting:

"25 years or".

Amend the preamble of the resolution, page 2, by deleting lines 24 through 30 and inserting:

"WHEREAS, The Nellis Air Force Range has contributed significantly to the economy of this state, and the State of Nevada supports the use of the range for purposes directly related to the operation of the Nellis Air Force Base; now, therefore, be it".

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION—Urging Congress to authorize the withdrawal by the United States Air Force of the public land within the Nellis Air Force Range for an indefinite period subject to certain conditions.".

Amend the summary of the resolution to read as follows:

"SUMMARY—Urges Congress to authorize withdrawal by United States Air Force of public land within Nellis Air Force Range for indefinite period subject to certain conditions. (BDR R-1060)".

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Joint Resolution No. 1.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 610.

The following Senate amendment was read:

Amendment No. 1003.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section, designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 623.270 is hereby amended to read as follows:

623.270 1. The board may place the holder of any certificate of registration issued pursuant to this chapter on probation, reprimand him, fine him not more than $10,000, suspend or revoke his license, impose the costs of investigation and prosecution upon him or take any combination of these disciplinary actions, if proof satisfactory to the board is presented that:

(a) The certificate was obtained by fraud or concealment of a material fact.

(b) The holder of the certificate has been found guilty by the board or by a court of justice of any fraud, deceit or concealment of a material fact in his professional practice, or has been convicted by a court of justice of a crime involving moral turpitude.

(c) The holder of the certificate has been found guilty by the board of incompetency, negligence or gross negligence in:

(1) The practice of architecture or residential design; or

(2) His practice as a registered interior designer.

(d) ~~[The]~~ *Except as otherwise provided in subparagraph (3) of paragraph (e) of subsection 1 of NRS 623.330, the* holder of a certificate has affixed his signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by him or in his office, or under his direct supervision, or has permitted the use of his name to assist any person who is not a registered architect, registered interior designer or residential designer to evade any provision of this chapter.

(e) The holder of a certificate has aided or abetted any unauthorized person to practice:

(1) Architecture or residential design; or

(2) As a registered interior designer.

(f) The holder of the certificate has violated any law, regulation or code of ethics pertaining to:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer.

(g) The holder of a certificate has failed to comply with an order issued by the board or has failed to cooperate with an investigation conducted by the board.

If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.

2. The conditions for probation imposed pursuant to subsection 1 may include, but are not limited to:

(a) Restriction on the scope of professional practice.

(b) Peer review.

(c) Required education or counseling.

(d) Payment of restitution to all parties who suffered harm or loss.

(e) Payment of all costs of the administrative investigation and prosecution.

3. As used in this section:

(a) "Gross negligence" means conduct which demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct which, in:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer,

demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in:

(1) The profession of architecture or residential design; or

(2) Practice as a registered interior designer.".

Amend section 1, page 2, by deleting line 4 and inserting:

"*employer who will, as applicable, stamp and take responsibility for all construction documents for work on that building.*".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 610.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

The following Senate amendment was read:

Amendment No. 1119.

Amend the bill as a whole by deleting sections 1 through 24 and adding new sections designated sections 1 through 12, following the enacting clause, to read as follows:

"Section 1. NRS 598.0905 is hereby amended to read as follows:

598.0905 "Advertisement" means the attempt by publication, dissemination, solicitation or circulation to induce, directly or indirectly, any person to enter into any obligation *to lease* or to acquire any title or interest in any property.

Sec. 2. NRS 598.0915 is hereby amended to read as follows:

598.0915 A person engages in a "deceptive trade practice" if, in the course of his business or occupation, he:

1. Knowingly passes off goods or services *for sale or lease* as those of another.

2. Knowingly makes a false representation as to the source, sponsorship, approval or certification of goods or services ~~[.]~~ *for sale or lease.*

3. Knowingly makes a false representation as to affiliation, connection, association with or certification by another.

4. Uses deceptive representations or designations of geographic origin in connection with goods or services ~~[.]~~ *for sale or lease.*

5. Knowingly makes a false representation as to the characteristics, ingredients, uses, benefits, alterations or quantities of goods or services *for*

sale or lease or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith.

6. Represents that goods *for sale or lease* are original or new if he knows or should know that they are deteriorated, altered, reconditioned, reclaimed, used or secondhand.

7. Represents that goods or services *for sale or lease* are of a particular standard, quality or grade, or that *such* goods are of a particular style or model, if he knows or should know that they are of another.

8. Disparages the goods, services or business of another by false or misleading representation of fact.

9. Advertises goods or services with intent not to sell *or lease* them as advertised.

10. Advertises goods or services *for sale or lease* with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity.

11. Advertises under the guise of obtaining sales personnel when in fact the purpose is to first sell *or lease* goods or services to the sales personnel applicant.

12. Makes false or misleading statements of fact concerning the price of goods or services ~~[,]~~ *for sale or lease,* or the reasons for, existence of or amounts of price reductions.

13. Fraudulently alters any contract, written estimate of repair, written statement of charges or other document in connection with the ~~[provision]~~ *sale or lease* of goods or services.

14. Knowingly makes any other false representation in a transaction.

Sec. 3. NRS 598.0917 is hereby amended to read as follows:

598.0917 A person engages in a "deceptive trade practice" when in the course of his business or occupation he employs "bait and switch" advertising, which consists of an offer to sell *or lease* goods or services which the seller *or lessor* in truth may not intend or desire to sell ~~[,]~~ *or lease,* accompanied by one or more of the following practices:

1. Refusal to show the goods advertised.

2. Disparagement in any material respect of the advertised goods or services or the terms of sale ~~[,]~~ *or lease.*

3. Requiring other sales or other undisclosed conditions to be met before selling *or leasing* the advertised goods or services.

4. Refusal to take orders for the *sale or lease of* goods or services advertised for delivery within a reasonable time.

5. Showing or demonstrating defective goods *for sale or lease* which are unusable or impractical for the purposes set forth in the advertisement.

6. Accepting a deposit for the goods or services *for sale or lease* and subsequently switching the purchase order *or lease* to higher priced goods or services.

7. Tendering a lease of goods advertised for sale or a sale of goods advertised for lease or tendering terms of sale or lease less favorable than the terms advertised.

Sec. 4. NRS 598.092 is hereby amended to read as follows:

598.092 A person engages in a "deceptive trade practice" when in the course of his business or occupation he:

1. Knowingly fails to identify goods *for sale or lease as being* damaged by water.

2. Solicits by telephone or door to door as a *lessor or* seller, unless the *lessor or* seller identifies himself, whom he represents and the purpose of his call within 30 seconds after beginning the conversation.

3. Knowingly states that services, replacement parts or repairs are needed when no such services, replacement parts or repairs are actually needed.

4. Fails to make delivery of goods or services *for sale or lease* within a reasonable time or to make a refund for the goods or services, if he allows refunds.

5. Advertises or offers an opportunity for investment and:

(a) Represents that the investment is guaranteed, secured or protected in a manner which he knows or has reason to know, is false or misleading;

(b) Represents that the investment will earn a rate of return which he knows or has reasons to know is false or misleading;

(c) Makes any untrue statement of a material fact or omits to state a material fact which is necessary to make another statement, considering the circumstances under which it is made, not misleading;

(d) Fails to maintain adequate records so that an investor may determine how his money is invested;

(e) Fails to provide information to an investor after a reasonable request for information concerning his investment;

(f) Fails to comply with any law or regulation for the marketing of securities or other investments; or

(g) Represents that he is licensed by an agency of the state to sell or offer for sale investments or services for investments if he is not so licensed.

6. Charges a fee for advice with respect to investment of money and fails to disclose:

(a) That he is selling *or offering to lease* goods or services and, if he is, their identity; or

(b) That he is licensed by an agency of any state or of the United States to sell or to offer for sale investments or services for investments, or holds any other license related to the service he is providing.

7. Notifies any person, by any means, as a part of an advertising plan or scheme, that he has won a prize and that as a condition of receiving the prize he must purchase or ~~[rent]~~ *lease* goods or services.

8. Fails to inform customers, if he does not allow refunds or exchanges, that he does not allow refunds or exchanges by:

(a) Printing a statement on the face of the *lease or* sales receipt;

(b) Printing a statement on the face of the price tag; or

(c) Posting in an open and conspicuous place a sign at least 8 by 10 inches in size with boldface letters,

specifying that no refunds or exchanges are allowed.

Sec. 5. NRS 598.0923 is hereby amended to read as follows:

598.0923 A person engages in a "deceptive trade practice" when in the course of his business or occupation he knowingly:

1. Conducts the business or occupation without all required state, county or city licenses.

2. Fails to disclose a material fact in connection with the sale *or lease* of goods or services.

3. Violates a state or federal statute or regulation relating to the sale or lease of goods or services.

4. Uses coercion, duress or intimidation in a transaction.

Sec. 6. NRS 482.351 is hereby amended to read as follows:

482.351 1. No vehicle dealer or rebuilder may *employ "bait and switch" advertising or otherwise* intentionally publish, display or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold, *leased,* manufactured, handled or furnished to the public.

2. The director ~~[, after hearing, may adopt such rules and]~~ *shall adopt such* regulations as may be necessary for making the administration of this section effective.

3. As used in this section, "bait and switch" advertising consists of an offer to sell goods or services which the seller in truth may not intend or desire to sell, accompanied by one or more of the following practices:

(a) Refusal to show the goods advertised.

(b) Disparagement in any material respect of the advertised goods or services or the terms of sale.

(c) Requiring other sales or other undisclosed conditions to be met before selling the advertised goods or services.

(d) Refusal to take orders for the goods or services advertised for delivery within a reasonable time.

(e) Showing or demonstrating defective goods which are unusable or impractical for the purposes set forth in the advertisement.

(f) Accepting a deposit for the goods or services and subsequently switching the purchase order to higher priced goods or services.

Sec. 7. NRS 482.36395 is hereby amended to read as follows:

482.36395 No motor vehicle manufacturer, distributor, factory branch or representative thereof may:

1. Encourage, aid or abet a dealer to sell *or lease* motor vehicles through any false, deceptive or misleading sales or financing practice.

2. Refuse to deliver an order of a dealer within 60 days after the order is received in writing unless the inability to deliver the order is caused by shortage or curtailment of material, labor, production capacity, transportation

or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the motor vehicle manufacturer or distributor.

3. Coerce, compel or otherwise require any dealer to pay over or to repay any amount of money or other consideration which is in substantiation of or repayment for any advertising, ~~[promotion]~~ *promotional* activity or scheme, or method of implementing the sale *or lease* of motor vehicles.

4. Demand or require, directly or indirectly, a dealer to pay any amount of money which is projected or proposed for the advertisement, display or promotion of any motor vehicle which is being sold *or leased* pursuant to a franchise, unless the dealer has agreed thereto in writing.

5. Demand or require, directly or indirectly, a dealer to comply with standards which exceed commonly accepted business practices within the automotive industry relating to sales *, leases* or service of motor vehicles.

6. Based solely upon the results of a survey of a dealer's customers conducted by or on behalf of a motor vehicle manufacturer which is intended or otherwise purports to measure the performance of a dealer:

(a) Discriminate, directly or indirectly, against a dealer; or

(b) Take any action to terminate a dealer's franchise.

This subsection does not prohibit a motor vehicle manufacturer, distributor, factory branch or representative thereof from conducting a contest or other award program to recognize the performance of a dealer based on reasonable criteria relating to sales *, leases* or service of motor vehicles.

Sec. 8. NRS 616C.205 is hereby amended to read as follows:

616C.205 Except as otherwise provided in this section and NRS 31A.150 and 31A.330, compensation payable *or paid* under chapters 616A to 616D, inclusive, or chapter 617 of NRS, whether determined or due, or not, is not, before the issuance and delivery of the check, assignable, is exempt from attachment, garnishment and execution, and does not pass to any other person by operation of law. In the case of the death of an injured employee covered by chapters 616A to 616D, inclusive, or chapter 617 of NRS from causes independent from the injury for which compensation is payable, any compensation due the employee which was awarded or accrued but for which a check was not issued or delivered at the date of death of the employee is payable to his dependents as defined in NRS 616C.505.

Sec. 9. NRS 651.030 is hereby amended to read as follows:

651.030 1. Every *owner or* keeper of any hotel, inn, motel or motor court in this state shall ~~[post,]~~ *:*

(a) Post in a conspicuous place in the office and in every bedroom of ~~[such establishment,]~~ *the establishment* a printed copy of this section and NRS 651.010 and 651.020 ~~[and a]~~ *; and*

(b) Maintain a printed statement of *the* charge or rate of charges by the day for lodging ~~[.]~~ *and make the statement available for viewing, upon request, at the registration desk or an equivalent location in the establishment.*

2. No charge or sum ~~[shall]~~ *may* be collected for any greater or other sum than ~~[he]~~ *the owner or keeper* is entitled to ~~[by]~~ *charge pursuant to* the general rules and regulations of ~~[such]~~ *the* establishment.

3. For any violation of this section, or any provision herein contained, the offender shall forfeit to the injured party 3 times the amount of the sum charged in excess of what he is entitled to charge.

Sec. 10. NRS 651.040 is hereby amended to read as follows:

651.040 1. As used in this section, unless the context otherwise requires:

(a) "Establishment" means any hotel, motel, inn or motor court.

(b) "Owner" or "keeper" means any person, firm, association or corporation.

(c) "Rates" means the total charge levied at the establishment for rooms or accommodations.

2. ~~[Pursuant to NRS 651.030, every owner or keeper of any hotel, inn, motel or motor court in this state shall post, in a conspicuous place in the office and in every bedroom of the establishment, a printed copy of a statement of charge or rate of charges by the day for lodging.]~~ The rates ~~[posted in the office and every bedroom of the establishment must display]~~ *listed on the printed statement required to be maintained by an owner or keeper of an establishment pursuant to NRS 651.030 must include* the daily rate of the room for occupancy by one person, for occupancy by two persons, the additional charge, if any, for each person over two persons and the additional charge, if any, for each additional bed provided in the room. Every establishment shall maintain a registration card for each room and supply the person or persons registering for accommodations a receipt. Both the registration card and the receipt must reflect the type of accommodations supplied, the number of persons occupying the accommodation and the rate charged each person therefor. An establishment shall not charge more than the ~~[posted rates, or require as a condition of securing accommodations that any person pay for a greater number of days than actually requested or that the accommodations are actually occupied by the person or persons.]~~ *rates listed on the printed statement required to be maintained by an owner or keeper of an establishment pursuant to NRS 651.030.*

3. For any violation of this section, or any provision herein contained, the offender shall forfeit to the injured party 3 times the amount of the sum charged in excess of what he is entitled to charge.

4. Any owner or keeper of any establishment who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 11. The amendatory provisions of sections 9 and 10 of this act do not apply to offenses that were committed before the effective date of those sections.

Sec. 12. 1. This section and sections 9, 10 and 11 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective on October 1, 1999.

3. Section 8 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill by deleting the second through fourth lines and inserting:

"additional deceptive trade practices; extending the exemption of workers' compensation benefits from creditors; requiring an owner or keeper of a hotel, inn, motel or motor court to maintain a printed statement of the charge or rate of charges by the day for lodging and to make that statement available upon request; eliminating the requirement that the rates be posted in every bedroom of the establishment; eliminating the provisions that prohibit such an establishment from requiring a person to pay for a greater number of days than actually requested to secure accommodations; providing a penalty; and providing other matters properly".

Amend the summary of the bill by deleting the first line and inserting:

"SUMMARY-Revises protections provided to individual buyers, lessees, guests of public accommodations and".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 431.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

The following Senate amendment was read:

Amendment No. 810.

Amend sec. 2, page 3, by deleting lines 27 through 33 and inserting:

"*1. Members of a county law enforcement agency, or if the county is within the jurisdiction of a metropolitan police department, the members of the metropolitan police department, may patrol and provide for the public safety:*

(a) Within the common areas of a mobile home park that is located within the unincorporated area of the county and into or upon which the public is admitted by easement, license or otherwise; and

(b) With the permission of the manager of such a mobile home park, within other areas of the mobile home park.

2. As used in this section:

(a) "Manager" has the meaning ascribed to it in NRS 118B.0145; and

(b) "Mobile home park" has the meaning".

Amend sec. 3, pages 3 and 4, by deleting lines 37 through 42 on page 3 and line 1 on page 4, and inserting:

"*1. Members of the law enforcement agency of an incorporated city, or if the incorporated city is within the jurisdiction of a metropolitan police*

department, the members of the metropolitan police department, may patrol and provide for the public safety:

(a) Within the common areas of a mobile home park that is located within the incorporated city and into or upon which the public is admitted by easement, license or otherwise; and

(b) With the permission of the manager of such a mobile home park, within other areas of the mobile home park.

2. As used in this section:

(a) "Manager" has the meaning ascribed to it in NRS 118B.0145; and

(b) "Mobile home park" has the meaning".

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

"authority for law enforcement agencies of certain cities and counties or the metropolitan police department to patrol certain areas within mobile home parks under certain circumstances; and providing other matters properly".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 195.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 486.

The following Senate amendment was read:

Amendment No. 1108.

Amend sec. 7, page 3, line 24, by deleting "14," and inserting "15,".

Amend sec. 8, page 3, line 25, by deleting "*14,*" and inserting "*15,*".

Amend the bill as a whole by deleting sec. 11, renumbering sections 9 and 10 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. *"Business" means a trade or occupation conducted for profit.*".

Amend sec. 10, page 3, line 33, after "*powers.*" by inserting:

"*The term does not include an ordinance, regulation, resolution or other type of instrument by the adoption of which the governing body of a local government exercises legislative powers authorized pursuant to chapter 271, 278, 278A or 278B of NRS.*".

Amend sec. 11.5, page 3, line 36, by deleting "*14,*" and inserting "*15,*".

Amend sec. 11.5, page 3, by deleting line 40 and inserting:

"*pursuant to a federal or state statute or regulation or pursuant to a contract or agreement into which the local government has entered.*".

Amend sec. 12, page 4, line 3, by deleting "*small*".

Amend sec. 12, page 4, line 5, by deleting "*small*".

Amend sec. 12, page 4, line 9, by deleting "*small*".

Amend sec. 12, page 4, line 10, by deleting "*small*".

Amend sec. 12, page 4, by deleting line 12 and inserting:

"*(a) Insofar as practicable, consult with trade associations or owners and officers of*".

Amend sec. 12, page 4, line 15, by deleting "*small*".

Amend sec. 12, page 4, line 17, by deleting "*small*".

Amend sec. 12, page 4, line 19, by deleting "*small*".

Amend sec. 12, page 4, line 21, by deleting "*small*".

Amend sec. 13, page 4, line 24, by deleting "*small*".

Amend sec. 13, page 4, line 27, by deleting "*small*".

Amend sec. 13, page 4, line 30, by deleting "*small*".

Amend sec. 13, page 4, line 36, by deleting "*small*".

Amend sec. 14, page 5, line 5, by deleting "*small*".

Amend sec. 14, page 5, line 8, by deleting "*90*" and inserting "*30*".

Amend sec. 14, page 5, line 13, by deleting "*small*".

Amend sec. 14, page 5, line 15, by deleting "*small*".

Amend sec. 14, page 5, line 17, by deleting "*small*".

Amend sec. 14, page 5, line 21, by deleting "*small*".

Amend sec. 14, page 5, between lines 22 and 23, by inserting:

"*4. Each governing body of a local government shall provide a procedure for an aggrieved business to object to a rule adopted by the governing body. The procedure must be filed with the clerk of the local government and available upon request at no charge.*".

Amend the bill as a whole by renumbering sec. 15 as sec. 16 and adding a new section designated sec. 15, following sec. 14, to read as follows:

"Sec. 15. *The governing body of a local government may adopt a rule without complying with the provisions of sections 8 to 14, inclusive, of this act if the governing body declares, by unanimous vote, that emergency action is necessary to protect public health and safety. Such a rule may remain in effect for not more than 6 months after the date on which it was adopted.*".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to administrative procedure affecting businesses; requiring certain governmental entities to consider the impact on small businesses of regulations promulgated by the governmental entity; requiring local governmental entities to consider the impact on businesses of certain rules promulgated by the governmental entity; and".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain governmental entities to consider impact of regulations on small businesses and rules on businesses. (BDR 18-1297)".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 486.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 39.

The following Senate amendment was read:

Amendment No. 1085.

Amend the bill as a whole by adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. NRS 405.030 is hereby amended to read as follows:

405.030 1. Except *as otherwise provided in subsection 3 and except* within the limits of any city or town through which the highway may run, and on benches and shelters for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, or 268.081 and 268.083, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure, or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

(a) Within any right of way of any state highway or road which is owned or controlled by the department of transportation.

(b) Within 20 feet of the main traveled way of any unimproved highway.

(c) On the property of another within view of any such highway, without the owner's written consent.

2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the department of transportation.

3. A tenant of a mobile home park may exhibit a political sign within a right of way of a state highway or road which is owned or controlled by the department of transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in section 1 of this act. As used in this subsection, the term "political sign" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, or 268.081 and 268.083, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in ~~[subsection 3,]~~ *subsections 3 and 4,* be placed within the highway right of way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the department of transportation, counties, towns or cities of this state may place at such points as are designated by the director of the department of transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The department of transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the department of transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least one acre of the property for the construction or maintenance, or both, of the highway over which he is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. *A tenant of a mobile home park may exhibit a political sign within a right of way of a state highway or road which is owned or controlled by the department of transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in section 1 of this act. As used in this subsection, the term "political sign" has the meaning ascribed to it in section 1 of this act.*

5. If any such sign is placed in violation of this section it is thereby declared a public nuisance and may be removed forthwith by the department of transportation or the public authority.

~~[5.]~~ *6.* Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than $250, and is also

liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.".

Amend the title of the bill, third line, after "circumstances;" by inserting:
"authorizing a tenant to exhibit a political sign within the right of way of a highway under certain circumstances;".

Amend the summary of the bill, third line, by deleting the period and inserting:
"and authorizes tenant to exhibit political sign in right of way of highway under certain circumstances.".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 39.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 633.

The following Senate amendment was read:

Amendment No. 877.

Amend section 1, page 1, line 2, by deleting:
"2, 3 and 4" and inserting:
"2 to 4.5, inclusive,".

Amend sec. 3, page 2, line 2, by deleting "*four*" and inserting "*two*".

Amend sec. 3, page 2, lines 5 and 6, by deleting:
"*who wishes to have his license issued in an expedited manner*".

Amend sec. 3, page 2, between lines 8 and 9, by inserting:

"*3. In addition to the fee required pursuant to subsection 1, the applicant shall reimburse the board for the actual costs and expenses incurred by the board in processing the application.*

4. The board shall adopt regulations prescribing the procedures for making an application pursuant to this section.".

Amend sec. 4, page 2, by deleting lines 10 and 11 and inserting:
"*placed on inactive status. The board may grant the application if the license is in good standing and the licensee has*".

Amend sec. 4, page 2, line 14, by deleting "*applicant*" and inserting "*licensee*".

Amend sec. 4, page 2, line 19, after "*execute*" by inserting "*and maintain*".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *The following acts or omissions, among others, constitute cause for disciplinary action pursuant to NRS 624.300:*

1. Contracting, offering to contract or submitting a bid as a contractor if the contractor's license:

(a) Has been suspended or revoked pursuant to NRS 624.300; or

(b) Is inactive.

2. The suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state if the contractor is licensed in this state or applies for a license in this state. A certified copy of the suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state is conclusive evidence of that action.".

Amend sec. 6, page 2, line 40, by deleting "may" and inserting "~~[may]~~ *shall*".

Amend sec. 6, page 3, line 22, after "*which the*" by inserting "*licensed*".

Amend sec. 7, page 3, lines 31 and 32, by deleting "*licensed contractor*" and inserting "*licensee*".

Amend sec. 7, page 3, line 37, by deleting "*licensed contractor*" and inserting "*licensee*".

Amend sec. 7, page 4, line 1, by deleting "*licensed contractor*" and inserting "*licensee*".

Amend sec. 7, page 4, lines 2 and 3, by deleting "*licensed contractor*" and inserting "*licensee*".

Amend sec. 7, page 4, line 6, after "*applicant*" by inserting "*or licensee*".

Amend sec. 7, page 4, line 33, by deleting "*approved*" and inserting "*accepted*".

Amend sec. 7, page 5, line 5, by deleting "*approved*" and inserting "*accepted*".

Amend sec. 11, page 7, line 31, by deleting "*The*" and inserting:

"*Except as otherwise provided in section 3 of this act, the*".

Amend the bill as a whole by deleting sec. 14.

Amend the title of the bill, third line, after "fee;" by inserting:

"making various changes relating to the grounds for disciplinary action;".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 633.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 182.

The following Senate amendment was read:

Amendment No. 852.

Amend section 1, page 1, by deleting line 6 and inserting:

"2. The purpose of the interlocal agreement is to address:".

Amend section 1, pages 1 and 2, by deleting line 11 on page 1 and lines 1 through 3 on page 2, and inserting:

"Transportation shall consult with Clark County in an effort to ensure that the construction of highways described in subsection 1 is consistent with state and local standards and with encroachment requirements of third parties.".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 182.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 458.

The following Senate amendment was read:

Amendment No. 995.

Amend section 1, page 1, line 8, by deleting:

"*public terminal, public parking lot,*".

Amend section 1, page 2, line 5, by deleting:

"*at such a time*" and inserting:

"*during normal business hours*".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 458.

Remarks by Assemblywoman Chowning.

Motion carried.

The following Senate amendment was read:

Amendment No. 1072.

Amend section 1, page 1, line 3, by deleting "*an*" and inserting:

"*except as otherwise provided in subsection 3, an*".

Amend section 1, page 1, line 8, after "*shop,*" by inserting:

"*terminal, parking facility,*".

Amend section 1, page 2, line 9, after "*3.*" by inserting:

"*A person may not conduct an inspection pursuant to this section of a terminal that is privately owned or a parking facility that is privately owned unless, before conducting the inspection, the person obtains permission to conduct the inspection from:*

(a) The owner of the terminal or parking facility; or

(b) An agent or representative of the owner who has been authorized by the owner to grant permission to a person seeking to conduct an inspection pursuant to this section.

4.".

Amend section 1, page 2, line 18, after "*(d)*" by inserting:

"*"Parking facility" means a parking deck, parking garage, parking structure or paved or unpaved parking lot that members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees.*

(e) "Terminal" means a terminal that members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees.

(f)".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 458.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 332.

The following Senate amendment was read:

Amendment No. 932.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 and 4 as sections 1 and 2.

Amend sec. 3, page 4, line 6, by deleting "February 15" and inserting: "~~[February 15]~~ *March 1*".

Amend sec. 3, page 4, line 20 by deleting "*detailed*".

Amend sec. 3, page 4, by deleting lines 22 and 23 and inserting "*evaluation.*".

Amend sec. 3, page 4, by deleting lines 26 through 29 and inserting: "*observed the performance of the teacher in the classroom.*".

Amend sec. 3, page 4, by deleting lines 32 through 34 and inserting: "response must be permanently attached to the teacher's personnel file. *Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.*".

Amend sec. 4, page 5, by deleting lines 7 through 10 and inserting: "*The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.*".

Amend sec. 4, page 5, line 19, by deleting "February 15" and inserting: "~~[February 15]~~ *March 1*".

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 3 and 4, following sec. 4, to read as follows:

"Sec. 3. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or

rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ *If a* probationary employee ~~[who receives an unsatisfactory evaluation]~~ *receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee* may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ *this* state. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If a postprobationary teacher who is an administrator is not reemployed in that capacity after either year of his probationary period, he may accept a contract as a teacher for the ensuing school year in writing on or before May 10. If he fails to accept the contract as a teacher, he shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed in that capacity after the expiration of the additional probationary period, he may accept a contract for the ensuing school year, in writing, on or

before May 10, for the administrative position in which he attained postprobationary status. If he fails to accept such a contract, he shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 4. This act becomes effective on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to educational personnel; making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.".

Assemblyman Collins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 332.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Assemblyman Perkins moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 12:48 p.m.

ASSEMBLY IN SESSION

At 4:58 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Speaker Joseph E. Dini, Jr.

For: Senate Bill No. 438.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

With the following Conditions:

May only be passed out of final committee of second house on or before May 24, 1999.

May only be passed out of second house on or before May 26, 1999.

Has been granted effective: May 21, 1999.

WILLIAM J. RAGGIO
Senate Majority Leader

JOSEPH E. DINI, JR.
Speaker of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 3, 37, 47, 60, 94, 112, 134, 151, 181, 258, 271, 283, 288, 297, 311, 341, 343, 344, 370, 432, 451, 452, 492, 503, 515, 536, 555, 573, 636, 656, 657, 658, 661, 674, 677; Assembly Joint Resolution No. 25; Assembly Concurrent Resolution No. 70; Senate Bills Nos. 9, 126, 144, 215, 292, 394, 532, 546, 547.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Rees, Christian Rees, Logan Rees, John Rees, Barbara Rees and Randi Rees.

On request of Assemblyman Lee, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Byrnes.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Mitchell Cain.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Cook, Danielle Cook and Ambassador Merlin II.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 25, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:00 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 25, 1999

Assembly called to order at 11:38 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech You so to guide and bless our legislators in the Nevada State Assembly that they may enact such laws as shall please You, to the glory of Your Name and the welfare of Nevada. We pray in Your Son's Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Lee moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Joint Resolution No. 12 of the 69th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 189, 373, 386; Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 103, 346; Senate Bills Nos. 443, 545; Assembly Joint Resolution No. 26.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 184, 504.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Bache and Giunchigliani; Senators O'Connell and Rhoads:

Assembly Joint Resolution No. 27—Proposing to amend the Constitution of the State of Nevada to provide that the state controller is appointed by and serves at the pleasure of the governor.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 19 of article 5 of the Constitution of the State of Nevada be amended to read as follows:

Sec. 19. 1. A secretary of state, a treasurer ~~[, a controller,]~~ and an attorney general, shall be elected at the same time and places, and in the same manner as the governor. The term of office of each shall be the same as is prescribed for the governor.

2. Any elector shall be eligible to any of these offices, but no person may be elected to any of them more than twice, or more than once if he has previously held the office by election or appointment.

3. The governor shall appoint a state controller. The state controller serves at the pleasure of the governor. The legislature may prescribe by law the qualifications and duties of the state controller. The state treasurer may submit recommendations for the appointment of the state controller to the governor.

And be it further

RESOLVED, That if the legislature provides by law for a special election to be held throughout the State of Nevada on June 5, 2001, and if it is approved by the voters at the special election on June 5, 2001, the amendment made to section 19 of article 5 of the Constitution of the State of Nevada by this resolution becomes effective on June 28, 2001. Notwithstanding the amendatory provisions of this resolution, the term of office of the controller elected at the general election in 1998, expires on December 31, 2002, unless the person so elected vacates the office before December 31, 2002. If the person elected to the office of the controller at the general election in 1998, vacates the office before December 31, 2002, the governor shall, as soon as practicable, appoint a state controller.

Assemblyman Bache moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Dini, Perkins and Hettrick:

Assembly Resolution No. 9—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted.

Assembly Concurrent Resolution No. 15.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining (emergency request of Dini):

Assembly Bill No. 694—AN ACT relating to dairy products; revising provisions relating to the packaging for retail sale of fluid dairy products; authorizing the state sealer of weights and measures to adopt regulations relating to the size of containers used in such packaging; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 184.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 443.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 504.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 545.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 360, 386 and Senate Joint Resolution No. 12 of the 69th Session be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 360.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1142.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting:

"fund to the State Public Works Board the sum of $150,000 for two feasibility studies regarding the construction of Hi-Tech Learning Centers in:

(a) Lyon County at Yerington High School or Fernley High School; and

(b) Douglas County.

2. On or before March 1, 2001, the State Public Works Board shall report the results of its studies to the Director of the Legislative Counsel".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT making an appropriation to the State Public Works Board for feasibility studies regarding the construction of Hi-Tech Learning Centers in Lyon County and in Douglas County,".

Amend the summary of the bill by deleting the first and second lines and inserting:

"SUMMARY—Makes appropriation to State Public Works Board for feasibility studies regarding construction of Hi-Tech Learning Centers in Lyon County and in Douglas County,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1147.

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

"Section 1. 1. The Department of Human Resources shall conduct a study of the methodology used in determining the amount and distribution of payments made to public and private hospitals pursuant to NRS 422.387. The study must review:

(a) Whether the payments received by hospitals based on the volume of medical care provided to Medicaid patients, indigent patients and other low-income patients are equitable;

(b) Whether it is feasible to redistribute payments to increase payments to hospitals located in rural counties;

(c) Whether it is feasible to redistribute payments to provide payments to private hospitals located in counties that have a public hospital; and

(d) Alternative sources of revenue that may be used to offset the cost of care provided to Medicaid patients, indigent patients and other low-income patients.

2. The Department shall seek to obtain relevant information from public and private hospitals as part of the study. Any such information obtained by the Department may be used only for the purpose of conducting the study.

3. The Department shall complete the study and submit a copy of its findings and recommendations on or before July 1, 2000, to the Governor,

the Interim Finance Committee and the Legislative Committee on Health Care.".

Amend sec. 2, page 2, by deleting lines 8 through 10 and inserting:

"July 1, 1999, transfer from the intergovernmental transfer account in the general fund to the fund for the institutional care of the medically indigent created pursuant to NRS 428.470 the amount necessary to restore the amount in the fund for the institutional care of the medically indigent to $300,000.".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. Except as otherwise provided in subsection 2:

(a) In a county whose population is more than 100,000 but less than 400,000, the state plan for Medicaid must allocate among any private hospitals that are qualified to receive a payment pursuant to NRS 422.387 and that are located in a county which does not have a public hospital or hospital district, $4,800,000 or the amount of the uncompensated costs of the hospitals as defined in the state plan for Medicaid, whichever is less, for the fiscal year 1999-2000 and for the fiscal year 2000-2001.

(b) The state plan for Medicaid may allocate among any private hospitals that are qualified to receive a payment pursuant to NRS 422.387 and that are located in a county which does not have a public hospital or hospital district:

(1) In a county whose population is more than 35,000 but less than 100,000, $2,000,000 or the amount of the uncompensated costs of the hospitals as defined in the state plan for Medicaid, whichever is less, for the fiscal year 1999-2000 and for the fiscal year 2000-2001.

(2) In a county whose population is less than 35,000, $1,000,000 or the amount of the uncompensated costs of the hospitals as defined in the state plan for Medicaid, whichever is less, for the fiscal year 1999-2000 and for the fiscal year 2000-2001.

(c) If a private hospital receives a payment pursuant to paragraph (a) or (b), the county within which the hospital is located shall transfer to the Department of Human Resources:

(1) If the payment was received pursuant to paragraph (a), $1,550,000 for the fiscal year 1999-2000 and for the fiscal year 2000-2001.

(2) If the payment was received pursuant to subparagraph (1) of paragraph (b), $1,500,000 or 75 percent of the amount received by the hospital, whichever is less, for the fiscal year 1999-2000 and for the fiscal year 2000-2001.

(3) If the payment was received pursuant to subparagraph (2) of paragraph (b), $750,000 or 75 percent of the amount received by the hospital, whichever is less, for the fiscal year 1999-2000 and for the fiscal year 2000-2001.

2. If federal law changes the amount payable pursuant to paragraph (a) of subsection 2 of NRS 422.387:

(a) The respective amounts required to be allocated and transferred pursuant to subsection 1 must be reduced proportionally in accordance with the limits of federal law.

(b) The Administrator of the Division of Health Care Financing and Policy of the Department of Human Resources shall adopt a regulation specifying the amount of the reductions required by paragraph (a).".

Amend sec. 3, page 2, by deleting lines 18 through 20 and inserting:

"Sec. 4. This act becomes effective on July 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to public welfare; requiring the Department of Human Resources to conduct a study of the methodology used in determining the amount of payments made to certain hospitals that treat Medicaid, indigent or other low-income patients; providing monetary assistance to restore a certain base amount in the fund for the institutional care of the medically indigent; providing for the allocation and transfer of certain funding for the treatment of Medicaid, indigent and other low-income patients; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning financial matters affecting medical treatment provided to low-income persons in this state. (BDR S-519)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 12 of 69th session.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 189, 373; Senate Bills Nos. 149, 263 and 404 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 189.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1146.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required as a result of NRS 286.535 or 286.537:

1. A public employee on a leave of absence to serve in the Nevada legislature may remain a contributing member of the system during the leave of absence if retirement contributions to the system are paid by the legislator at the contribution rate otherwise applicable to him as a public employee during the period in which he is on the leave of absence to serve in the Nevada legislature.

2. When a public employee on a leave of absence to serve in the Nevada legislature continues to be a contributing member of the system pursuant to subsection 1, the employee shall pay the contributions required directly to the system. The system shall ensure that the employer of the public employee who is on a leave of absence to serve in the Nevada legislature provides to the system documentation of the period during which the employee is on the leave of absence. The public employer is not required to pay the employer contribution during the leave of absence.

3. A public employee on a leave of absence to serve in the Nevada legislature may elect to have the amount deducted pursuant to NRS 218.2387 paid to the system to partially offset the contributions that the employee is required to pay to remain a member of the system. If the public employee makes the election authorized pursuant to this subsection, he does not accrue any service credit for retirement under the legislators' retirement system during the period during which his election pursuant to this subsection is effective.

4. For the purposes of this section, "compensation" shall be deemed to be the salary paid for the position from which the employee is on leave.".

Amend sec. 3, page 3, between lines 13 and 14, by inserting:

"3. In addition to the purchase authorized pursuant to the provisions of subsection 1, any member who:

(a) Is a licensed teacher;

(b) Has 5 years of creditable service;

(c) Is, pursuant to statute, regulation or contract, entitled to payment for unused sick leave; and

(d) Is employed by the board of trustees of a school district that has, pursuant to subsection 5 of NRS 391.180, provided for the payment of unused sick leave in the form of purchase of service,

may cause to be purchased on his behalf service credit, not to exceed the number of hours of unused sick leave or 1 year, whichever is less. The full actuarial cost of the service as determined by an actuary of the system must be paid for such a purchase. Any service credit purchased pursuant to this subsection must be included as a part of, and is not in addition to, service purchased pursuant to subsection 2.".

Amend sec. 3, page 3, line 14, by deleting "*3.*" and inserting "*4.*".

Amend the bill as a whole by renumbering sections 5 through 12 as sections 7 through 14 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. NRS 286.481 is hereby amended to read as follows:

286.481 A member shall not be credited with service for:

1. ~~[Leave]~~ *Except as otherwise provided in section 1 of this act, leave* of absence without pay;

2. Overtime work;

3. Employment in a position which does not qualify him for participation in the system;

4. More than 1 day within a day, 1 month within a month, or 1 year of service in any 12-month period; or

5. Any period for which compensation is not received by the member unless specifically otherwise provided in this chapter.".

Amend the bill as a whole by renumbering sections 13 through 15 as sections 19 through 21 and adding new sections designated sections 15 through 18, following sec. 12, to read as follows:

"Sec. 15. NRS 218.2379 is hereby amended to read as follows:

218.2379 1. Within a reasonable time after July 1, 1967, the board shall notify all incumbent legislators in writing concerning credit for service, other than legislative service, covered under the public employees' retirement system. Unless the legislator requests in writing within 30 days after receipt of such written notice that his service, other than legislative service, be continued under the public employees' retirement system, the board shall transfer from the public employees' retirement fund all sums contributed by the legislator through service, other than legislative service, together with the sums contributed by his employer for such service. The service so transferred shall be accredited under the legislators' retirement system as if performed in a legislative capacity. Service so transferred may be retransferred to the public employees' retirement system, and the related contributions shall then be returned to the public employees' retirement fund, at any time when the person ceases to be a legislator and reestablishes membership in the public employees' retirement system.

2. Except *as otherwise provided in section 1 of this act or* for the transfer of service from the public employees' retirement system to the legislators' retirement system, as provided in this section, service after July 1, 1967, as a legislator cannot be accredited under the public employees' retirement system and service in capacities covered by the public employees' retirement system cannot be accredited under the legislators' retirement system.

3. Nothing in NRS 218.2371 to 218.2395, inclusive, or in any other law prevents or prohibits coverage of a person under both the public employees' retirement system and the legislators' retirement system when service is compatible with the provisions of each system.

4. Legislators receiving retirement allowances from the public employees' retirement system on July 1, 1967, are not eligible for transfer to the legislators' retirement system.

Sec. 16. NRS 218.2381 is hereby amended to read as follows:

218.2381 1. Except as otherwise *provided in section 1 of this act or* required as a result of NRS 218.23815, each legislator shall be a member of the legislators' retirement system and shall make contributions to the legislators' retirement fund in the amounts and manner provided in NRS 218.2371 to 218.2395, inclusive.

2. Within 5 days after the commencement of each regular or special session of the legislature each legislator who has not previously filed a beneficiary designation form with the board shall file with the board, upon a form provided by the board, the designation of a beneficiary who is entitled to receive the contributions of the legislator in case of death before retirement or termination of services as a legislator and subsequent withdrawal of contributions. If no beneficiary is designated, payment must be made to the estate of the deceased legislator. Payment may be made directly to the designated beneficiary without probate or administration of the estate of the deceased legislator.

3. A beneficiary may be changed at any time by written notice given by a legislator to the board on a form prescribed by the board.

Sec. 17. NRS 218.2387 is hereby amended to read as follows:

218.2387 ~~[The]~~ *Except as otherwise provided in section 1 of this act, the* director of the legislative counsel bureau shall:

1. Deduct from the compensation of each legislator an amount equal to 15 percent of the gross compensation earned as a legislator and transmit that amount to the board together with the necessary forms prescribed by the board at intervals designated by the board; and

2. Pay to the board from the legislative fund an amount as the contribution of the State of Nevada as employer which is actuarially determined to be sufficient to provide the system with enough money to pay all benefits for which the system will be liable.

Sec. 18. 1. In addition to the election authorized pursuant to section 1 of this act, a legislator who is also a member of the public employees' retirement system may elect to waive any service credit that he has accrued for retirement under the legislators' retirement system while on leave as a public employee and take that service credit as credit in the public employees' retirement system.

2. A legislator who makes the election authorized pursuant to subsection 1 shall pay to the public employees' retirement system the contributions applicable to the periods in which he was on a leave of absence as a public employee, plus interest accrued, for each period to be credited.

3. An election pursuant to subsection 1 must be made on or before December 31, 1999.".

Amend sec. 13, page 10, line 6, by deleting "2" and inserting "3".

Amend sec. 14, page 10, line 11, by deleting "8" and inserting "10".

Amend sec. 15, page 10, line 14, by deleting:

"2 and 4 to 14," and inserting:

"2, 3 and 5 to 20,".

Amend sec. 15, page 10, line 16, by deleting "3" and inserting "4".

Amend the title of the bill, first line, after "system;" by inserting:

"authorizing legislators who are also public employees to obtain credit for retirement under the system for periods of service in the Nevada Legislature while on leave from public employment in certain circumstances;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 373.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1130.

Amend sec. 3, pages 1 and 2, by deleting line 13 on page 1 and lines 1 and 2 on page 2, and inserting:

"*residential facilities for groups;*

(b) Standards relating to the fees charged by such businesses;

(c) Regulations governing the licensing of such businesses; and

(d) Regulations establishing requirements for training the employees of such businesses.

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may".

Amend sec. 3, page 2, line 4, after "*section.*" by inserting:

"*The board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.*".

Amend sec. 3, page 2, by deleting lines 9 through 11 and inserting:

"*(b) Refer a person to a residential facility for groups that is owned by the same person who owns the business.*".

Amend sec. 3, page 2, line 14, after "*offense of*" by inserting:

"*not more than*".

Amend sec. 3, page 2, line 23, by deleting:

"*3 and 5*" and inserting:

"*2 and 4*".

Amend sec. 4, page 2, by deleting lines 25 and 26 and inserting:

"*person who operates a residential facility for groups for abuse, neglect or isolation of the occupants of the*".

Amend sec. 6, page 2, by deleting lines 38 through 40 and inserting:

"assistance and limited supervision to an aged, infirm, mentally retarded or handicapped person.".

Amend sec. 6, page 3, by deleting lines 5 and 6 and inserting:

"~~(d)~~ *(c)* A facility funded by a division or program of the department of human resources ~~.~~ ;".

Amend sec. 7, page 3, line 15, by deleting "freestanding".

Amend sec. 8, page 4, by deleting line 26 and inserting:

"7. *The board shall, if it determines necessary, adopt*".

Amend sec. 8, page 4, line 28, by deleting "*is*" and inserting "*are*".

Amend sec. 9, page 5, line 9, after "*offense of*" by inserting: "*not more than*".

Amend sec. 10, page 5, line 33, after "*the*" by inserting "*adoption of*".

Amend sec. 10, page 5, line 34, by deleting "*adopted*".

Amend sec. 10, page 5, by deleting lines 36 through 40 and inserting:

"*3. The state health officer or his designee shall enter and inspect at least annually each building or the premises*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. Section 1 of Assembly Bill No. 167 of this session is hereby amended to read as follows:

Section 1. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to ~~[:~~

~~(a) Any]~~ *an* aged, infirm, mentally retarded or handicapped person . ~~[; or~~

~~(b) Four or more females during pregnancy or after delivery.]~~

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his own home;

(c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity; or

(d) A facility funded by ~~[the welfare]~~ *a* division or ~~[the division of mental health and developmental services]~~ *program* of the department of human resources.".

Amend sec. 13, page 7, by deleting lines 9 and 10 and inserting:

"Sec. 13. 1. This section and sections 1, 2, 4, 5 and 7 to 12, inclusive, of this act become effective on October 1, 1999.

2. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1999.

3. Section 3 of this act becomes effective upon passage and approval for the purpose of adopting standards and regulations, and on January 1, 2000, for all other purposes.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 149.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1141.

Amend the bill as a whole by deleting sections 1 through 6 and renumbering sections 7 through 9 as sections 1 through 3.

Amend sec. 8, page 7, line 34, by deleting:

"of section 7".

Amend the title of the bill to read as follows:

"AN ACT relating to prisoners; making it unlawful for prisoners to commit certain acts involving human excrement or bodily fluid; requiring that prisoners who commit certain acts involving human excrement or bodily fluid be tested for communicable diseases; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes commission of certain acts by prisoners unlawful. (BDR 16-512)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 263.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 263:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1143.

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. This act becomes effective upon passage and approval.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 224:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 324.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 324:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Assembly Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 480.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 480:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 687.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 687:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Assembly Bill No. 687 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 508.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 508:
YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 14.

The following Senate amendment was read:

Amendment No. 821.

Amend section 1, page 1, by deleting line 3 and inserting:

"*A pupil shall be deemed suspended from school*".

Amend sec. 2, pages 1 and 2, by deleting line 13 on page 1 and lines 1 and 2 on page 2 and inserting:

"*shall deem a pupil enrolled in the school* a habitual disciplinary".

Amend sec. 2, page 2, line 9, by deleting "property;" and inserting:

"property [,] *, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on his way to or from school;*".

Amend sec. 2, page 2, by deleting lines 12 and 13 and inserting:

"*2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.*

3. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated".

Amend sec. 2, page 2, line 20, by deleting:

"*on school property*".

Amend sec. 2, page 2, line 32, by deleting "*3.*" and inserting "*4.*".

Amend sec. 2, page 2, by deleting lines 38 and 39 and inserting:

"*4. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated*".

Amend sec. 2, page 3, by deleting line 1 and inserting:

"*the pupil, a plan of behavior for the pupil. Such a plan must be*".

Amend sec. 2, page 3, by deleting line 11 and inserting:

"*to subsection 3 after he enters into a plan of behavior, the pupil shall*".

Amend sec. 2, page 3, line 13, by deleting "*4.*" and inserting "*5.*".

Amend sec. 2, page 3, line 28, by deleting "*5.*" and inserting "*6.*".

Amend sec. 2, page 3, line 34, by deleting "*5.*" and inserting "*6.*".

Amend sec. 2, page 3, line 36, by deleting "*contract*" and inserting "*plan*".

Amend sec. 2, page 3, line 37, by deleting "*contract*" and inserting "*plan*".

Amend sec. 2, page 4, by deleting lines 4 through 6 and inserting:

"*If the pupil violates the conditions of the plan or commits the same act for which notice was provided pursuant to subsection 5 after he enters into a plan of behavior, the pupil shall be deemed a habitual*".

Amend sec. 2, page 4, line 8, by deleting "*6.*" and inserting "*7.*".

Amend sec. 2, page 4, between lines 9 and 10 by inserting:

"*8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.*".

Amend the title of the bill to read as follows:

"AN ACT relating to pupils; prescribing the conditions under which a pupil shall be deemed suspended from school; requiring schools to notify parents before pupils are deemed habitual disciplinary problems; authorizing schools, under certain circumstances, to develop plans of behavior designed to prevent pupils from being deemed habitual disciplinary problems; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "contracts" and inserting "plans".

Assemblyman Collins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 14.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 288 be placed on the General File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 152.

The following Senate amendment was read:

Amendment No. 820.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting: "*institution or person offering only educational services or programs at the introductory level on the use of computer software to persons who have purchased that software from the institution or person.*".

Assemblyman Collins moved that the Assembly concur in the Senate amendment to Assembly Bill No. 152.

Remarks by Assemblyman Collins.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 429.

The following Senate amendment was read:

Amendment No. 1055.

Amend sec. 7, page 3, line 22, by deleting "*and*" and inserting "and".

Amend sec. 7, page 3, line 23, by deleting "~~[and 422.580,]~~".

Amend sec. 22, page 11, line 41, by deleting "director" and inserting "administrator".

Amend sec. 22, page 12, line 20, by deleting "generally." and inserting: "generally ~~[.]~~ *, except that members of the committee may receive any per diem allowance and travel expenses that may be authorized by the committee if the payment of the per diem allowance and travel expenses:*

(a) Is made from money received by the committee from a source other than the State of Nevada; and

(b) Is not inconsistent with any condition attached to the acceptance of that money.".

Amend sec. 22, page 12, line 22, by deleting "director" and inserting "administrator".

Amend sec. 22, page 12, line 24, by deleting "director" and inserting "administrator".

Amend sec. 22, page 12, between lines 26 and 27, by inserting:

"*(d) Apply for grants.*

(e) Accept and expend any money made available to the committee by gift, grant, donation or bequest.".

Amend sec. 22, page 12, line 29, by deleting the semicolon and inserting: "of the department;

(b) Administrator;".

Amend sec. 22, page 12, line 30, by deleting "(b)" and inserting "(c)".

Amend sec. 22, page 12, line 31, by deleting "(c)" and inserting "(d)".

Amend sec. 22, page 12, by deleting line 33 and inserting:

"(a) "Administrator" means the administrator of the rehabilitation division of the department.".

Amend the bill as a whole by renumbering sec. 38 as sec. 39 and adding a new section designated sec. 38, following sec. 37, to read as follows:

"Sec. 38. Section 2 of chapter 442, Statutes of Nevada 1997, at page 1559, is hereby amended to read as follows:

Sec. 2. 1. On or before October 1, ~~[1999,]~~ *2001,* except as otherwise provided in subsection 3, in carrying out its duties regarding the administration of Medicaid, the welfare division of the department of human resources may enter into a contract for the provision of pharmaceutical services through managed care to recipients of Medicaid if the welfare division and the legislative committee on health care determine that such a contract:

(a) Is cost effective;

(b) Is the most convenient method of providing pharmaceutical services to the recipients of Medicaid; and

(c) Includes access to pharmacies licensed in this state to the maximum extent possible.

2. If the welfare division enters into a contract pursuant to subsection 1, except for any limitations on coverage provided pursuant to 42 U.S.C. § 1396r-8(d)(2) or (6), the contract must provide for reimbursement for the dispensing of a drug to a recipient of Medicaid, without requiring any prior or retroactive approval, if the drug:

(a) Has been approved or designated as safe and effective by the Food and Drug Administration; and

(b) Is prescribed by a physician who determines that the drug is appropriate for the diagnosis or treatment of the recipient of Medicaid.

3. The provisions of this section do not apply to a contract that provides services only to recipients who are eligible to receive benefits pursuant to:

(a) The program established to provide temporary assistance for needy families pursuant to Title IV of the Social Security Act, ~~[(]~~ 42 U.S.C. §§ 601 et seq ~~[.)]~~, and other provisions of that act relating to temporary assistance for needy families; or

(b) The child health assurance program established pursuant to 42 U.S.C. § 1396a(a)(10)(A)(i)(IV), (VI) or (VII).".

Amend sec. 38, page 20, line 17, after "5." by inserting:

"*Section 14.1 of this act expires by limitation on June 30, 1998.*

6.".

Amend the bill as a whole by renumbering sec. 39 as sec. 52 and adding new sections designated sections 40 through 51, following sec. 38, to read as follows:

"Sec. 40. Section 3 of Assembly Bill No. 249 of this session is hereby amended to read as follows:

Sec. 3. NRS 422.2935 is hereby amended to read as follows:

422.2935 1. Except as otherwise provided in this section ~~[, the welfare division shall,]~~ *and* to the extent it is not prohibited by federal law and when circumstances allow ~~[:~~

~~(a) Recover]~~ *, the welfare division shall recover* benefits correctly paid for Medicaid from:

~~[(1)]~~ *(a)* The undivided estate of the person who received those benefits; and

~~[(2)]~~ *(b)* Any recipient of money or property from the undivided estate of the person who received those benefits.

~~[(b) Recover from the recipient of Medicaid or the person who signed the application for Medicaid on behalf of the recipient an amount not to exceed the benefits incorrectly paid to the recipient if the person who signed the application:~~

~~(1) Failed to report any required information to the welfare division which he knew at the time he signed the application; or~~

~~(2) Failed within the period allowed by the welfare division to report any required information to the welfare division which he obtained after he filed the application.]~~

2. The welfare division shall not recover benefits pursuant to ~~[paragraph (a) of]~~ subsection 1, except from a person who is neither a surviving spouse nor a child, until after the death of the surviving spouse, if any, and only at a time when the person who received the benefits has no surviving child who is under 21 years of age or is blind or permanently and totally disabled.

3. Except as otherwise provided by federal law, if a transfer of real or personal property by a recipient of Medicaid is made for less than fair market value, the welfare division may pursue any remedy available pursuant to chapter 112 of NRS with respect to the transfer.

4. The amount of Medicaid paid to or on behalf of a person is a claim against the estate in any probate proceeding only at a time when there is no surviving spouse or surviving child who is under 21 years of age or is blind or permanently and totally disabled.

5. The state welfare administrator may elect not to file a claim against the estate of a recipient of Medicaid or his spouse if he determines that the filing of the claim will cause an undue hardship for the spouse or other survivors of the recipient. The administrator shall adopt regulations defining the circumstances that constitute an undue hardship.

6. Any recovery of money obtained pursuant to this section must be applied first to the cost of recovering the money. Any remaining money must be divided among the Federal Government, the department and the county in the proportion that the amount of assistance each contributed to the recipient bears to the total amount of the assistance contributed.

7. ~~[An action to recover money owed to the department as a result of the payment of benefits for Medicaid must be commenced within 6 months after the cause of action accrues. A cause of action accrues after all of the following events have occurred:~~

~~(a) The death of the recipient of Medicaid;~~

~~(b) The death of the surviving spouse of the recipient of Medicaid;~~

~~(c) The death of all children of the recipient of Medicaid who are blind or permanently and totally disabled as determined in accordance with 42 U.S.C. § 1382c; and~~

~~(d) The arrival of all other children of the recipient of Medicaid at the age of 21 years.~~] *Any recovery by the welfare division from the undivided estate of a recipient pursuant to this section must be paid in cash to the extent of:*

(a) The amount of Medicaid paid to or on behalf of the recipient after October 1, 1993; or

(b) The value of the remaining assets in the undivided estate,
whichever is less.

Sec. 41. Section 4 of Assembly Bill No. 249 of this session is hereby amended to read as follows:

Sec. 4. NRS 422.29355 is hereby amended to read as follows:

422.29355 1. The welfare division may, to the extent not prohibited by federal law, petition for the imposition of a lien pursuant to the provisions of NRS 108.850 against real or personal property of a recipient of Medicaid as follows:

(a) The welfare division may obtain a lien against a recipient's property, both real or personal, before or after his death in the amount of assistance paid or to be paid on his behalf if the court determines that assistance was incorrectly paid for the recipient.

(b) The welfare division may seek a lien against the real property of a recipient at any age before his death in the amount of assistance paid or to be paid for him if he is an inpatient in a nursing facility, intermediate care facility for the mentally retarded or other medical institution and the welfare division determines, after notice and opportunity for a hearing in accordance with its regulations, that he cannot reasonably be expected to be discharged and return home.

2. No lien may be placed on a recipient's home *pursuant to paragraph (b) of subsection 1* for assistance correctly paid if:

(a) His spouse;

(b) His child who is under 21 years of age or blind or permanently and totally disabled as determined in accordance with 42 U.S.C. § 1382c; or

(c) His brother or sister who is an owner or part owner of the home and who was residing in the home for at least 1 year immediately before the date the recipient was admitted to the medical institution,

is lawfully residing in the home.

3. Upon the death of a recipient the welfare division may seek a lien upon his undivided estate as defined in NRS 422.054.

4. The state welfare administrator shall release a lien pursuant to this section:

(a) Upon notice by the recipient or his representative to the administrator that the recipient has been discharged from the medical institution and has returned home;

(b) If the lien was incorrectly determined; or

(c) Upon satisfaction of the claim of the welfare division.

Sec. 42. Assembly Bill No. 305 of this session is hereby amended by deleting sec. 33 and adding:

Sec. 33. (Deleted by amendment.)

Sec. 43. Assembly Bill No. 305 of this session is hereby amended by deleting sec. 37 and adding:

Sec. 37. (Deleted by amendment.)

Sec. 44. Section 45 of Assembly Bill No. 305 of this session is hereby amended to read as follows:

Sec. 45. ~~[1. This section and sections 1 to 32, inclusive, 34, 35, 36, 38 to 44, inclusive, and 46 of this act become]~~ *This act becomes* effective upon passage and approval.

~~[2. Sections 33 and 37 of this act become effective at 12:01 a.m. on July 1, 1999.~~

~~3. Sections 32 and 36 of this act expire by limitation on July 1, 1999.]~~

Sec. 45. Section 2 of Assembly Bill No. 483 of this session is hereby amended to read as follows:

Sec. 2. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

1. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

2. In a prosecution for a violation of this chapter.

3. In a proceeding for an injunction brought pursuant to this chapter.

4. In reporting the actual or suspected abuse or neglect of a child or elderly person.

5. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the board.

6. If the person who is the subject of the information consents in writing to the disclosure.

7. Pursuant to subsection 2 of NRS 441A.320 ~~[.]~~ *or section 3 of this act.*

8. If the disclosure is made to the department of human resources and the person about whom the disclosure is made has been diagnosed as having

acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

9. To a fireman, police officer or person providing emergency medical services if the board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the board.

10. If the disclosure is authorized or required by specific statute.

Sec. 46. Section 1 of Assembly Bill No. 649 of this session is hereby amended to read as follows:

Section 1. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. A person required to make a report pursuant to this section shall make the report immediately, but in no event later than 24 hours after there is reason to believe that an older person has been abused, neglected, exploited or isolated. The report must be made to:

(a) The local office of the aging services division of the department of human resources;

(b) A police department or sheriff's office;

(c) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(d) A toll-free telephone service designated by the aging services division of the department of human resources.

If the report of abuse, neglect, exploitation or isolation of an older person involves an act or omission of the aging services division, another division of the department of human resources or a law enforcement agency, the report must be made to an agency other than the one alleged to have committed the act or omission. Each agency, after reducing the report to writing, shall forward a copy of the report to the aging services division of the department of human resources.

2. Reports must be made by the following persons who, in their professional or occupational capacities, know or have reason to believe that an older person is being or has been abused, neglected, exploited or isolated:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this state, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from the offender during a confession.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation.

(g) Any employee of the department of human resources.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

3. A report may be filed by any other person.

4. A person required to make a report pursuant to this section who has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation shall report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the aging services division of the department of human resources his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

5. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the aging services division of the department of human resources, must be forwarded to the aging services division within 90 days after the completion of the report.

6. If the investigation of the report results in the belief that the older person is abused, neglected, exploited or isolated, the *aging services division of the* department of human resources or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 47. Section 2 of Assembly Bill No. 649 of this session is hereby amended to read as follows:

Sec. 2. NRS 200.50984 is hereby amended to read as follows:

200.50984 1. Notwithstanding any other statute to the contrary, the *local office of the aging services division of the* department of human resources and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, inspect all records pertaining to the older person on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the ~~[department of human resources]~~ *aging services division* or the county's office for protective services shall obtain the consent of the older person before inspecting those records. If the ~~[department of human resources]~~ *aging services division* or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person, the ~~[department of human resources]~~ *aging services division* or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the ~~[department of human resources]~~ *aging services division* or the county's office for protective services has reason to believe that the guardian is abusing, neglecting, exploiting or isolating the older person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

Sec. 48. Section 3 of Assembly Bill No. 649 of this session is hereby amended to read as follows:

Sec. 3. NRS 200.50986 is hereby amended to read as follows:

200.50986 The *local office of the aging services division of the* department of human resources or the county's office for protective services may petition a court in accordance with NRS 159.185 or 159.1905 for the removal of the guardian of an older person, or the termination or modification of that guardianship, if, based on its investigation, the ~~[department of human resources]~~ *aging services division* or the county's office of protective services has reason to believe that the guardian is abusing, neglecting, exploiting or isolating the older person in violation of NRS 200.5095 to 200.50995, inclusive.

Sec. 49. Section 4 of Assembly Bill No. 649 of this session is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 1999.

Sec. 50. Section 1 of Senate Bill No. 398 of this session is hereby amended to read as follows:

Section 1. NRS 422.245 is hereby amended to read as follows:

422.245 Any federal money allotted to the State of Nevada for public assistance programs and other programs for which the welfare division or the

division of health care financing and policy is responsible and such other money as may be received by the state for such purposes must , *except as otherwise provided in section 2 of this act,* be deposited in the appropriate accounts of the welfare division or the division of health care financing and policy in the state general fund.

Sec. 51. Section 4 of Senate Bill No. 398 of this session is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 1999.".

Assemblywoman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 429.

Remarks by Assemblywoman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 504.

The following Senate amendment was read:

Amendment No. 1089.

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. The amendatory provisions of this act expire by limitation on October 1, 2029.".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 504.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 669.

The following Senate amendment was read:

Amendment No. 896.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. The amendatory provisions of section 5 of this act do not apply to any taxes levied pursuant to NRS 463.401 on any amounts paid before the effective date of this act.".

Amend the summary of the bill by deleting:

"casino entertainment tax." and inserting "gaming.".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 669.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 527.

The following Senate amendment was read:

Amendment No. 1103

Amend sec. 2, page 2, line 20, by deleting "*$32,500,000*" and inserting "*$67,500,000*".

Amend sec. 2, page 2, by deleting line 21 and inserting:

"Nevada, Las Vegas [;] , *$35,000,000 of which may be used for the construction, other acquisition and improvement of a dental school and other structures and clinics associated with the dental school.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. 1. The board of regents of the University of Nevada may, on behalf and in the name of the university, finance the construction, other acquisition and improvement of a dental school and other structures and clinics associated with the dental school at the University of Nevada, Las Vegas, by the issuance of bonds and other securities of the university in a total principal amount not exceeding $35,000,000. The bonds and other securities may be issued at one time or from time to time, within 5 years after the effective date of this act and, except as otherwise provided in this section, must be issued in accordance with the provisions of the University Securities Law. The total principal amount of any bonds issued pursuant to this section and pursuant to chapter 501, Statutes of Nevada 1991, as amended, for this purpose must not exceed $35,000,000.

2. The bonds or other securities issued pursuant to subsection 1 must be secured by a pledge of the revenues derived from or otherwise pertaining to the imposition and collection of fees for dental services provided at a facility for the University of Nevada, Las Vegas.

3. The provisions of this section do not limit the board in funding, refunding or reissuing any securities of the university or the board at any time as provided in the University Securities Law.

4. Any bonds or other securities issued pursuant to this section must not be considered to be obligations general, special, or otherwise of the state, or to be securities of debt of the state, and are not enforceable against the state.

Sec. 4. NRS 396.828 is hereby amended to read as follows:

396.828 "Pledged revenues" means the money pledged wholly or in part for the payment of bonds or other securities issued hereunder, and, subject to any existing pledges or other contractual limitations, may include at the board's discretion, all loans, grants or contributions to the university or board, if any, conditional or unconditional, from the Federal Government, the state, any public body or other donor for the payment of the principal of, the interest on, and any prior redemption premiums due in connection with any securities issued hereunder, or any combination thereof, and may include income or money derived from one, all or any combination of the following sources of revenue, including , without limitation , student fees and other fees, rates and charges appertaining thereto:

1. Dormitories, apartments and other facilities for housing;
2. Cafeterias, dining halls and other facilities for food service;
3. Student union and other facilities for student activities;

4. Store or other facilities for the sale or lease of books, stationery, student supplies, faculty supplies, office supplies and like material;

5. Stadium, arena, theater, fieldhouse and other athletic or recreational facilities for use in part by spectators or otherwise;

6. Land and any structures, other facilities, or other improvements thereon used or available for use for the parking of vehicles used for the transportation by land or air of persons to or from such land and any improvements thereon;

7. Properties for providing heat or any other utility furnished by the university or the board to any facilities on its campus;

8. Investments and reinvestments of unrestricted endowments; ~~[and]~~

9. *Any revenue derived from or otherwise pertaining to the imposition and collection of fees for dental services provided at a facility of the university; and*

10. Facilities of the desert research institute, including , without limitation , money from:

(a) Grants to the desert research institute by any person or the Federal Government;

(b) Contracts and leases between the desert research institute and any person or governmental entity;

(c) The investment of any money of the desert research institute; and

(d) Any other revenue received by the desert research institute, or by the board on behalf of the desert research institute pursuant to NRS 396.795 to 396.7956, inclusive.".

Amend the title of the bill, sixth line, after "issued;" by inserting: "authorizing the issuance of bonds for the construction of a dental school; including any revenue derived from dental services provided at a facility of the system within the definition of "pledged revenues" for the purposes of the University Securities Law;".

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 527.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

The following Senate amendment was read:

Amendment No. 1027.

Amend the bill as a whole by renumbering sections 1 through 8 as sections 2 through 9 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2 ~~[,]~~ *or section 5 or 6 of this act,* every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit

questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk within the designated territory on or before the third Monday in July preceding the election.

(b) At a primary election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk within the designated territory on or before the third Monday in May preceding the election.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide a copy of the question, including an explanation of and arguments for and against the question, to each county clerk at least 60 days before the election.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide a copy of the question, including an explanation of and arguments for and against the question, to the city clerk at least 60 days before the election.

2. The requirements of subsection 1 do not apply to any question expressly privileged or required pursuant to the provisions of article 19 of the constitution of the State of Nevada or pursuant to the provisions of chapter 295 of NRS or any other statute to be submitted if proposed after the dates specified.

3. A county or city clerk may charge any political subdivision, public or quasi-public corporation or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation and arguments on the ballot.".

Amend section 1, page 1, line 6, by deleting "Sets" and inserting:

"~~[Sets]~~ *Except as otherwise provided in section 5 or 6 of this act, sets*".

Amend section 1, page 2, by deleting lines 6 through 8.

Amend sec. 2, page 2, line 19, by deleting:

"*4 or 5*" and inserting:

"*5 or 6*".

Amend sec. 3, page 3, line 2, by deleting:

"4 and 5" and inserting:

"5 and 6".

Amend sec. 4, page 3, by deleting lines 6 through 13 and inserting:

"*293.482, 295.115 or 295.160, the board shall, in consultation with the county clerk, pursuant to subsection 2, appoint a committee of six persons, three of whom are known to favor approval by the voters of the initiative, referendum or other question and three of whom are known to oppose approval by the voters of the initiative, referendum or other question. A person may serve on more than one committee. Members of the committee*

serve without compensation. The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

2. Before the board appoints a committee pursuant to subsection 1, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.".

Amend sec. 4, page 3, line 14, by deleting "*2.*" and inserting "*3.*".

Amend sec. 4, page 3, line 15, by deleting "*each*" and inserting "*a*".

Amend sec. 4, page 3, by deleting lines 17 through 43 and inserting:

"*4. A committee appointed pursuant to this section:*

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument advocating approval by the voters of the initiative, referendum or other question, and prepare a rebuttal to that argument;

(e) Shall prepare an argument opposing approval by the voters of the initiative, referendum or other question, and prepare a rebuttal to that argument; and

(f) Shall submit the arguments and rebuttals prepared pursuant to paragraphs (d) and (e) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 5.

5. The county clerk of a county whose population is 50,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

6. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate. Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The

decision of the district attorney is a final decision for the purposes of judicial review.

7. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 6. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

8. In a county whose population is less than 50,000:

(a) The board may appoint a committee pursuant to subsection 1.

(b) If the board appoints a committee, the county clerk shall provide for rules or regulations pursuant to subsection 5.".

Amend sec. 5, page 4, by deleting lines 4 through 11 and inserting:

"*295.215, the council shall, in consultation with the city clerk, pursuant to subsection 2, appoint a committee of six persons, three of whom are known to favor approval by the voters of the initiative, referendum or other question and three of whom are known to oppose approval by the voters of the initiative, referendum or other question. A person may serve on more than one committee. Members of the committee serve without compensation. The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.*

2. Before the council appoints a committee pursuant to subsection 1, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.".

Amend sec. 5, page 4, line 12, by deleting "*2.*" and inserting "*3.*".

Amend sec. 5, page 4, line 13, by deleting "*each*" and inserting "*a*".

Amend sec. 5, page 4, by deleting lines 15 through 41 and inserting:

"*4. A committee appointed pursuant to this section:*

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument advocating approval by the voters of the initiative, referendum or other question, and prepare a rebuttal to that argument;

**

(e) Shall prepare an argument opposing approval by the voters of the initiative, referendum or other question, and prepare a rebuttal to that argument; and

(f) Shall submit the arguments and rebuttals prepared pursuant to paragraphs (d) and (e) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 5.

5. The city clerk of a city whose population is 50,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

6. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate. Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the city attorney. The city attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney shall issue his decision rejecting or accepting the statement. The decision of the city attorney is a final decision for the purposes of judicial review.

7. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 6. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

8. In a city whose population is less than 50,000:

(a) The council may appoint a committee pursuant to subsection 1.

(b) If the council appoints a committee, the city clerk shall provide for rules or regulations pursuant to subsection 5.".

Amend sec. 6, page 5, line 2, by deleting "*4*" and inserting "*5*".

Amend sec. 7, page 5, line 6, by deleting "*5*" and inserting "*6*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 200.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 614.

The following Senate amendment was read:

Amendment No. 965.

Amend sec. 3, page 2, line 34, by deleting "*state;*" and inserting:

"*state, which must, in 14-point type or larger:*

(1) Identify the person who is mailing the form;

(2) Include a notice stating, "This is a request for an absent ballot."; and

(3) State that by returning the form the form will be submitted to the county clerk;".

Amend sec. 26, page 20, line 31, by deleting "*state;*" and inserting: "*state, which must, in 14-point type or larger:*

(1) Identify the person who is mailing the form;

(2) Include a notice stating, "This is a request for an absent ballot."; and

(3) State that by returning the form the form will be submitted to the city clerk;". Amend sec. 27, page 21, line 1, by deleting "40" and inserting "70".

Amend sec. 27, page 21, line 2, by deleting "30th" and inserting "60th".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 614.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 631.

The following Senate amendment was read:

Amendment No. 913.

Amend sec. 3, page 2, by deleting lines 19 through 24 and inserting:

"Sec. 3. *1. Each:*

(a) Incumbent assemblyman may request the drafting of not more than 4 legislative measures submitted to the legislative counsel before September 1 preceding the commencement of a regular session of the legislature and not more than 4 legislative measures submitted to the legislative counsel on or after September 1 but on or before December 15 preceding the commencement of a regular session of the legislature.

(b) Incumbent senator may request the drafting of not more than 8 legislative measures submitted to the legislative counsel before September 1 preceding the commencement of a regular session of the legislature and not more than 8 legislative measures submitted to the legislative counsel on or after September 1 but on or before December 15 preceding the commencement of a regular session of the legislature.

(c) Newly elected assemblyman may request the drafting of not more than 4 legislative measures submitted to the legislative counsel on or before December 15 preceding the commencement of a regular session of the legislature.

(d) Newly elected senator may request the drafting of not more than 8 legislative measures submitted to the legislative counsel on or before December 15 preceding the commencement of a regular session of the legislature.".

Amend sec. 6, page 4, lines 6 and 7, by deleting:
"*the commencement of a regular legislative session not more than 250*" and inserting:
"*September 1 preceding a regular legislative session not more than 125*".

Amend sec. 6, page 4, line 10, by deleting:
"*NRS 218.245, except that the*" and inserting:
"*NRS 218.245.*
2. The".

Amend sec. 6, page 4, line 11, by deleting "*first*" and inserting "*19th*".

Amend sec. 6, page 4, line 15, by deleting "*2.*" and inserting "*3.*".

Amend sec. 6, page 4, lines 16 and 17, by deleting:
"*the commencement of*" and inserting:
"*September 1 preceding*".

Amend sec. 6, page 4, line 20, by deleting "*15*" and inserting "*8*".

Amend sec. 6, page 4, line 23, by deleting "*35*" and inserting "*25*".

Amend sec. 6, page 4, line 25, by deleting "*3.*" and inserting "*4.*".

Amend sec. 6, page 4, lines 27 and 28, by deleting:
"*the commencement of*" and inserting:
"*September 1 preceding*".

Amend the bill as a whole by renumbering sections 18 through 51 as sections 20 through 53 and adding new sections designated sections 18 and 19, following sec. 17, to read as follows:

"Sec. 18. NRS 218.2413 is hereby amended to read as follows:

218.2413 1. Except as otherwise provided in subsections 3, 4 and 5, each board of county commissioners, board of trustees of a school district and city council may request the legislative counsel and the legal division of the legislative counsel bureau to prepare any legislative measure which has been approved by the governing body of the county, school district or city at a public hearing before its submission to the legislative counsel bureau.

2. The legislative counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than ~~[33]~~ *15* legislative measures pursuant to subsection 1 for a regular legislative session. At least ~~[three]~~ *one* of the measures must be recommended by a metropolitan police department that is located within the county.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than ~~[25]~~ *10* legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than ~~[5]~~ *2* legislative measures pursuant to subsection 1 for a regular legislative session.

4. The board of trustees of a school district in a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than ~~[3]~~ *2* legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

5. The city council of a city whose population:

(a) Is 100,000 or more shall not request the preparation of more than ~~[10]~~ *4* legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is less than 100,000 shall not request the preparation of more than ~~[5 legislative measures]~~ *1 legislative measure* pursuant to subsection 1 for a regular legislative session.

6. As used in this section, "population" means the current population estimate for that city or county as determined and published by the department of taxation and the demographer employed pursuant to NRS 360.283.

Sec. 19. NRS 218.2415 is hereby amended to read as follows:

218.2415 1. An association of elected officials may directly request the legislative counsel and the legal division of the legislative counsel bureau to prepare no more than 5 legislative measures for a regular legislative session.

2. An association of counties or cities may directly request the legislative counsel and the legal division of the legislative counsel bureau to prepare no more than ~~[10]~~ *20* legislative measures for a regular legislative session.".

Amend sec. 19, page 13, by deleting lines 37 through 39 and inserting:

"~~[upon the request of a member of the legislature or the personal written request of the governor.]~~ *as authorized by statute or joint rule of the legislature.*".

Amend sec. 19, page 14, line 3, by deleting "1." and inserting:

"1 ~~[.]~~ *of this section and subsection 1, 3 or 4 of section 6 of this act.*".

Amend sec. 20, page 14, line 13, by deleting "*20*" and inserting "*16*".

Amend sec. 20, page 14, line 14, by deleting "*5*" and inserting "*4*".

Amend sec. 44, page 24, line 22, by deleting "30th" and inserting "final".

Amend sec. 44, page 24, line 23, by deleting "30th" and inserting "final".

Amend sec. 44, page 24, line 24, by deleting the comma and inserting:

"or other appropriate legislative measure,".

Amend sec. 44, page 24, line 27, by deleting "30th" and inserting "final".

Amend sec. 50, page 28, line 34, by deleting:

"~~[19th calendar]~~ *first*" and inserting: "19th calendar".

Amend sec. 50, page 28, line 37, by deleting "budget." and inserting:

"budget ~~[.]~~ *or to carry out the governor's legislative agenda.*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 631.

Remarks by Assemblymen Giunchigliani, Marvel, Collins, Chowning, Anderson, Brower, Carpenter, Freeman, Von Tobel, Ohrenschall, Price, Buckley and Hettrick.

Mr. Speaker requested the privilege of the Chair for the purpose of giving remarks.

Assemblywoman Giunchigliani moved the motion to concur in the amendment to Assembly Bill No. 631 be withdrawn.

Motion carried.

Assembly Bill No. 470.

The following Senate amendment was read:

Amendment No. 1104

Amend sec. 8, page 4, line 5, after "inclusive," by inserting:
"or chapter 617".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself.

(b) Caused by the employee's willful intention to injure another.

(c) Proximately caused by the employee's intoxication. If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

(d) Proximately caused by the employee's use of a controlled substance. If the employee had any amount of a controlled substance in his system at the time of his injury for which the employee did not have a current and lawful prescription issued in his name, the controlled substance must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

2. For the purposes of paragraphs (c) and (d) of subsection 1:

(a) The affidavit or declaration of an expert or other person described in NRS 50.315 is admissible to prove the existence of any alcohol or the existence, quantity or identity of a controlled substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled substance, ~~[:~~

~~(1) If]~~ the laboratory that conducts the testing ~~[is located in a county whose population is 100,000 or more and the testing is of urine, the laboratory]~~ must be ~~[certified for forensic testing of urine for drugs by the College of American Pathologists or a successor organization or by the federal Department of Health and Human Services; and~~

~~(2) Any such testing of breath for alcohol must be performed pursuant to the regulations of the federal Department of Transportation.]~~ *licensed pursuant to the provisions of chapter 652 of NRS.*

3. No compensation is payable for the death, disability or treatment of an employee if his death is caused by, or insofar as his disability is aggravated,

caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

4. If any employee persists in an unsanitary or injurious practice that imperils or retards his recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his recovery, his compensation may be reduced or suspended.

5. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of his employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.".

Amend sec. 10, page 6, by deleting lines 4 and 5 and inserting:

"refer the employee to a physician or chiropractor ~~[chosen by the hearing officer.]~~ *of his choice who has demonstrated special competence to treat the particular medical condition of the employee.* If the medical question concerns the rating of a permanent".

Amend sec. 12, page 8, by deleting lines 6 and 7 and inserting:

"refer the employee to a physician or chiropractor ~~[chosen by the appeals officer.]~~ *of his choice who has demonstrated special competence to treat the particular medical condition of the employee.* If the medical question concerns the rating of a permanent".

Amend the bill as a whole by adding new sections designated sections 13 through 26, following sec. 12, to read as follows:

"Sec. 13. Chapter 686B of NRS is hereby amended by adding thereto a new section to read as follows:

"Prospective loss cost" means the portion of a rate that is based on historical aggregate losses and loss adjustment expenses which are adjusted to their ultimate value and projected to a future point in time. Except as otherwise provided in this section, the term does not include provisions for expenses or profit.

Sec. 14. NRS 686B.1751 is hereby amended to read as follows:

686B.1751 As used in NRS 686B.1751 to 686B.1799, inclusive, *and section 13 of this act,* unless the context otherwise requires, the words and terms defined in NRS 686B.1752 to 686B.1762, inclusive, *and section 13 of this act,* have the meanings ascribed to them in those sections.

Sec. 15. NRS 686B.1765 is hereby amended to read as follows:

686B.1765 The advisory organization may:

1. Develop statistical plans including definitions for the classification of risks.

2. Collect statistical data from its members and subscribers or any other reliable source.

3. Prepare and distribute data on ~~[the basic premium rate or rates, adjusted for expected changes in reported losses and for trends in losses, according to its statistical plan.]~~ *prospective loss costs.*

4. Prepare and distribute manuals of rules and schedules for rating which do not permit calculating the final rates without using information other than the information in the manual.

5. Distribute any information filed with the commissioner which is open to public inspection.

6. Conduct research and collect statistics to discover, identify and classify information on the causes and prevention of losses.

7. Prepare and file forms and endorsements for policies and consult with its members, subscribers and any other knowledgeable persons on their use.

8. Collect, compile and distribute information on the past and current premiums charged by individual insurers if the information is available for public inspection.

9. Conduct research and collect information to determine what effect changes in benefits to injured employees pursuant to chapters 616A to 617, inclusive, of NRS will have on ~~[the basic premium rate or rates.]~~ *prospective loss costs.*

10. Prepare and distribute rules and rating values for the uniform plan for rating experience.

11. Calculate and provide to the insurer the modification of premiums based on the individual employer's losses.

12. Assist an individual insurer to develop rates, supplementary rate information or other supporting information if authorized to do so by the insurer.

Sec. 16. NRS 686B.177 is hereby amended to read as follows:

686B.177 1. The advisory organization shall file with the commissioner a copy of every basic premium rate, the portion of the rate that is allowable for expenses as determined by the advisory organization, every manual of rating rules, every rating schedule and every change, amendment or modification to them which is proposed for use in this state at least 60 days before they are distributed to the organization's members, subscribers or other persons. The rates shall be deemed to be approved unless they are disapproved by the commissioner within 60 days after they are filed.

2. The commissioner shall report any changes in rates or in the uniform plan for rating experience, the uniform statistical plan or the uniform system of classification, when approved, to the director of the legislative counsel bureau.

3. The rates filed by the advisory organization and approved by the commissioner apply to every insurer. In no case may an insurer's rate be less than the approved rate by more than the following percentages:

(a) For the period beginning on July 1, 1999, and ending on June 30, 2000, no variance.

(b) For the period beginning on July 1, 2000, and ending on June 30, 2001, no more than a ~~[5]~~ *15* percent variance.

~~[(c) For the period beginning on July 1, 2001, and ending on June 30, 2002, no more than a 10 percent variance.~~

~~(d) For the period beginning on July 1, 2002, and ending on June 30, 2003, no more than a 15 percent variance.]~~

Sec. 17. NRS 686B.177 is hereby amended to read as follows:

686B.177 1. The advisory organization shall file with the commissioner a copy of every ~~[basic premium rate,]~~ *prospective loss cost,* every manual of rating rules, every rating schedule and every change, amendment or modification to them which is proposed for use in this state at least 60 days before they are distributed to the organization's members, subscribers or other persons. The rates shall be deemed to be approved unless they are disapproved by the commissioner within 60 days after they are filed.

2. The commissioner shall report any changes in rates or in the uniform plan for rating experience, the uniform statistical plan or the uniform system of classification, when approved, to the director of the legislative counsel bureau.

Sec. 18. NRS 686B.1775 is hereby amended to read as follows:

686B.1775 1. ~~[If the interaction among insurers and employers is presumed or found to be competitive, each]~~ *Each* insurer shall file with the commissioner all the rates , ~~[and]~~ supplementary rate information, *supporting data, and changes and amendments thereof,* except any information filed by the advisory organization, which the insurer intends to use in this state. ~~[The insurer shall file the rates and supplementary rate information]~~ *An insurer may adopt by reference any supplementary rate information or supporting data that has been previously filed by that insurer and approved by the commissioner. The filing must indicate the date the rates will become effective. An insurer may file its rates pursuant to this subsection by filing:*

(a) Final rates; or

(b) A multiplier and, if used by an insurer, a premium charged to each policy of industrial insurance regardless of the size of the policy which, when applied to the prospective loss costs filed by the advisory organization pursuant to NRS 686B.177, will result in final rates.

2. Each insurer shall file the rates, supplementary rate information and supporting data pursuant to subsection 1:

(a) Except as otherwise provided in subsection 4, if the interaction among insurers and employers is presumed or found to be competitive, not later than 15 days ~~[after]~~ *before* the date the rates become effective. ~~[An insurer may adopt by reference, with or without a deviation, the rates or supplementary rate information filed by any other insurer.~~

~~2.]~~ *(b)* If the commissioner has issued a finding that the interaction is not competitive, ~~[each insurer shall file with the commissioner all the rates and~~

~~supplementary rate information, except for the information filed by the advisory organization, at least~~] *not later than* 60 days before the rates become effective.

3. If the information supplied by an insurer pursuant to [~~this~~] subsection *1* is insufficient, the commissioner shall notify the insurer and [~~the information shall be deemed to be filed when~~] *require the insurer to provide additional information. The filing must not be deemed complete or available for use by the insurer and review by the commissioner must not commence until* all the information requested by the commissioner is received by him.

[~~3.~~] *If the requested information is not received by the commissioner within 60 days after its request, the filing may be disapproved without further review.*

4. If, after notice to the insurer and a hearing, the commissioner finds that an insurer's rates require supervision because of the insurer's financial condition or because of rating practices which are unfairly discriminatory, the commissioner shall order the insurer to file its rates, supplementary rate information , *supporting data* and any other information required by the commissioner, at least 60 days before they become effective.

[~~4.~~] *5.* For any filing made by an insurer pursuant to this section, the commissioner may authorize an earlier effective date for the rates upon a written request from the insurer.

[~~5. Every~~]

6. Except as otherwise provided in subsection 1, every rate filed by an insurer must be filed in the form and manner prescribed by the commissioner.

7. As used in this section, "supporting data" means:

(a) The experience and judgment of the insurer and of other insurers or of the advisory organization, if relied upon by the insurer;

(b) The interpretation of any statistical data relied upon by the insurer;

(c) A description of the actuarial and statistical methods employed in setting the rates; and

(d) Any other relevant matters required by the commissioner.

Sec. 19. NRS 686B.1777 is hereby amended to read as follows:

686B.1777 1. If the commissioner finds that:

(a) The interaction among insurers is not competitive;

(b) The rates filed by insurers whose interaction is competitive are inadequate or unfairly discriminatory; or

(c) The rates violate the provisions of this chapter,

the commissioner may require the insurers to file information supporting their existing rates. Before the commissioner may disapprove those rates, he shall notify the insurers and hold a hearing on the rates and the supplementary rate information.

2. The commissioner may disapprove any rate [~~which must be filed before it becomes effective~~] without a hearing. Any insurer whose rates are

disapproved in this manner may request in writing and within 30 days after the disapproval that the commissioner conduct a hearing on the matter.

Sec. 20. NRS 686B.1779 is hereby amended to read as follows:

686B.1779 1. The commissioner may disapprove a rate filed by an insurer ~~[:~~

~~(a) At any time after the rate becomes effective; or~~

~~(b) At]~~ *at* any time . ~~[before the rate becomes effective.]~~

2. The commissioner shall disapprove a rate if:

(a) An insurer has failed to meet the requirements for filing a rate pursuant to this chapter or the regulations of the commissioner; or

(b) The rate is inadequate, excessive or unfairly discriminatory.

Sec. 21. NRS 686B.1779 is hereby amended to read as follows:

686B.1779 1. The commissioner may disapprove a rate filed by an insurer ~~[:~~

~~(a) At any time after the rate becomes effective; or~~

~~(b) At]~~ *at* any time . ~~[before the rate becomes effective if the insurer is required to file its rates before they become effective.]~~

2. The commissioner shall disapprove a rate if:

(a) An insurer has failed to meet the requirements for filing a rate pursuant to this chapter or the regulations of the commissioner;

(b) The rate is inadequate or unfairly discriminatory and the interaction among insurers and employers is competitive; or

(c) A rate is inadequate, excessive or unfairly discriminatory and the commissioner has found and issued an order that the interaction among the insurers and employers is not competitive.

Sec. 22. NRS 686B.1784 is hereby amended to read as follows:

686B.1784 1. The commissioner may examine any insurer, advisory organization or plan for apportioned risks whenever he determines that such an examination is necessary.

2. The reasonable cost of an examination must be paid by the *insurer or other* person examined upon presentation by the commissioner of an accounting of those costs pursuant to NRS 679B.290.

3. In lieu of an examination, the commissioner may accept the report of an examination made by the agency of another state that regulates insurance.

Sec. 23. NRS 686B.1793 is hereby amended to read as follows:

686B.1793 1. ~~[A]~~ *An insurer or other* person who violates any provision of NRS 686B.1751 to 686B.1799, inclusive, *and section 13 of this act* shall, upon the order of the commissioner, pay an administrative fine not to exceed $1,000 for each violation and not to exceed $10,000 for each willful violation. These administrative fines are in addition to any other penalty provided by law. Any insurer using a rate before it has been filed with the commissioner as required by NRS 686B.1775, shall be deemed to have committed a separate violation for each day the insurer failed to file the rate.

2. The commissioner may suspend or revoke the license of any advisory organization or insurer who fails to comply with an order within the time specified by the commissioner or any extension of that time made by the commissioner. Any suspension of a license is effective for the time stated by the commissioner in his order or until the order is modified, rescinded or reversed.

3. The commissioner, by written order, may impose a penalty or suspend a license pursuant to this section only after written notice to the insurer, organization or plan for apportioned risks and a hearing.

Sec. 24. Section 197 of chapter 580, Statutes of Nevada 1995, as amended by chapter 410, Statutes of Nevada 1997, at page 1456, is hereby amended to read as follows:

Sec. 197. 1. This section and sections 25 to 36, inclusive, 44, 86, 119, 127, 128, 186.5, 188, 194, 195 and 196 of this act become effective upon passage and approval.

2. Section 68 of this act becomes effective at 12:01 a.m. on July 1, 1995.

3. Section 161 of this act becomes effective on July 1, ~~[2003.]~~ *2001.*

4. The remaining sections of this act become effective:

(a) Upon passage and approval for the purposes of:

(1) The adoption of regulations by the commissioner of insurance and the administrator of the division of industrial relations of the department of business and industry.

(2) The qualification of private carriers to sell industrial insurance.

(3) The designation of a licensed advisory organization by the commissioner and the initial filing of classifications of risk, the uniform plan for rating experience and the uniform statistical plan, by that organization.

(4) The inspection of the records of the system, the Nevada industrial commission and the administrator with respect to the self-insured employers, by the commissioner and the advisory organization.

(5) The filing, by private carriers and the system, of rates to be used by them.

(b) For all other purposes on July 1, 1999.

5. Section 145 of this act expires by limitation on July 1, 2001.

Sec. 25. Section 81 of chapter 410, Statutes of Nevada 1997, as amended by section 36 of Senate Bill No. 453 of this session, is hereby amended to read as follows:

Sec. 81. 1. This section and sections 3 to 10, inclusive, 12, 13, 15, 15.5, 16, 17, 20, 21, 22, 27, 28, 35, 40.5, 41, 42, 61, 62, 62.5, 63, 65, 67, 70, 72, 74, 76, 78, 79 and 80 of this act become effective on July 1, 1997.

2. Section 14 of this act becomes effective at 12:01 a.m. on July 1, 1997.

3. Sections 1, 11, 26, 36, 37, 38, 39, 43, 45, 46, 49, 51, 52, 53, 54, 58 and 59 of this act become effective on January 1, 1998.

4. Section 50 of this act becomes effective at 12:01 a.m. on January 1, 1998.

5. Sections 18, 23, 40, 48, 57, 60, 77 and 77.5 of this act become effective on July 1, 1999.

6. Sections 64, 66, 68, 71, 73 and 75 of this act become effective on July 1, ~~[2003.]~~ *2001.*

Sec. 26. 1. This section and sections 14, 16, 20, 22, 23, 24 and 25 of this act become effective at 12:01 a.m. on July 1, 1999.

2. Sections 1 to 7, inclusive, and 9 to 12, inclusive, of this act become effective on October 1, 1999.

3. Sections 8 and 8.5 of this act become effective at 12:01 a.m. on October 1, 1999.

4. Section 13, 15, 17, 18, 19 and 21 of this act become effective at 12:01 a.m. on July 1, 2001.".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; prohibiting organizations for managed care that provide medical and health care services to injured employees from engaging in certain practices that restrict the actions of a provider of health care; requiring a response to a request for prior authorization for medical treatment to be issued within a certain number of days; allowing an injured employee whose employer's insurer has entered into a contract with an organization for managed care or providers of health care to change treating physicians or chiropractors under certain circumstances; requiring that a test of an injured employee for the presence of alcohol or a controlled substance be performed by a laboratory that is licensed by the health division of the department of human resources; allowing hearing officers and appeals officers to refer an injured employee to a physician or chiropractor competent to determine the necessity of certain medical treatment; revising the provisions governing the filing of rates for industrial insurance with the commissioner of insurance; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting the period and inserting:

"and filing of rates for industrial insurance.".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 470.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 628.

The following Senate amendment was read:

Amendment No. 993.

Amend section 1, page 1, by deleting line 9 and inserting:

"*(a) Regular* routes and fixed schedules ~~[. Under such an agreement,]~~ ;".

Amend section 1, page 2, by deleting lines 2 through 8 and inserting:

"*schedules;*

(c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the authority shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares . ~~[and provide for any required safety inspections.~~

~~3.]~~ *(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:*

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) Shall not offer medical assistance as part of its transportation service.

5. A nonprofit carrier of elderly or ~~[physically or mentally handicapped]~~ *disabled*".

Amend section 1, page 2, by deleting lines 13 through 17 and inserting:

"~~[4.]~~ *6.* An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.".

Amend sec. 3, page 3, by deleting lines 31 and 32 and inserting:

"*schedules;*

(c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the

transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.".

Amend sec. 3, page 3, lines 42 and 43, by deleting "*paragraph (b)*" and inserting:

"*paragraph (b), (c) or (d)*".

Amend sec. 4, page 5, by deleting lines 14 through 17 and inserting:

"*5. Transportation that is available pursuant to NRS 373.117.*".

Amend the title of the bill by deleting the fourth through seventh lines and inserting:

"certain circumstances; expanding the authorized purposes of".

Assemblywoman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 628.

Remarks by Assemblywoman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 237.

The following Senate amendment was read:

Amendment No. 1081.

Amend sec. 2, page 2, between lines 31 and 32, by inserting:

"*(c) An eligible recipient, to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the state engineer pursuant to NRS 534.120 as an area where the ground water basin is being depleted:*

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the state engineer.".

Amend sec. 2, page 2, lines 34 and 35, by deleting:

"*means:*

(a) A" and inserting "*means a*".

Amend sec. 2, page 2, line 36, after "*county,*" by inserting:

"*unincorporated town, water authority, conservation district,*".

Amend sec. 2, page 2, by deleting lines 37 through 39 and inserting "*district.*".

Amend the title of the bill, first line, after "for" by inserting:

"certain costs associated with connections to municipal water systems and for".

Amend the summary of the bill, first line, by deleting:

"Revises provisions relating to grants for" and inserting:

"Authorizes grants for certain costs associated with connections to municipal water systems and for".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 237.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 298.

The following Senate amendment was read:

Amendment No. 971.

Amend section 1, page 1, line 2, by deleting "5," and inserting "11,".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *1. A local government shall award a contract for the construction, alteration or repair of a public work pursuant to the provisions of:*

(a) Sections 3 to 11, inclusive, of this act; or

(b) NRS 338.143, 338.145 and 338.147.

2. The provisions of sections 3 to 11, inclusive, of this act and NRS 338.143, 338.145 and 338.147 do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the department of transportation pursuant to NRS 408.313 to 408.433, inclusive.".

Amend sec. 2, page 1, line 3, by deleting "*subsection 4,*" and inserting: "*section 6 of this act,*".

Amend sec. 2, page 1, line 5, by deleting "*4*" and inserting "*5*".

Amend sec. 2, page 2, by deleting lines 1 through 22.

Amend sec. 2, page 2, line 23, by deleting "*5.*" and inserting "*4.*".

Amend sec. 3, page 2, line 31, by deleting "*2*" and inserting "*3*".

Amend sec. 4, page 3, line 1, by deleting:

"*subsection 4 of section 2*" and inserting "*section 6*".

Amend sec. 4, page 3, line 15, by deleting "*5*" and inserting "*7*".

Amend sec. 4, page 3, line 17, by deleting "*3*" and inserting "*4*".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. *A public body may accept a bid on a contract for a public work from a person who does not qualify pursuant to section 5 of this act if the person holds:*

1. An unlimited contractor's license issued by the state contractors' board in the branch of general engineering contracting or general building contracting, or in both branches, and:

(a) At the time he submits his bid, he provides a bid bond equal to 10 percent of the amount of the bid; and

(b) At the time the contract is awarded, he provides a performance bond, a labor and material bond, and a guaranty bond, each equal to 100 percent of the amount of the contract; or

2. A contractor's license issued by the state contractors' board that is designated in any classification if he:

(a) Has, in the 5 years immediately preceding the submission of the bid, been found to be a responsible contractor in the classification in which his contractor's license is designated;

(b) Provides a bid bond, a performance bond, a guaranty bond, and a labor and material bond in such amounts as the state public works board or governing body may require; and

(c) Employs a person determined by the state contractors' board to be qualified to supervise each classification of construction upon which the person submitting the bid is bidding.".

Amend the bill as a whole by renumbering sec. 6 as sec. 12 and adding new sections designated sections 8 through 11, following sec. 5, to read as follows:

"Sec. 8. *1. Except as otherwise provided in subsection 7 and NRS 338.1906 and 338.1907, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of section 2 of this act, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the state or the local government, shall not:*

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to section 5 of this act to bid on the contract or must be exempt from meeting such qualifications pursuant to section 6 of this act; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons

desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to section 5 of this act, unless the bidder is exempt from meeting such qualifications pursuant to section 6 of this act;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the state or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the state or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the state or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the state or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947.

Sec. 9. *1. Except as otherwise provided in subsection 7, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of section 2 of this act, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the state or the local government, shall not:*

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to section 5 of this act to bid on the contract or must be exempt from meeting such qualifications pursuant to section 6 of this act; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to section 5 of this act, unless the bidder is exempt from meeting such qualifications pursuant to section 6 of this act;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the state or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the state or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the state or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the state or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947.

Sec. 10. *1. A public body awarding a contract for a public work shall not award the contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of his license. A subcontractor named by the contractor who is not properly licensed for that portion of the work shall be deemed unacceptable. If the subcontractor is deemed unacceptable, the contractor shall provide an acceptable subcontractor before the award of the contract.*

2. If, after awarding the contract, the public body discovers that the person to whom the contract was awarded is not licensed, or that the contract would exceed his license, the public body shall reject the bid and may accept the next lowest bid for that public work from a responsive bidder who was determined by the public body to be a qualified bidder pursuant to section 5 of this act or was exempt from meeting such qualifications pursuant to section 6 of this act without requiring that new bids be submitted.

Sec. 11. *1. A public body shall award a contract for a public work to the contractor who submits the best bid.*

2. Except as otherwise provided in subsection 4 or limited by subsection 5, for the purposes of this section, a contractor who:

(a) Has been determined by the public body to be a qualified bidder pursuant to section 5 of this act or is exempt from meeting such qualifications pursuant to section 6 of this act; and

(b) At the time he submits his bid, provides to the public body proof of the payment of:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of his bid;

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of his bid; or

(3) Any combination of those sales and use taxes and motor vehicle privilege tax,

shall be deemed to have submitted a better bid than a competing contractor who has not provided proof of the payment of those taxes if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. A contractor who has previously provided the public body awarding a contract with the proof of payment required pursuant to subsection 2 may update that proof on or before April 1, July 1, September 1 and December 1 rather than with each bid.

4. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply if the application of those provisions would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than $250,000.

5. Except as otherwise provided in subsection 6, if a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

6. Except as otherwise provided in subsection 8, if a bid is submitted by a joint venture and one or more of the joint venturers has responsibility for the performance of the contract as described in subsection 7, the provisions of subsection 2 apply only to those joint venturers who have that responsibility.

7. For the purposes of subsection 6, a joint venturer has responsibility for the performance of a contract if he has at least one of the following duties or obligations delegated to him in writing in the contract creating the joint venture:

(a) Supplying the labor necessary to perform the contract and paying the labor and any related taxes and benefits;

(b) Supplying the equipment necessary to perform the contract and paying any charges related to the equipment;

(c) Contracting with and making payments to any subcontractors; or

(d) Performing the recordkeeping for the joint venture and making any payments to persons who provide goods or services related to the performance of the contract.

8. The provisions of subsection 6 do not apply to a joint venture which is formed for the sole purpose of circumventing any of the requirements of this section.".

Amend sec. 6, page 4, by deleting lines 3 through 7 and inserting:

"2. "Eligible bidder" means a person who was ~~[found]~~ *:*

(a) Found to be a responsible contractor by a ~~[public body]~~ *local government* which awarded a contract for a public work ~~[.]~~ *in accordance with paragraph (b) of subsection 1 of section 2 of this act; or*

(b) Determined by a public body which awarded a contract for a public work pursuant to sections 3 to 11, inclusive, of this act, to be qualified to bid

on that contract pursuant to section 5 of this act or was exempt from meeting such qualifications pursuant to section 6 of this act.".

Amend the bill as a whole by deleting sections 7 through 10, renumbering sec. 11 as sec. 20 and adding new sections designated sections 13 through 19, following sec. 6, to read as follows:

"Sec. 13. NRS 338.0115 is hereby amended to read as follows:

338.0115 1. Except as otherwise provided in subsection 2, the provisions of this chapter and chapters 332 and 339 of NRS do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension and any related appurtenances:

(a) Which qualify as a public work pursuant to NRS 338.010; and

(b) For which he will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project.

2. If, pursuant to the provisions of such a contract, the developer is not responsible for paying all of the initial construction costs of the project, the provisions of NRS 338.013 to 338.090, inclusive, and 338.140 to 338.147, inclusive, *and sections 2 to 11, inclusive, of this act* apply to the contract.

Sec. 14. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6 and NRS ~~[338.1906 and 338.1907, an agency or political subdivision of the state,]~~ *338.1907, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of section 2 of this act,* or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work ~~[,]~~ *who represents that local government,* shall not:

(a) Commence such a project ~~[,]~~ for which the estimated cost exceeds $100,000 ~~[,]~~ unless it advertises in a newspaper of general circulation in ~~[the]~~ *this* state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a ~~[public body]~~ *local government* that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The ~~[public body]~~ *local government* shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the ~~[public body]~~ *local government* to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any ~~[or all]~~ bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(c) The public interest would be served by such a rejection.

5. Before ~~[an agency or political subdivision of the state]~~ *a local government* may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, ~~[who the agency or political subdivision]~~ *whom the local government* intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the ~~[agency or political subdivision]~~ *local government* intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the ~~[agency or political subdivision]~~ *local government* expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947.

Sec. 15. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6, ~~[an agency or political subdivision of the state,]~~ *a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of section 2 of this act,* or a public officer, public employee or other person responsible for awarding a contract for the

construction, alteration or repair of a public work [,] *who represents that local government,* shall not:

(a) Commence such a project [,] for which the estimated cost exceeds $100,000 [,] unless it advertises in a newspaper of general circulation in [the] *this* state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a [public body] *local government* that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The [public body] *local government* shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the [public body] *local government* to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any [or all] bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(c) The public interest would be served by such a rejection.

5. Before [an agency or political subdivision of the state] *a local government* may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, [who the agency or political subdivision] *whom the local government* intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the [agency or political subdivision] *local government* intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the ~~[agency or political subdivision]~~ *local government* expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947.

Sec. 16. NRS 338.145 is hereby amended to read as follows:

338.145 1. A ~~[public body]~~ *local government* awarding a contract for a public work shall not award the contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of his license. A subcontractor named by the contractor who is not properly licensed for that portion of the work shall be deemed unacceptable. If the subcontractor is deemed unacceptable, the contractor shall provide an acceptable subcontractor before the award of the contract.

2. If, after awarding the contract, the ~~[public body]~~ *local government* discovers that the person to whom the contract was awarded is not licensed, or that the contract would exceed his license, the ~~[public body]~~ *local government* shall reject the bid and may accept the next lowest bid for that public work from a responsive and responsible bidder without requiring that new bids be submitted.

Sec. 17. NRS 338.147 is hereby amended to read as follows:

338.147 1. A ~~[public body]~~ *local government* shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 4 or limited by subsection 5, for the purposes of this section, a contractor who:

(a) Has been found to be a responsible contractor by the ~~[public body;]~~ *local government;* and

(b) At the time he submits his bid, provides to the ~~[public body]~~ *local government* proof of the payment of:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of his bid;

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of his bid; or

(3) Any combination of such sales and use taxes and motor vehicle privilege tax,

shall be deemed to have submitted a better bid than a competing contractor who has not provided proof of the payment of those taxes if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. A contractor who has previously provided the ~~[public body]~~ *local government* awarding a contract with the proof of payment required pursuant to subsection 2 may update such proof on or before April 1, July 1, September 1 and December 1 rather than with each bid.

4. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than $250,000.

5. Except as otherwise provided in subsection 6, if a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

6. Except as otherwise provided in subsection 8, if a bid is submitted by a joint venture and one or more of the joint venturers has responsibility for the performance of the contract as described in subsection 7, the provisions of subsection 2 apply only to those joint venturers who have such responsibility.

7. For the purposes of subsection 6, a joint venturer has responsibility for the performance of a contract if he has at least one of the following duties or obligations delegated to him in writing in the contract creating the joint venture:

(a) Supplying the labor necessary to perform the contract and paying the labor and any related taxes and benefits;

(b) Supplying the equipment necessary to perform the contract and paying any charges related to the equipment;

(c) Contracting with and making payments to any subcontractors; or

(d) Performing the recordkeeping for the joint venture and making any payments to persons who provide goods or services related to the performance of the contract.

8. The provisions of subsection 6 do not apply to a joint venture which is formed for the sole purpose of circumventing any of the requirements of this section.

Sec. 18. NRS 338.1906 is hereby amended to read as follows:

338.1906 1. Upon request by or consultation with an officer or employee of the state who is responsible for the budget of a department, board, commission, agency or other entity of the state, the appropriate energy retrofit coordinator may request the approval of the state board of examiners to advertise a request for proposals to retrofit a building, or any portion

thereof, that is occupied by the department, board, commission, agency or other entity, to make the use of energy in the building, or portion thereof, more efficient.

2. Upon approval of the state board of examiners, the coordinator shall prepare a request for proposals for the retrofitting of one or more buildings, or any portion thereof, which includes:

(a) The name and location of the coordinator;

(b) A brief description of the requirements for the initial audit of the use of energy and the retrofitting;

(c) Where and how specifications of the requirements for the initial audit of the use of energy and the retrofitting may be obtained;

(d) The date and time not later than which proposals must be received by the coordinator; and

(e) The date and time when responses will be opened.

3. The request for proposals must be published in at least one newspaper of general circulation in the state.

4. After receiving the proposals but before making a decision on the proposals, the coordinator shall consider:

(a) The best interests of the state;

(b) The experience and financial stability of the persons submitting the proposals;

(c) Whether the proposals conform with the terms of the request for proposals;

(d) The prices of the proposals; and

(e) Any other factor disclosed in the request for proposals.

5. The coordinator shall determine the relative weight of each factor before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted to the coordinator.

6. After reviewing the proposals, if the coordinator determines that sufficient energy could be saved to justify retrofitting the building or buildings, or portion thereof, the coordinator shall select the best proposal and request the approval of the board of examiners to award the contract. The request for approval must include the proposed method of financing the audit and retrofit , which may include an installment contract, a shared savings contract or any other contract for a reasonable financing arrangement. Such a contract may commit the state to make payments beyond the biennium in which the contract is executed , but the interest due on any debt created pursuant to this section must be paid at least semiannually, payments must be made on the principal at least annually and the debt must be fully repaid on or before May 1, 2013.

7. Before approving a retrofit pursuant to this section, the state board of examiners shall evaluate any projects that would utilize shared savings as a method of payment or any method of financing that would commit the state

to make payments beyond the biennium in which the contract is executed to ensure that:

(a) The amount of energy to be saved will likely justify the cost of the retrofit;

(b) The state is likely to continue to occupy the building for the entire period required to recoup the cost of the retrofit in energy savings; and

(c) The limitation set forth in subsection 9 will not be exceeded.

8. Upon approval of the state board of examiners, the coordinator shall execute the contract and notify:

(a) The state board of examiners of the total amount of money committed by the contract per year; and

(b) Each officer or employee who is responsible for the budget of a department, board, commission, agency or other entity which occupies a portion of a building that will be retrofitted of the amount of money it will be required to pay annually for its portion of the retrofit.

9. The total amount of money committed beyond the biennium for all contracts executed pursuant to this section must not exceed $5,000,000 at any one time.

10. The legislature hereby pledges that a tax will be levied to pay the principal and interest on any indebtedness resulting from a contract executed pursuant to this section as they become due if the required payments will not be made by the entity that executed the contract from its budgeted accounts and the proceeds from any such taxes are hereby specially appropriated for this purpose.

11. ~~[NRS 338.143]~~ *Section 8 of this act* does not apply to a project for which a request for proposals is advertised and the contract is awarded pursuant to the provisions of this section.

Sec. 19. NRS 338.1907 is hereby amended to read as follows:

338.1907 1. The governing body of a local government may designate one or more energy retrofit coordinators for the buildings occupied by the local government.

2. If such a coordinator is designated, upon request by or consultation with an officer or employee of the local government who is responsible for the budget of a department, board, commission or other entity of the local government, the coordinator may request the approval of the governing body to advertise a request for proposals to retrofit a building, or any portion thereof, that is occupied by the department, board, commission or other entity, to make the use of energy in the building, or portion thereof, more efficient.

3. Upon approval of the governing body, the coordinator shall prepare a request for proposals for the retrofitting of one or more buildings, or any portion thereof, which includes:

(a) The name and location of the coordinator;

(b) A brief description of the requirements for the initial audit of the use of energy and the retrofitting;

(c) Where and how specifications of the requirements for the initial audit of the use of energy and the retrofitting may be obtained;

(d) The date and time not later than which proposals must be received by the coordinator; and

(e) The date and time when responses will be opened.

4. The request for proposals must be published in at least one newspaper of general circulation in the county in which the local government is located.

5. After receiving the proposals but before making a decision on the proposals, the coordinator shall consider:

(a) The best interests of the local government;

(b) The experience and financial stability of the persons submitting the proposals;

(c) Whether the proposals conform with the terms of the request for proposals;

(d) The prices of the proposals; and

(e) Any other factor disclosed in the request for proposals.

6. The coordinator shall determine the relative weight of each factor before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted to the coordinator.

7. After reviewing the proposals, if the coordinator determines that sufficient energy could be saved to justify retrofitting the building or buildings, or portion thereof, the coordinator shall select the best proposal and request the approval of the governing body to award the contract. The request for approval must include the proposed method of financing the audit and retrofit , which may include an installment contract, a shared savings contract or any other contract for a reasonable financing arrangement. Such a contract may commit the local government to make payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body, or both.

8. Before approving a retrofit pursuant to this section, the governing body shall evaluate any projects that would utilize shared savings as a method of payment or any method of financing that would commit the local government to make payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body to ensure that:

(a) The amount of energy to be saved will likely justify the cost of the retrofit; and

(b) The local government is likely to continue to occupy the building for the entire period required to recoup the cost of the retrofit in energy savings.

9. Upon approval of the governing body, the coordinator shall execute the contract and notify each officer or employee who is responsible for the budget of a department, board, commission or other entity which occupies a portion of a building that will be retrofitted of the amount of money it will be required to pay annually for its portion of the retrofit.

10. NRS 338.143 ~~[does]~~ *and section 8 of this act do* not apply to a project for which a request for proposals is advertised and the contract is awarded pursuant to the provisions of this section.".

Amend the bill as a whole by deleting sec. 12 and adding a new section designated sec. 21, following sec. 11, to read as follows:

"Sec. 21. 1. This section and sections 2 to 8, inclusive, 10 to 14, inclusive, and 16 to 20, inclusive, of this act become effective on October 1, 1999.

2. Sections 9 and 15 of this act become effective at 12:01 a.m. on May 1, 2013.

3. Sections 8, 14, 18 and 19 of this act expire by limitation on May 1, 2013.".

Amend the title of the bill, second line, after "works;" by inserting:

"making an exemption for local governments and the department of transportation in certain circumstances;".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 298.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 347.

The following Senate amendment was read:

Amendment No. 1092.

Amend sec. 3, page 2, line 37, by deleting "$10" and inserting "~~[$10]~~ *$13*".

Amend sec. 3, page 2, line 41, by deleting "$10." and inserting "~~[$10.]~~ *$13.*".

Amend sec. 3, page 3, line 5, by deleting "*$27*" and inserting "*$30*".

Amend sec. 3, page 3, line 8, by deleting "*$27.*" and inserting "*$30.*".

Amend sec. 3, page 3, by deleting lines 19 through 23 and inserting:

"inflation as calculated pursuant to subsection ~~[3]~~ *4* only if ~~[:~~

~~(a) A majority of all of the voting members of the advisory committee recommends the change;~~

~~(b) The board of directors approves the recommendation; and~~

~~(c) The]~~ *the* increase is approved by the Legislature.".

Amend sec. 4, page 4, line 3, after "5." by inserting:

"*Develop and implement a program to provide financial assistance to owners of real property served by:*

(a) Domestic wells; or

(b) Wells that are operated pursuant to temporary permits,

in existence before October 1, 1999, who are required by the state engineer to connect the real property to a public water system.

6.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 347.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 668.

The following Senate amendment was read:

Amendment No. 933.

Amend sec. 7, page 1, lines 3 and 4, by deleting:

"~~[widows and orphan children,]~~ *surviving spouses,*" and inserting:

"widows and orphan children,".

Amend sec. 7, page 1, by deleting lines 7 through 10 and inserting:

"this state to the same family.

2. For the purpose of this section, property in which the widow or orphan child has any interest shall be deemed the property of the widow or orphan child.".

Amend sec. 7, page 2, line 1, by deleting "*surviving spouse*" and inserting "*widow*".

Amend sec. 7, page 2, line 2, by deleting "*his*" and inserting "*her*".

Amend the bill as a whole by deleting sec. 10.5 and adding:

"Sec. 10.5. (Deleted by amendment.)".

Amend sec. 16.3, page 8, lines 34 and 35, by deleting:

"~~[widows and orphan children,]~~ *surviving spouses,*" and inserting:

"widows and orphan children,".

Amend sec. 16.3, page 8, by deleting lines 38 through 41 and inserting:

"but one county in this state to the same family.

2. For the purpose of this section, vehicles in which the widow or orphan child has any interest shall be deemed to belong entirely to that widow or orphan child.".

Amend sec. 16.3, page 9, line 10, by deleting "*surviving spouse*" and inserting "*widow*".

Amend sec. 16.3, page 9, line 11, by deleting "*his*" and inserting "*her*".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 668.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 30.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 30, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

BARBARA E. BUCKLEY	MARK AMODEI
DENNIS NOLAN	JON C. PORTER
JERRY D. CLABORN	
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 30.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 288.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1144.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sections 4 and 5 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. A county that is required to provide protective services to children in that county pursuant to NRS 432B.325 may enter into an agreement with the division of child and family services of the department of human resources to establish a pilot program to provide continuity of care for children who receive protective services. A pilot program established pursuant to such an agreement may provide:

(a) For the county and the division of child and family services jointly to furnish services relating to the assessment of a child and planning for the provision of protective services to the child;

(b) For a child to be in the joint custody of the county and the division of child and family services;

(c) For continuity in the placement of a child in foster care;

(d) That the rate of payment by the county for foster care and shelter care must be equal to the rate of payment by the division of child and family services for foster care and shelter care;

(e) For continuity in the management of a case for the provision of protective services to a child; and

(f) For services designed to carry out a plan for the permanent placement of a child established pursuant to NRS 432B.590 or the Adoption and Safe Families Act of 1997, Public Law 105-89.

2. Notwithstanding any specific statute to the contrary, for the purpose of a pilot program established pursuant to an agreement entered into pursuant to this section, the division of child and family services may deviate from the rate of payment for foster care approved by the legislature.".

Amend sec. 4, page 3, line 18, by deleting "3" and inserting "1".

Amend sec. 5, page 3, line 29, by deleting "1999." and inserting:

"1999, and expires by limitation on June 30, 2001.".

Amend the summary of the bill by deleting the third line and inserting: "(BDR S-1028)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Senate Bill No. 438, to which was referred Senate Bill No. 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DOUGLAS A. BACHE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Perkins, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams:

Assembly Bill No. 695—AN ACT relating to special legislative license plates; granting to Joseph E. Dini, Jr., the use of the special legislative license plate designated "State Assemblyman 1" as a lifetime endowment; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 13.

The following Senate amendment was read:

Amendment No. 853.

Amend the resolution, page 1, by deleting lines 8 through 10 and inserting:

"~~[2. The]~~ *Except as otherwise provided in subsection 2, the* term of office of any justice or judge so appointed expires on the first Monday of January following the ~~[next]~~ *first* general election ~~[.]~~ *that is held at least 12 calendar*

months after the date on which the appointment was made. At that general election, a justice or judge must be elected to fill the remainder of the term.

2. If the date on which the appointment was made is within the 12 calendar months immediately preceding the expiration of the term of the vacated office, the term of office of the justice or judge appointed pursuant to subsection 1 is the remainder of the unexpired term of office.".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 13.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 984 to Senate Bill No. 128; Assembly Amendment No. 978 to Senate Bill No. 133; Assembly Amendment No. 979 to Senate Bill No. 417; Assembly Amendment No. 1007 to Senate Bill No. 423; Assembly Amendment No. 1062 to Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 59, Senate Amendment No. 733, and requests a conference, and appointed Senators Washington, Jacobsen and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 109, Senate Amendments Nos. 874, 1021, and requests a conference, and appointed Senators Porter, Townsend and Shaffer as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 238, Senate Amendment No. 1010, and requests a conference, and appointed Senators Amodei, Wiener and Mathews as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 289, Senate Amendment No. 902, and requests a conference, and appointed Senators O'Donnell, Jacobsen and Neal as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 376, Senate Amendment No. 846, and requests a conference, and appointed Senators Washington, Wiener and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 438 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 438.

Bill read second time.

The following amendment was proposed by the Assembly Select Committee on Senate Bill No. 438:

Amendment No. 1150.

Amend the bill as a whole by deleting sections 1 through 10, renumbering sections 11 and 12 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 703.130 is hereby amended to read as follows:

703.130 1. The commission shall appoint a deputy commissioner who shall serve in the unclassified service of the state.

2. The commission shall appoint a secretary who shall perform such administrative and other duties as are prescribed by the commission. The commission shall also appoint an assistant secretary.

3. The commission may employ such other clerks, experts or engineers as may be necessary.

4. The commission may appoint one or more hearing officers for a period specified by the commission to conduct proceedings or hearings that may be conducted by the commission pursuant to chapters 704, 704A, 705, 708 and 711 of NRS. The commission shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the commission.".

Amend sec. 11, page 5, line 13, by deleting:

"12, 13 and 14" and inserting:

"3 to 6, inclusive,".

Amend sec. 12, page 5, by deleting lines 14 through 38 and inserting:

"Sec. 3. *1. A vertically integrated electric utility that is in existence on January 1, 1999, or its successor electric distribution utility or any assignee of the utility shall comply with the terms of any existing obligations for the purchase of power as those terms have been interpreted by the parties to the obligations.*

2. To recover any costs associated with an obligation for the purchase of power, a vertically integrated electric utility in existence on January 1, 1999, or its successor electric distribution utility or any assignee of the utility must demonstrate to the commission that it has made reasonable efforts to reduce the cost or increase the value of the obligation, including, without limitation, by:

(a) Evaluating the costs and benefits of the obligation and analyzing whether there are any reasonable options under the existing provisions of the obligation that may reduce the costs or increase the benefits of the obligation;

(b) Reporting on the good faith attempts by the utility or its assignee to seek an increase in value or reduction in cost from the provider of the purchased power under the existing provisions of the obligation;

(c) Showing that the utility or its assignee has exercised to the extent practicable the terms of the existing obligation to mitigate the cost of the obligation or has assessed the value of retaining the obligation;

(d) Providing a citation to an order of the commission approving the obligation, or if such an order does not exist or is not available, providing all information, including, without limitation, any actions or statements by the commission or any state or federal agency, that demonstrates the commitment of the utility or its assignee to the obligation; and

(e) Providing all information indicating the extent to which the rates previously established by the commission have compensated shareholders for the risk of not recovering the costs of the obligation.

3. After a utility has made a showing pursuant to subsection 2, the commission shall determine the recoverable costs associated with such an obligation for the purchase of power and shall allow the utility or assignee to recover those costs from all classes of customers through a charge imposed for noncompetitive services.

4. The provisions of this section must not be construed to allow the reinterpretation, modification or termination of any obligation for the purchase of power in effect on July 1, 1999, without the agreement of the parties to the obligation.".

Amend the bill as a whole by deleting sec. 13, renumbering sections 14 through 15.5 as sections 6 through 8 and adding new sections designated sections 4 and 5, following sec. 12, to read as follows:

"Sec. 4. *The commission shall, for each class of customers of electric service in this state, establish a total rate for the components of electric service that are necessary to provide electric service to customers in this state pursuant to subsection 1 of NRS 704.982. The total rate for each class may not exceed the total rate for each class of customers of electric service in this state which is in effect on July 1, 1999, except that the commission shall modify the rates to account for the effects of any decisions by the commission relating to any cases filed with the commission before October 1, 1999, which involve the use of deferred accounting. Upon approval by the commission, the provider designated pursuant to subsection 1 of NRS 704.982 may reduce the total rate for any class of customers. The total rates established pursuant to this subsection do not apply to any customer who obtains generation, aggregation or any other potentially competitive service from an alternative seller.*

Sec. 5. *1. The provider of electric service designated pursuant to subsection 1 of NRS 704.982 is entitled to recover only from the gain, if any, from the sale by the provider of its generation assets any shortfall during the period commencing on March 1, 2000, and ending on March 1, 2003, that results from the netting of any difference between:*

(a) The revenues generated by the total rates charged to all classes of customers pursuant to section 4 of this act; and

(b) The total cost incurred by the provider to provide that service to all classes of customers. 2. Upon approval of the amount of the net shortfall, if any, the commission shall authorize the designated provider to

recover that amount from the gain if any, on the sale of its generation assets, after the deduction of any taxes.

3. As used in this section, "total cost incurred by the provider" means the total revenues generated by all classes by the rates in effect on July 1, 1999, as adjusted to account for the effects of any decision of the commission relating to any cases filed with the commission before October 1, 1999, which involve the use of deferred accounting.".

Amend sec. 14, page 6, by deleting lines 31 through 35 and inserting:

"*seller may submit to the commission an offer to provide electric service that is being provided by the provider designated pursuant to subsection 1 of NRS 704.982. The offer must:*

(a) Request to serve at least 10 percent of the load of the provider designated pursuant to subsection 1 of NRS 704.982;".

Amend sec. 14, page 6, by deleting line 39 and inserting:

"*prescribed in subsection 2 of NRS 704.982.*".

Amend sec. 14, page 6, line 40, by deleting "*a bid,*" and inserting "*an offer,*".

Amend sec. 14, page 7, by deleting lines 5 through 7 and inserting:

"*Each bid must be not less than 10 percent of the load, as measured in megawatts or megawatt hours, of the load of the provider designated pursuant to subsection 1 of NRS 704.982.*".

Amend sec. 14, page 7, line 12, by deleting:

"*For the percentage of the*" and inserting "*For the*".

Amend sec. 14, page 7, by deleting line 13 and inserting:

"*remainder of the load that is not awarded to a successful bidder, the*".

Amend sec. 14, page 7, line 17, by deleting:

"*the affiliate of*".

Amend the bill as a whole by deleting sec. 16 and renumbering sections 17 through 22 as sections 9 through 14.

Amend sec. 17, page 10, line 20, by deleting:

"*12, 13 and 14*" and inserting:

"*3 to 6, inclusive,*".

Amend sec. 21, page 12, by deleting lines 37 through 40 and inserting:

"obtained a license from the commission to do so.".

Amend sec. 21, page 13, line 15, by deleting:

"*12, 13 and 14*" and inserting:

"*3 to 6, inclusive,*".

Amend sec. 21, page 13, line 27, by deleting:

"*12, 13 and 14*" and inserting:

"*3 to 6, inclusive,*".

Amend sec. 21, page 13, line 41, by deleting:

"*12, 13 and 14*" and inserting:

"*3 to 6, inclusive,*".

Amend sec. 21, page 14, by deleting lines 18 and 19 and inserting:

"provisions of NRS 704.965 to 704.990, inclusive ~~.~~ , *and sections 3 to 6, inclusive, of this act.*

9. An alternative seller may combine two or more customers or any group of customers to provide aggregation service. The commission may not limit the ability of:

(a) An alternative seller to combine customers to provide aggregation service; or

(b) Customers to form groups to obtain aggregation service from alternative sellers.".

Amend the bill as a whole by deleting sec. 23, renumbering sec. 24 as sec. 18 and adding new sections designated sections 15 through 17, following sec. 22, to read as follows:

"Sec. 15. NRS 704.981 is hereby amended to read as follows:

704.981 1. An electric distribution utility shall provide all noncompetitive services within its territory unless the commission authorizes another entity to provide the noncompetitive service.

2. A noncompetitive service is subject to NRS 704.001 to 704.655, inclusive, 704.701 to 704.751, inclusive, and 704.800 to 704.900, inclusive.

3. *The component rates for noncompetitive services established by the commission pursuant to NRS 704.986 must be used by customers who elect to receive competitive or potentially competitive services from alternative sellers or from the Colorado River Commission pursuant to NRS 704.987.*

4. The commission shall adopt regulations for noncompetitive services that allow innovative pricing methods for noncompetitive services upon a finding that the innovative pricing, when compared to pricing of services provided pursuant to subsections 1 and 2, improves the performance of the service or lowers the cost of the service to the customer, or both. The regulations for innovative pricing must specify:

(a) The provisions that must be included in a plan of innovative pricing;

(b) The procedures for submitting an innovative plan for pricing to the commission for approval and implementation; and

(c) Which provisions of this chapter do not apply to pricing changes that are made during the period in which the innovative pricing plan is in effect.

~~[4.]~~ *5.* The commission shall adopt regulations which ensure that a person who owns a transmission or distribution facility, or both, or a facility that provides access to a competitive service shall make the facilities available on equal and nondiscriminatory terms and conditions to all alternative sellers or to the customers of the alternative sellers, or both, as the commission may determine.

Sec. 16. NRS 704.982 is hereby amended to read as follows:

704.982 1. The commission shall designate a vertically integrated electric utility *or its successor electric distribution utility* to provide electric service to customers who are unable to obtain electric service from an alternative seller or who fail to select an alternative seller. The provider so designated by the commission is obligated to provide electric service to the

customers. Electric service provided by the utility pursuant to this section shall be deemed to be a noncompetitive service for which the utility may recover its costs pursuant to NRS 704.001 to 704.655, inclusive, 704.701 to 704.751, inclusive, and 704.800 to 704.900, inclusive.

2. *The rate that the designated provider of electric service must charge a customer for the provision of electric service pursuant to subsection 1 is the total rate established for that class of customer by the commission pursuant to section 4 of this act.*

3. Upon a finding by the commission that the public interest will be promoted, the commission may prescribe alternate methods for providing electric service to those customers described in subsection 1. The alternate methods may include, but are not limited to, the direct assignment of customers to alternative sellers or electric distribution utilities or a process of competitive bidding for the right to provide electric service to the designated customers ~~[.~~

~~3.]~~ *, including, without limitation, an auction conducted pursuant to section 6 of this act. Any alternate methods prescribed by the commission pursuant to this subsection may not go into effect before July 1, 2001.*

4. The commission shall establish minimum terms and conditions under which electric service must be provided pursuant to this section, including a minimum period during which a customer must be obligated to pay for the electric service from the assigned provider. The price charged for electric service for a particular group of customers must reflect the incremental cost of serving the group.

~~[4.]~~ *A customer who has obtained generation, aggregation or any other potentially competitive service from an alternative seller after March 1, 2000, for at least 30 continuous days may reacquire service from the designated provider pursuant to tariffs approved by the commission.*

5. If the designated provider of the electric service *pursuant to subsection 1* is a vertically integrated electric utility, the utility shall provide the electric service *on or after July 1, 2001, only* through an affiliate whose sole business activity is the provision of electric service.

~~[5. Except as otherwise provided in this subsection and subsection 6, the rate charged for residential service provided pursuant to subsection 1 must not exceed the rate charged for that service on July 1, 1997. The limitation set forth in this subsection is effective until 2 years after the date upon which, in accordance with NRS 704.976, the commission repeals the regulations which established the pricing method for that service and the terms and conditions for providing that service.~~

~~6. The commission may, in accordance with NRS 704.110, 704.120 and 704.130, approve an increase in the rate charged for residential service provided pursuant to subsection 1 in an amount that does not exceed the increase necessitated, if any, to ensure the recovery by the vertically integrated electric utility of its just and reasonable costs. The provisions of~~

~~this section do not limit or prohibit in any manner the operation of any order issued by the commission before July 1, 1997.]~~

6. Except upon the application of the designated provider to reduce the total rate for any class of customers pursuant to section 4 of this act, the commission shall not initiate or conduct any proceedings to adjust the rates, earnings, rate base or rate of return of the designated provider of electric service during the period in which the provider is providing that service to customers pursuant to this section.

Sec. 17. NRS 704.982 is hereby amended to read as follows:

704.982 1. The commission shall designate ~~[a vertically integrated electric utility or its successor]~~ *an* electric distribution utility to provide electric service to customers who are unable to obtain electric service from an alternative seller or who fail to select an alternative seller. The provider so designated by the commission is obligated to provide electric service to the customers. Electric service provided by the utility pursuant to this section shall be deemed to be a noncompetitive service for which the utility may recover its costs pursuant to NRS 704.001 to 704.655, inclusive, 704.701 to 704.751, inclusive, and 704.800 to 704.900, inclusive.

2. ~~[The rate that the provider must charge a customer for the provision of electric service pursuant to subsection 1 is the rate established for that class of customer by the commission pursuant to section 4 of this act.~~

~~3.]~~ Upon a finding by the commission that the public interest will be promoted, the commission may prescribe alternate methods for providing electric service to those customers described in subsection 1. The alternate methods may include, but are not limited to, the direct assignment of customers to alternative sellers or *other* electric distribution utilities or a process of competitive bidding for the right to provide electric service to the designated customers, including, without limitation, an auction conducted pursuant to section 6 of this act. ~~[Any alternate methods prescribed by the commission pursuant to this subsection may not go into effect before July 1, 2001.~~

~~4.]~~ *3.* The commission shall establish minimum terms and conditions under which electric service must be provided pursuant to this section, including a minimum period during which a customer must be obligated to pay for the electric service from the assigned provider. The price charged for electric service for a particular group of customers must reflect the incremental cost of serving the group. A customer who has obtained generation, aggregation or any other potentially competitive service from an alternative seller ~~[after March 1, 2000,]~~ for at least 30 continuous days may reacquire service from the designated provider pursuant to tariffs approved by the commission.

~~[5.]~~ *4.* If the designated provider of the electric service pursuant to subsection 1 is ~~[a vertically integrated]~~ *an* electric *distribution* utility, the utility shall provide the electric service ~~[on or after July 1, 2001,]~~ only

through an affiliate whose sole business activity is the provision of electric service.

~~[6. The commission shall not initiate or conduct any proceedings to adjust the rates, earnings, rate base or rate of return of the designated provider of electric service during the period in which the provider is providing that service to customers pursuant to this section.]~~".

Amend sec. 24, page 15, line 41, by deleting "In" and inserting:

"~~[In]~~ *Except as otherwise provided in section 3 of this act, in*".

Amend sec. 24, page 16, line 2, by deleting the semicolon and inserting " . ~~[;]~~".

Amend sec. 24, page 16, line 5, by deleting the semicolon and inserting " . ~~[;]~~".

Amend sec. 24, page 16, line 6, by deleting "The" and inserting:

"~~[The]~~ *Except as otherwise provided in this paragraph, the*".

Amend sec. 24, page 16, line 9, by deleting the semicolon and inserting:

". ~~[;]~~ *If a utility purchases generation services pursuant to the approval of the appropriate governmental agencies to meet its obligations to provide electric service pursuant to NRS 704.982 from a generation unit that the utility has divested, the commission shall not impute a value to the generation unit other than the sales price of the unit.*".

Amend sec. 24, page 16, line 12, by deleting the semicolon and inserting " . ~~[;]~~".

Amend sec. 24, page 16, by deleting line 15 and inserting "obligations . ~~[; and]~~".

Amend the bill as a whole by renumbering sections 25 and 26 as sections 20 and 21 and adding a new section designated sec. 19, following sec. 24, to read as follows:

"Sec. 19. NRS 704.984 is hereby amended to read as follows:

704.984 A vertically integrated electric utility shall take such reasonable steps as are necessary to minimize layoffs and any other adverse effects on the employees of the vertically integrated electric utility that result from the beginning of provision of potentially competitive services by alternative sellers. *In determining the recoverable costs of the vertically integrated electric utility pursuant to NRS 704.983, the commission shall consider any reasonable costs incurred by the vertically integrated electric utility pursuant to this section, including, without limitation, the costs for severance pay, retraining, job placement and early retirement for employees of the vertically integrated electric utility.*".

Amend the bill as a whole by renumbering sections 27 and 28 as sections 26 and 27 and adding new sections designated sections 22 through 25, following sec. 26, to read as follows:

"Sec. 22. On or before March 1, 2000, the commission shall, for the purposes of NRS 704.986, establish for each class of customers of electric service in this state the rate for each component and a total rate for electric services for customers based on the cost to provide electric service to each

class of customers in this state. The total rate established for each class of customers pursuant to this section must be the same as the total rate for each class of customers that is in effect on July 1, 1999.

Sec. 23. On or before March 1, 2000, a vertically integrated electric utility may negotiate and enter into a contract with a customer for the provision of electric service, but no such contract is effective before March 1, 2000.

Sec. 24. This act must not be construed to impair any existing rights under contracts for electric service in effect on June 1, 1999.

Sec. 25. This act must not be construed to impair any existing rights under any labor agreement to which a vertically integrated electric utility or its successor electric distribution utility or an affiliate thereof is a party on July 1, 1999.".

Amend sec. 27, page 17, by deleting lines 33 through 37 and inserting:

"Sec. 26. 1. This section and sections 1 to 6, inclusive, 9 to 16, inclusive, 18 to 23, inclusive, 25 and 27 of this act become effective on July 1, 1999.

2. Section 24 becomes effective upon passage and approval.

3. Sections 7 and 8 of this act become effective on October 1, 1999.

4. Sections 4 and 16 expire by limitation on July 1, 2003.

5. Section 5 expires by limitation on September 1, 2003.

6. Section 17 becomes effective on July 1, 2003.".

Amend the bill as a whole by deleting sec. 29.

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to utilities; providing for the appointment of hearing officers to conduct proceedings before the public utilities commission of Nevada; revising the provisions governing recoverable costs;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Perkins moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:23 p.m.

ASSEMBLY IN SESSION

At 4: 58 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Rhoads and Schneider as a first Conference Committee concerning Senate Bill No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Care and Porter as a first Conference Committee concerning Senate Bill No. 369.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Wiener and Washington as a first Conference Committee concerning Senate Bill No. 519.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 980 to Senate Bill No. 38; Assembly Amendment No. 740 to Senate Bill No. 74; Assembly Amendment No. 985 to Senate Bill No. 103; Assembly Amendment No. 936 to Senate Bill No. 132; Assembly Amendment No. 1031 to Senate Bill No. 282; Assembly Amendment No. 945 to Senate Bill No. 362; Assembly Amendment No. 982 to Senate Bill No. 375; Assembly Amendment No. 934 to Senate Bill No. 396; Assembly Amendment No. 1116 to Senate Bill No. 428; Assembly Amendments Nos. 987, 1123 to Senate Bill No. 435; Assembly Amendment No. 981 to Senate Bill No. 476.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 615, Senate Amendment No. 854, and requests a conference, and appointed Senators O'Donnell, Porter and Neal as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 973 to Senate Bill No. 104.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1008 to Senate Bill No. 322; Assembly Amendments Nos. 734, 866 to Senate Bill No. 360; Assembly Amendments Nos. 920, 1079, 1110, 1125 to Senate Bill No. 391; Assembly Amendments Nos. 992, 1098 to Senate Bill No. 475; Assembly Amendment No. 1019 to Senate Bill No. 478; Assembly Amendment No. 918 to Senate Bill No. 500; Assembly Amendment No. 897 to Senate Bill No. 530.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McClain, Claborn and Gustavson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 59.

Mr. Speaker appointed Assemblywomen Leslie, Gibbons and McClain as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 238.

Mr. Speaker appointed Assemblywomen Leslie, McClain and Von Tobel as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 615.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that the vote whereby the Assembly concurred in Senate Amendment No. 896 to Assembly Bill No. 669 be rescinded.

Remarks by Assemblyman Goldwater

Motion Carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 669.

The following Senate amendment was read:

Amendment No. 896

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. The amendatory provisions of section 5 of this act do not apply to any taxes levied pursuant to NRS 463.401 on any amounts paid before the effective date of this act.".

Amend the summary of the bill by deleting:

"casino entertainment tax." and inserting "gaming.".

Assemblyman Goldwater moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 669.

Remarks by Assemblyman Goldwater.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 634.

The following Senate amendment was read:

Amendment No. 876.

Amend sec. 2, page 1, line 4, by deleting:

"*a special investigations unit*" and inserting:

"*an investigations office*".

Amend sec. 2, page 1, by deleting lines 5 and 6 and inserting:

"*this chapter. The investigations office must include a special investigations unit consisting of criminal investigators and a compliance investigations unit consisting of compliance investigators.*".

Amend sec. 2, page 1, line 10, by deleting "*employed*" and inserting "*authorized*".

Amend sec. 3, page 1, line 11, by deleting:

"*special investigations unit*" and inserting "*investigations office*".

Amend sec. 3, page 2, line 8, by deleting:

"*special investigations unit*" and inserting "*investigations office*".

Amend sec. 3, page 2, by deleting lines 14 and 15 and inserting:

"*of the board, or if the board or the investigations office is unable to resolve the*".

Amend sec. 3, page 2, line 16, by deleting the comma.

Amend sec. 3, page 2, by deleting lines 21 and 22 and inserting:
"*effective in resolving the complaint; and*".

Amend sec. 3, page 2, line 25, by deleting:
"*complaint to the satisfaction of that person.*" and inserting "*complaint.*".

Amend sec. 4, page 2, line 26, by deleting:
"*executive officer of the board,*" and inserting:
"*board or its designee,*".

Amend sec. 4, page 2, line 27, by deleting:
"*evidence in his possession,*" and inserting "*evidence,*".

Amend sec. 4, page 2, line 30, by deleting "*he*" and inserting:
"*the board or its designee, as appropriate,*".

Amend sec. 4, page 2, line 38, by deleting:
"*licensee or applicant.*" and inserting "*complaint.*".

Amend sec. 4, page 2, line 42, after "*15*" by inserting "*business*".

Amend sec. 6, page 3, by deleting line 16, and inserting:
"*citation within 15 business days after the date on which the citation is served on the licensee or applicant.*".

Amend sec. 6, page 3, line 29, after "*15*" by inserting "*business*".

Amend sec. 6, page 3, by deleting line 30 and inserting:
"*after the date on which the citation is served on the licensee or applicant, or on or before such later date as specified by the board pursuant to subsection 4, the citation shall be deemed a*".

Amend sec. 6, page 3, between lines 33 and 34, by inserting:

"*5. For the purposes of this section, a citation shall be deemed to have been served on a licensee or an applicant on:*

(a) The date on which the citation is personally delivered to the licensee or applicant; or

(b) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the licensee or applicant.".

Amend sec. 7, page 3, line 36, after "*15*" by inserting "*business*".

Amend sec. 7, page 3, line 37, after "*order,*" by inserting:
"*or on or before such later date as specified by the board pursuant to subsection 4 of section 6 of this act,*".

Amend sec. 8, page 3, by deleting line 39 and inserting:

"Sec. 8. *1. On or before September 1 of each even-numbered year, the board or its designee shall:*".

Amend sec. 8, page 4, by deleting lines 1 through 4 and inserting:

"*(b) Prepare a written summary that identifies potential difficulties in the regulation of contractors and*".

Amend sec. 8, page 4, line 6, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 8, page 4, by deleting lines 8 and 9 and inserting:

"*(2) The director of the legislative counsel bureau for transmittal to the next regular session of the legislature.*".

Amend sec. 9, page 4, line 12, by deleting "*1.*".

Amend sec. 9, page 4, by deleting lines 18 through 22.

Amend sec. 10, page 4, line 26, after "*the*" by inserting "*contractor's*".

Amend sec. 10, page 4, line 29, by deleting:

"*15 days after the receipt of*" and inserting:

"*the time permitted for compliance set forth in*".

Amend sec. 10, page 4, line 30, after "*15*" by inserting "*business*".

Amend sec. 10, page 4, after line 43, by inserting:

"*5. Failure or refusal to respond to a written request from the board or its designee to cooperate in the investigation of a complaint.*

6. Failure or refusal to comply with a written request by the board or its designee for information or records, or obstructing or delaying the providing of such information or records.".

Amend sec. 14, page 6, line 23, by deleting "*license number*" and inserting "*license number,*".

Amend sec. 14, page 6, line 29, by deleting:

"*Obtaining a contractor's license*" and inserting:

"*Possessing a contractor's license issued*".

Amend sec. 14, page 6, line 30, by deleting "*Obtaining*" and inserting "*Possessing*".

Amend sec. 19, page 8, by deleting lines 19 through 23 and inserting:

"consideration of the factors set forth in NRS 624.260, 624.263 and 624.265 ~~[.]~~ *and section 9 of this act.*

3. Nothing contained in this section prohibits a specialty contractor from taking".

Amend sec. 21, page 9, line 12, after "obtain" by inserting "*or renew*".

Amend sec. 21, page 9, line 22, by deleting "*residential*" and inserting "*physical*".

Amend sec. 23, page 11, between lines 28 and 29, by inserting:

"*4. Before issuing a license to an applicant who will engage in residential construction or renewing the license of a contractor who engages in residential construction, the board shall require the applicant or licensee to establish his financial responsibility by submitting to the board:*

(a) A financial statement prepared by a certified public accountant who is licensed pursuant to the provisions of chapter 628 of NRS; and

(b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately preceding year and any other information required by the board. The statement submitted pursuant to this paragraph must be provided on a form approved by the board.

5. In addition to the requirements set forth in subsection 4, the board may require a licensee to establish his financial responsibility at any time.

6. An applicant for an initial contractor's license or a licensee applying for the renewal of a contractor's license has the burden of demonstrating his financial responsibility to the board.".

Amend sec. 24, page 11, line 31, by deleting "shall" and inserting "~~[shall]~~ *must*".

Amend sec. 25, page 13, by deleting lines 4 and 5 and inserting:

"the bond or deposit. ~~[A person who brings action on a bond shall notify the board in writing upon filing the action.]~~ No action may be commenced on".

Amend sec. 25, page 13, line 7, after "based." by inserting:

"*If an action is commenced on the bond, the surety that executed the bond shall notify the board of the action within 30 days after the date that:*

(a) The surety is served with a complaint and summons; or

(b) The action is commenced,

whichever occurs first.".

Amend sec. 25, page 13, by deleting lines 26 through 28 and inserting:

"business. The surety ~~[or the board]~~ is entitled to deduct its costs of the action, including ~~[attorney's fees and]~~ publication, from its liability under the bond . ~~[or]~~ *The board is entitled to deduct its costs of the action, including attorney's fees and publication,* from the deposit.".

Amend the bill as a whole by adding a new section designated sec. 25.5, following sec. 25, to read as follows:

"Sec. 25.5. NRS 624.275 is hereby amended to read as follows:

624.275 1. ~~[The]~~ *With respect to a surety bond that a licensed contractor maintains in accordance with NRS 624.270:*

(a) The surety shall give prompt notice to the board of any claims paid against the bond of the licensed contractor.

(b) The surety may cancel the bond upon giving 60 days' notice to the board and to the contractor by certified mail.

2. Upon receipt by the board of the notice described in paragraph (a) of subsection 1, the board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he furnishes an equivalent bond or establishes an equivalent cash deposit before a date set by the board.

3. Upon receipt by the board of the notice ~~[,]~~ *described in paragraph (b) of subsection 1,* the board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he furnishes an equivalent bond or establishes an equivalent cash deposit before the effective date of the cancellation.

4. The notice mailed to the contractor by the board *pursuant to subsection 2 or 3* must be ~~[by certified mail]~~ addressed to his latest address of record in the office of the board.

~~[2.]~~ *5.* If the contractor does not comply with the requirements of the notice from the board, his license must be suspended or revoked on the date ~~[the]~~ *:*

(a) Set by the board, if the notice was provided to the contractor pursuant to subsection 2; or

(b) The bond is canceled ~~[.]~~ *, if the notice was provided to the contractor pursuant to subsection 3.*".

Amend sec. 38, page 20, by deleting line 30 and inserting:
"*624.115, for the limited purpose of obtaining and exchanging information on persons who hold a contractor's license or are applying for a contractor's license.*".

Amend sec. 39, page 20, line 32, by deleting:
"the effective date of this act." and inserting:
"October 1, 1999.".

Amend the bill as a whole by deleting sec. 40.

Amend the title of the bill, first and second lines, by deleting:
"and duties of a special investigations unit;" and inserting:
"of an investigations office by the state contractors' board and prescribing its duties;".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 634.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 680.

The following Senate amendment was read:

Amendment No. 1073

Amend the bill as a whole by adding new sections designated sections 5.2, 5.4, 5.6 and 5.8, following sec. 5, to read as follows:

"Sec. 5.2. NRS 682A.100 is hereby amended to read as follows:

682A.100 1. An insurer may invest in preferred or guaranteed stocks or shares of any solvent institution existing under the laws of the United States of America, Canada or Mexico, or of any state or province thereof, if all of the prior obligations and prior preferred stocks, if any, of ~~[such]~~ *the* institution at the date of acquisition of the investment by the insurer are eligible as investments under this chapter and if the net earnings of ~~[such]~~ *the* institution available for its fixed charges during either of the last 2 years have been, and during each of the last 5 years have averaged, not less than 1 1/2 times the sum of its average annual fixed charges, if any, its average annual maximum contingent interest, if any, and its average annual preferred dividend requirements. For the purposes of this section , such computation ~~[shall refer to]~~ *must be based on* the fiscal years immediately preceding the date of acquisition of the investment by the insurer, and the term "preferred dividend ~~[requirement"]~~ *requirements"* shall be deemed to mean cumulative or noncumulative dividends, whether paid or not.

2. No insurer ~~[shall]~~ *may* invest in any such preferred or guaranteed stocks in an amount in excess of ~~[10]~~ *35* percent of any issue ~~[or]~~ *of* such guaranteed or preferred stocks or, subject to subsection 1 of NRS 682A.050 , ~~[(diversification),]~~ more than an amount equal to 10 percent of the insurer's *admitted* assets in any one issue.

Sec. 5.4. NRS 682A.110 is hereby amended to read as follows:

682A.110 An insurer may invest up to ~~[25]~~ *35* percent of its assets in nonassessable (except as to bank or trust company stocks, and except for taxes) common stocks, other than insurance stocks, of any solvent corporation organized and existing under the laws of the United States of America, Canada or Mexico, or of any state or province thereof, if ~~[such]~~ *that* corporation has had net earnings available for dividends on such stock in each of the 5 fiscal years next preceding acquisition by the insurer. If the issuing corporation has not been in legal existence for the whole of ~~[such]~~ *the* 5 fiscal years , but was formed as a consolidation or merger of two or more businesses of which at least one was in operation on a date 5 years ~~[prior to]~~ *before* the investment, the test of eligibility of its common stock ~~[under]~~ *pursuant to* this section ~~[shall]~~ *must* be based upon consolidated pro forma statements of the predecessor or constituent institutions.

Sec. 5.6. NRS 682A.130 is hereby amended to read as follows:

682A.130 1. An insurer may invest in the stock of its subsidiary insurance corporation formed or acquired by it, or in the stock of its subsidiary business corporation or corporations formed and engaged solely in any one or more of the following businesses:

(a) In any business necessary and incidental to the convenient operation of the insurer's insurance business or to the administration of any of its lawful affairs;

(b) Providing any actuarial, computer, data processing, accounting, claims, appraisal, collection, sales, loss prevention or safety engineering and similar services;

(c) Real property management and development;

(d) Premium financing;

(e) Financing of agents of the insurer;

(f) Acting as investment adviser and principal underwriter or investment adviser or principal underwriter of a management company or management companies (mutual funds), registered as such under the Investment Company Act of 1940;

(g) Financial and investment counseling services;

(h) Administration of self-insurance plans;

(i) Administration of self-insured pension and similar plans, or the self-insured portions of such plans;

(j) Securities broker-dealer;

(k) Escrow services; ~~[or]~~

(l) Trust services with respect to ~~[funds]~~ *money* payable or paid by it under its insurance contracts ~~[.~~

~~2. For the purposes of this section a "subsidiary" is a corporation of which the insurer owns sufficient stock to give it effective control.~~

~~3.]~~ *;*

(m) A bank, thrift company, savings and loan association, or credit union; or

(n) An insurance agency.

2. All of the insurer's investments under this section shall be deemed to be common stocks for the purposes of the ~~[25 percent of assets]~~ limitation imposed by NRS 682A.110.

3. For the purposes of this section, a "subsidiary" is a corporation of which the insurer owns sufficient stock to give it effective control.

Sec. 5.8. NRS 682A.190 is hereby amended to read as follows:

682A.190 An insurer may invest in share or savings accounts of savings and loan associations, or in savings accounts of banks, and in any one such institution only to the extent that the investment is insured . ~~[by the Federal Deposit Insurance Corporation.]~~".

Amend sec. 20, page 14, line 36, after "inclusive," by inserting:

"and section 1 of *Senate Bill No. 145 of* this ~~[act]~~ *session,*".

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

"Sec. 26.5. NRS 685A.070 is hereby amended to read as follows:

685A.070 1. A broker shall not knowingly place surplus lines insurance with an insurer which is unsound financially or ineligible pursuant to this section.

2. ~~[No]~~ *Except as otherwise provided in this section, no* insurer is eligible for the acceptance of surplus lines risks pursuant to this chapter unless it has surplus as to policyholders in an amount of not less than $5,000,000 and, if an alien insurer, unless it has and maintains in a bank or trust company which is a member of the United States Federal Reserve System a trust fund established pursuant to terms reasonably adequate for the protection of all of its policyholders in the United States in an amount of not less than $1,500,000. Such a trust fund must not have an expiration date which is at any time less than 5 years in the future, on a continuing basis. In the case of:

(a) A group of insurers which includes individual unincorporated insurers, such a trust fund must not be less than $100,000,000.

(b) A group of incorporated insurers under common administration, such a trust fund must not be less than $100,000,000. The group of incorporated insurers must:

(1) Operate under the supervision of the Department of Trade and Industry of the United Kingdom;

(2) Possess aggregate policyholders surplus of $10,000,000,000, which must consist of money in trust in an amount not less than the assuming insurers' liabilities attributable to insurance written in the United States; and

(3) Maintain a joint trusteed surplus of which $100,000,000 must be held jointly for the benefit of United States ceding insurers of any member of the group.

(c) An insurance exchange created by the laws of a state, ~~[such]~~ *the insurance exchange shall have and maintain* a trust fund ~~[must not be]~~ *in an amount of not* less than $50,000,000 ~~[.]~~ *or have a surplus as to policyholders in an amount of not less than $50,000,000.* If an insurance exchange maintains money for the protection of all policyholders, each syndicate shall

maintain minimum capital and surplus of not less than $5,000,000 and must qualify separately to be eligible for the acceptance of surplus lines risks pursuant to this chapter.

The commissioner may require larger trust funds *or surplus as to policyholders* than those set forth in this section if, in his judgment, the volume of business being transacted or proposed to be transacted warrants larger amounts.

3. No insurer is eligible to write surplus lines of insurance unless it has established a reputation for financial integrity and satisfactory practices in underwriting and handling claims. In addition, a foreign insurer must be authorized in the state of its domicile to write the kinds of insurance which it intends to write in Nevada.

4. The commissioner may from time to time compile or approve a list of all surplus lines insurers deemed by him to be eligible currently, and may mail a copy of the list to each broker at his office last of record with the commissioner. To be placed on the list, a surplus lines insurer must file an application with the commissioner. The application must be accompanied by a nonrefundable fee of $2,450. This subsection does not require the commissioner to determine the actual financial condition or claims practices of any unauthorized insurer. The status of eligibility, if granted by the commissioner, indicates only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the commissioner has no credible evidence to the contrary. While any such list is in effect, the broker shall restrict to the insurers so listed all surplus lines business placed by him.".

Amend the bill as a whole by deleting sec. 54 and adding:

"Sec. 54. (Deleted by amendment.)".

Amend sec. 60, page 41, line 1, by deleting:

"less than $1,000 nor" and inserting:

"~~[less than $1,000 nor]~~".

Amend the bill as a whole by adding a new section designated sec. 63.5, following sec. 63, to read as follows:

"Sec. 63.5. NRS 697.100 is hereby amended to read as follows:

697.100 1. Except as otherwise provided in this section, no license may be issued:

(a) Except in compliance with this chapter.

(b) To a bail agent, bail enforcement agent or bail solicitor, unless he is a natural person.

2. A corporation may be licensed as a bail agent or bail enforcement agent if ~~[ownership]~~ *:*

(a) The corporation is owned and controlled by an insurer authorized to write surety in this state or a subsidiary corporation of such an insurer; or

(b) Ownership and control of the corporation is retained by one or more licensed agents.

3. This section does not prohibit two or more licensed bail agents from entering into a partnership for the conduct of their bail business. No person may be a member of such a partnership unless he is licensed pursuant to this chapter in the same capacity as all other members of the partnership. A limited partnership or a natural person may not have any proprietary interest, directly or indirectly, in a partnership or the conduct of business thereunder except licensed bail agents as provided in this chapter.".

Amend the bill as a whole by adding new sections designated sections 65.3, 65.5 and 65.7, following sec. 65, to read as follows:

"Sec. 65.3. NRS 277.055 is hereby amended to read as follows:

277.055 1. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Nonprofit medical facility" means a nonprofit medical facility in this or another state.

(c) "Public agency" has the meaning ascribed to it in NRS 277.100, and includes any municipal corporation.

2. Any two or more public agencies or nonprofit medical facilities may enter into a cooperative agreement for the purchase of insurance or the establishment of a self-insurance reserve or fund for coverage under a plan of:

(a) Casualty insurance, as that term is defined in NRS 681A.020;

(b) Marine and transportation insurance, as that term is defined in NRS 681A.050;

(c) Property insurance, as that term is defined in NRS 681A.060;

(d) Surety insurance, as that term is defined in NRS 681A.070;

(e) Health insurance, as that term is defined in NRS 681A.030; or

(f) Insurance for any combination of these kinds.

3. Every such agreement must:

(a) Be ratified by formal resolution or ordinance of the governing body or board of trustees of each agency or nonprofit medical facility included;

(b) Be included in the minutes of each governing body or board of trustees, or attached in full to the minutes as an exhibit;

(c) Be submitted to the commissioner of insurance *not less than 30 days before the date on which the agreement is to become effective* for approval in the manner provided by NRS 277.150; and

(d) If a public agency is a party to the agreement, comply with the provisions of NRS 277.080 to 277.180, inclusive.

4. Each participating agency or nonprofit medical facility shall provide for any expense to be incurred under any such agreement.

Sec. 65.5. NRS 287.025 is hereby amended to read as follows:

287.025 The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada may, in addition to the other powers granted in NRS 287.010 and 287.020:

1. Negotiate and contract with any other such agency or with the committee on benefits for the state's group insurance plan to secure group insurance for its officers and employees and their dependents by participation in any group insurance plan established or to be established or in the state's group insurance plan . ~~[; and]~~ *Each such contract:*

(a) Must be submitted to the commissioner of insurance not less than 30 days before the date on which the contract is to become effective for approval.

(b) Does not become effective unless approved by the commissioner.

(c) Shall be deemed to be approved if not disapproved by the commissioner of insurance within 30 days after its submission.

2. To secure group health or life insurance for its officers and employees and their dependents, participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this state to secure such insurance for its members from an insurer licensed pursuant to the provisions of Title 57 of NRS.

3. In addition to the provisions of subsection 2, participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this state to:

(a) Facilitate contractual arrangements for the provision of medical services to its members' officers and employees and their dependents and for related administrative services.

(b) Procure health-related information and disseminate that information to its members' officers and employees and their dependents.

Sec. 65.7. NRS 287.0434 is hereby amended to read as follows:

287.0434 The committee on benefits may:

1. Use its assets to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of a plan of insurance, including contracts with licensed administrators and qualified actuaries. *Each such contract with a licensed administrator:*

(a) Must be submitted to the commissioner of insurance not less than 30 days before the date on which the contract is to become effective for approval as to the reasonableness of administrative charges in relation to contributions collected and benefits provided.

(b) Does not become effective unless approved by the commissioner.

(c) Shall be deemed to be approved if not disapproved by the commissioner of insurance within 30 days after its submission.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents.

4. Enter into contracts for the services of other experts and specialists as required by a plan of insurance.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the committee, the state or a participating public employer in administering a plan of insurance offered by that insurer, organization or corporation.".

Amend sec. 67, page 46, line 37, after "inclusive," by inserting:
"or chapter 617".

Amend the bill as a whole by adding a new section designated sec. 69, following sec. 68, to read as follows:

"Sec. 69. Sections 20 and 67 of this act become effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill to read as follows:
"AN ACT relating to insurance; revising the fees for the issuance and renewal of a license for a surplus lines broker; revising the provisions governing authorized investments by insurers; requiring the commissioner of insurance to adopt regulations for the licensing of provider-sponsored organizations; revising the requirements for certain insurers to accept surplus lines risks; clarifying the authority of the commissioner to impose a fine or penalty or initiate or continue a disciplinary proceeding against a person who has voluntarily surrendered his license or certificate of registration; revising the provisions governing the disclosure statement required for certain umbrella policies; revising various provisions governing health insurance; requiring an applicant for a license as a general agent to file a bond; revising the requirements for the issuance of a certificate of registration as an administrator; revising the qualifications for licensure by a corporation as a bail agent or bail enforcement agent; revising the authority of the commissioner to approve certain contracts relating to the state's group insurance plan; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 680.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM SENATE AMENDMENTS

Assemblyman Goldwater moved that the Assembly do not recede from its action on Senate Bill No. 477, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Goldwater.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Marvel and Freeman as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 477.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 39, 132, 154, 158, 182, 195, 198, 239, 306, 332, 400, 424, 458, 473, 486, 530, 533, 542, 569, 604, 621, 633; Assembly Concurrent Resolution No. 71.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Judge Diane Steel.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 26, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:12 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 26, 1999

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Evans and Thomas, who were excused.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Almighty God, our heavenly Father, send down upon these Assembly persons who represent the people of Nevada the spirit of wisdom, charity, and justice; that with steadfast purpose they may faithfully serve in their offices to promote the welfare of all people. We pray in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Lee moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Assembly Concurrent Resolutions Nos. 13, 46, 53, 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 688, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 695, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE S. CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 690, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 683, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 321, 525.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 399.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Neighbors, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senator McGinness:

Assembly Concurrent Resolution No. 73—Expressing support for the Desert Space Station, a 92,000 square-foot interactive science museum that recognizes and explores Nevada's unique spaces with exhibits and presentations.

WHEREAS, Americans of the 21st century will need to understand science and technology to make responsible personal, professional and civic decisions; and

WHEREAS, Knowledge in the fields of science and technology has exploded in the last several decades; and

WHEREAS, The literacy of the general public in science and technology in the United States is poor, at best; and

WHEREAS, Thomas Jefferson wrote that the ultimate powers of society reside with the people, and if the people are not informed enough to exercise those powers, the remedy is not to take the powers from them, but to inform them; and

WHEREAS, Learning is an ongoing and lifelong process that takes place both inside and outside the walls of educational institutions, and effective learning includes participation and action, "I do and I understand"; and

WHEREAS, Hands-on, interactive science museums have proven to be excellent places for people of all ages, levels of understanding and interests to learn science and technology by "doing"; and

WHEREAS, The number of science museums has tripled during the last decade, and currently there are approximately 300 science museums in the United States; and

WHEREAS, In the United States, science museums serve nearly 115 million people every year, including 13 million school children; and

WHEREAS, The Desert Space Station will be a nonprofit, 92,000-square foot, hands-on, interactive science museum where children and adults can explore and experience state-of-the-art and futuristic science and technology exhibits and presentations associated with Nevada's unique spaces, including outer space, air space and land space; and

WHEREAS, The expected benefits of the Desert Space Station will be the stimulation of interest in science and technology, the enhancement of science and math education in the region, the promotion of a better understanding of the natural environment of the Mojave Desert, and an appreciation of Death Valley National Park and Ash Meadows National Wildlife Refuge; and

WHEREAS, Additional benefits will be a wider understanding of renewable energy opportunities and technologies, a greater knowledge of Nevada's mineral resources and the mining of those resources, the promotion of the understanding and appreciation of past, present and future federal activities at the Nevada Test Site, the Nellis Air Force Gunnery Range and the

Fallon Naval Air Station and the stimulation of economic development and diversification in rural Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature do hereby commend the goals of the Board of Trustees for the Desert Space Station and express enthusiastic support for the Desert Space Station; and be it further

RESOLVED, That the Nevada Legislature anticipates that the Desert Space Station will be a "must-see" attraction in the West, a source of pride for Nevadans and a catalyst for learning by people of all ages and backgrounds; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Kenny C. Guinn and the Board of Trustees for the Desert Space Station, and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Neighbors moved the adoption of the resolution.

Remarks by Assemblyman Neighbors.

Resolution adopted unanimously.

Assemblyman Neighbors moved that all rules be suspended and that Assembly Concurrent Resolution No. 73 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 399.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 189.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

I'll do a general disclosure for anyone that is a public employee. We will not be affected any differently than anyone else and therefore will be voting.

Roll call on Assembly Bill No. 189:

YEAS—38.

NAYS—Goldwater.

NOT VOTING—Anderson.

EXCUSED—Evans, Thomas—2.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 360:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Thomas—2.

Assembly Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 373.

Bill read third time.

Remarks by Assemblywomen Giunchigliani and Freeman.

Roll call on Assembly Bill No. 373:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Thomas—2.

Assembly Bill No. 373 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 386:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Thomas—2.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 149.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 149:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Thomas—2.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 288.

Bill read third time.

Remarks by Assemblywoman Cegavske.

Roll call on Senate Bill No. 288:

YEAS—40.
NAYS—None.
EXCUSED—Evans, Thomas—2.

Senate Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Remarks by Assemblymen Parks and Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Senate Bill No. 404:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Thomas—2.

Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 438.

Bill read third time.

Remarks by Assemblymen Bache, Collins, Hettrick, de Braga, Giunchigliani and Berman.

Mr. Speaker requested the privilege of the chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen Collins and Berman.

Roll call on Senate Bill No. 438:

YEAS—37.

NAYS—Angle, Buckley, Giunchigliani—3.

EXCUSED—Evans, Thomas—2.

Senate Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 12 of the 69th Session.

Resolution read third time.

Remarks by Assemblymen Arberry and Goldwater.

Roll call on Senate Joint Resolution No. 12 of the 69th Session:

YEAS—28.

NAYS—Angle, Bache, Beers, Carpenter, Collins, Giunchigliani, Goldwater, Gustavson, Lee, Mortenson, Price, Segerblom—12.

EXCUSED—Evans, Thomas—2.

Senate Joint Resolution No. 12 of the 69th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 472, 683, 688, and Senate Bill No. 507 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Concurrent Resolutions Nos. 13, 46, 53 and 67 be placed on the Resolution File.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bills Nos. 690 and 695 considered engrossed, declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 13.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1152.

Amend the resolution, page 1, line 14, after "to" by inserting:

"appoint a subcommittee, consisting of four members of the Assembly and four members of the Senate, to".

Amend the resolution, page 1, between lines 16 and 17, by inserting:

"RESOLVED, That the subcommittee may appoint an advisory committee, consisting of persons who are knowledgeable in the areas of the study, to consult with and to assist in conducting the study; and be it further".

Amend the resolution, page 2, line 33, by deleting "study committee" and inserting "subcommittee".

Amend the resolution, page 2, line 35, by deleting "committee" and inserting "subcommittee".

Amend the resolution, page 2, line 36, by deleting "committee;" and inserting "subcommittee;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Concurrent Resolution No. 46.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1153.

Amend the resolution, page 1, line 19, by deleting:

"appoint a subcommittee to".

Amend the resolution, page 2, between lines 5 and 6, by inserting:

"RESOLVED, That the Legislative Commission shall appoint a subcommittee, consisting of:

1. Four members of the Assembly, two of whom must have served on the Assembly Standing Committee on Judiciary during the immediately preceding session of the legislature; and

2. Four members of the Senate, two of whom must have served on the Senate Standing Committee on Judiciary during the immediately preceding session of the legislature,

to conduct the study; and be it further".

Amend the resolution , page 2, line 11, by deleting "and".

Amend the resolution, page 2, line 12, after the semicolon by inserting:

"and

5. One representative from the Nevada Association of School Boards;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Concurrent Resolution No. 53.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1154.

Amend the resolution, page 2, line 1, after "subcommittee" by inserting:

", consisting of four members of the Assembly and four members of the Senate,".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assembly Concurrent Resolution No. 67.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1155.

Amend the resolution, page 1, by deleting line 14, and inserting;

"subcommittee consisting of:

1. Four members of the Assembly, at least one of whom must have served on the Assembly Standing Committee on Judiciary during the immediately preceding session of the Legislature; and

2. Four members of the Senate, at least one of whom must have served on the Senate Standing Committee on Judiciary during the immediately preceding session of the Legislature,

to conduct the interim study; and be it further

RESOLVED, That the subcommittee may appoint an advisory committee, consisting of persons who are knowledgeable in the areas of the study, to consult with and to assist in conducting the study; and be it further

RESOLVED, That the interim study must".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

SECOND READING AND AMENDMENT

Assembly Bill No. 472.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1113.

Amend section 1, page 1, line 5, by deleting "5" and inserting "~~[5]~~ *4*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 213.015 is hereby amended to read as follows:

213.015 1. A member of the board who has served as a district judge or as a justice of the supreme court, or any combination thereof, for at least ~~[6]~~ *4* years, is entitled to compensation as a member of the board in the amount of ~~[1]~~ *2* percent of his annual salary as a justice of the supreme court for each year of service as a district judge or as a justice of the supreme court, or any combination thereof. The compensation received by a justice for his service on the board must not exceed 22 percent of his annual salary as a justice of the supreme court.

2. The salaries provided for in this section must be paid out of money provided by direct legislative appropriation from the state general fund.".

Amend the title of the bill, second line, by deleting:

"a district judge;" and inserting:

"certain justices and judges;".

Amend the summary of the bill by deleting "district judges." and inserting: "certain justices and judges.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 683.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1131.

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. The state board of finance may issue general obligation bonds of the State of Nevada in the face amount of not more than $1,535,026 pursuant to the State Securities Law. The bonds issued pursuant to this section were previously authorized by chapter 785, Statutes of Nevada 1989, at page 1864, and were approved by the voters as question 5 in the general election of 1990. The division of wildlife of the state department of conservation and natural resources may expend the proceeds of the bonds exclusively for the purposes provided in subsection 2 of section 2 of chapter 785, Statutes of Nevada 1989, at page 1864.".

Amend the title of the bill, fourth line, after "projects;" by inserting:

"authorizing the state board of finance to issue general obligation bonds for certain purposes; authorizing the division of wildlife of the state department of conservation and natural resources to expend the proceeds of such bonds for those purposes;".

Amend the summary of the bill, second line, by deleting "projects." and inserting:

"projects and authorizes issuance of bonds for certain purposes.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 688.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1158.

Amend section 1, pages 1 and 2, by deleting lines 3 through 17 on page 1 and lines 1 through 9 on page 2, and inserting:

"Sec. 2. *1. The conviction of the parent of a child for murder of the first degree of the other parent of the child creates a rebuttable presumption that sole or joint custody of the child by the convicted parent is not in the best interest of the child. The rebuttable presumption may be overcome only if:*

(a) The court determines that:

(1) There is no other suitable guardian for the child;

(2) The convicted parent is a suitable guardian for the child; and

(3) The health, safety and welfare of the child are not at risk; or

(b) The child is of suitable age to signify his assent and assents to the order of the court awarding sole or joint custody of the child to the convicted parent.

2. The conviction of the parent of a child for murder of the first degree of the other parent of the child creates a rebuttable presumption that rights to visitation with the child are not in the best interest of the child and must not be granted if custody is not granted pursuant to subsection 1. The rebuttable presumption may be overcome only if:

(a) The court determines that:

(1) The health, safety and welfare of the child are not at risk; and

(2) It will be beneficial for the child to have visitations with the convicted parent; or

(b) The child is of suitable age to signify his assent and assents to the order of the court awarding rights to visitation with the child to the convicted parent.

3. Until the court makes a determination pursuant to this section, no person may bring the child into the presence of the convicted parent without the consent of the legal guardian or custodian of the child.

Sec. 5. *1. The conviction of the parent of a child for murder of the first degree of the other parent of the child creates a rebuttable presumption that sole or joint custody of the child by the convicted parent is not in the best interest of the child. The rebuttable presumption may be overcome only if:*

(a) The court determines that:

(1) There is no other suitable guardian for the child;

(2) The convicted parent is a suitable guardian for the child; and

(3) The health, safety and welfare of the child are not at risk; or

(b) The child is of suitable age to signify his assent and assents to the order of the court awarding sole or joint custody of the child to the convicted parent.

2. The conviction of the parent of a child for murder of the first degree of the other parent of the child creates a rebuttable presumption that rights to visitation with the child are not in the best interest of the child and must not be granted if custody is not granted pursuant to subsection 1. The rebuttable presumption may be overcome only if:

(a) The court determines that:

(1) The health, safety and welfare of the child are not at risk; and

(2) It will be beneficial for the child to have visitations with the convicted parent; or

(b) The child is of suitable age to signify his assent and assents to the order of the court awarding rights to visitation with the child to the convicted parent.

3. Until the court makes a determination pursuant to this section, no person may bring the child into the presence of the convicted parent without the consent of the legal guardian or custodian of the child.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 507.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1167.

Amend section 1, page 1, line 3, by deleting "$16,187" and inserting "$4,063".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 690.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 690:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Thomas—2.

Assembly Bill No. 690 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 695.

Bill read third time.

Remarks by Assemblymen Chowning, Perkins, Hettrick, Anderson, Giunchigliani, Manendo, Price, Marvel, Buckley, Carpenter, Goldwater, Ohrenschall, Bache, Segerblom, Neighbors, Collins, Gibbons and Mr. Speaker.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. Assembly Bill 695 grants to Joseph E. Dini, Jr. use of a special license plate designated "State Assemblyman 1" as a lifetime endowment, regardless of whether he continues to serve in the Nevada Assembly.

I know, Mr. Speaker, that you are not very comfortable with this speech but we're going to talk about you anyway. This measure is being proposed in honor of the many years of outstanding service that Assemblyman Joe Dini, more commonly known as "Mr. Speaker," has given to this Nevada Legislature and to the people of our state. Speaker Dini, who is now in his 33rd year of legislative service, is the longest serving member of the Nevada State Assembly in Nevada history. He was first elected to office in November of 1966. Since then, he has held numerous leadership posts, from Speaker pro Tempore in 1973 to Majority Floor Leader in 1975 and then Speaker, for eight regular sessions. In short, Speaker Dini has served as an inspiration

to members of the Nevada Legislature and to the citizens of this state for over three decades. For the unprecedented length and quality of his service, he is being given—if we pass this bill—a lifetime endowment to use his special license plate showing on its face "State Assemblyman 1." We would like to retire this in honor of Speaker Dini. It has nothing to do with him being Speaker for eight terms. I would like to remind everyone, however, that because of term limits, no one will ever be able to serve eight sessions as Speaker, ever again in our state, unless the members of our state decide to change the Constitution. I strongly urge your support in showing this endowment and this honor to our own Mr. Speaker, Mr. Dini.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I rise in opposition . . . just kidding. The concept for AB 695 came to me a few weeks ago. You try to think about all the accomplishments of our own Speaker Dini. I said it earlier in the session when we nominated him and he was chosen as Speaker for the 1999 legislative session: we truly are living history when we serve with Mr. Speaker. If I don't take anything else away from my service in the Nevada Legislature, I have the honor that I've had in serving with you, Mr. Speaker. I think we looked for other ways to try and bestow an honor upon you for your longevity and public service and for the many wonderful things you've done for our state. It's for those reasons that this bill comes before the body today. I don't know if you have a conflict but I think you are going to have to go down and lobby the Senate side by yourself.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I'd be remiss if I didn't rise and echo much of what has been said. Obviously, that gavel hanging over your head right now, that we're all looking at, that you can't see, signifies what it really means to be the Speaker and the legacy you've left this House. I've said once before that I had an opportunity to visit California's legislature, while their Assembly was in session. I was appalled. I have to tell you I was just appalled. It was a zoo. I think much of the decorum and the way we conduct business in this House is due to the way you conduct business in the Assembly and the way you've conducted business in this House. I am proud of what's done here. I think you should be proud of it. We are all pleased to support this bill. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I think I've spoken on my feelings about the leadership that Joseph E. Dini, Jr. provides on a regular basis to the members. I think, as a chairman of a committee, I know what is expected of me, in terms of decorum. It is the model you have always set—that the people of the State of Nevada come first. There are those who honor you with this because of the eight sessions you have served as Speaker. I rather believe it is because of the undying time and commitment to our people, to the people of this state, that you would deserve this honor. Therefore, I support this measure.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of this piece of legislation. I think you paved the way for many Italian Americans and other ethnic groups who really did not think that we could be in politics in the same manner we have, and endure it with such dignity. And I mean that sincerely because I think, in the old days, people made light of and made fun of Italians. You've lent a great deal of class, you run a good house and I've always enjoyed working with you, even when we agree to disagree, and try to do our Italian speaking to each other, which no one else understands. Another good reason to support this legislation is so we didn't have to wrestle this plate away from you like they had to do with the former Lieutenant Governor.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I had a lot of trouble getting an Assembly license plate. Don Mello was number one before I got it. He retired from the Assembly and went to the Senate. He wouldn't give it to me. He drove around with it for three months before I could finally get it back. He made a presentation

in the Assembly when he gave it back to me. It was about March in the session before he would surrender it to me.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I believe my colleague from District 28 said something about 1966. That was the year I was born. As a member of the Italian caucus, I'm really proud to have served with you and you are a true leader and I'm honored we have the opportunity to recognize and honor you this way, Mr. Speaker. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, rise in honorable and enthusiastic support of this bill. I guess, among us here, at least in the House, I have served with you the longest. It's been a wonderful, wonderful education and working relationship. Like everyone else, we did not agree on all issues, but because of your dignity and hard work and also being able to educate me on some things, it's been a fine working relationship. I have a little bit of sad feelings, however, about the license plate. It isn't on my own part. When we had this bill introduced I had occasion to be talking about it and how happy I was while I was riding in my classic car, which is "Assemblyman 2," which had always expected to become "Assemblyman 1," someday. I was talking about this bill last night on the way home. As I was driving to work this morning, I guess my classic must have been thinking about it and was very sad because it in fact "Sine died" on me. I didn't make it all the way to work. It's out there, in Nevada, and we're going to have to figure out how to get it going again even though it has lost that hope of being "Assemblyman 1."

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. It's a pleasure to support AB 695. I've had the pleasure of serving with you for 20 years, second only to my colleague behind me. I appreciate the fact you were able, because of your Italian background, to run. Maybe, because of you, I was able, as a Welshman, to run. May I say this, Mr. Speaker, it has really been a pleasure because there has been such a balance between rural and urban Nevada. I think, truly, people here can always remember you as being a true, dedicated Nevada servant. Thank you for your dedicated service, Joe.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Bill 695. I think one of the best attributes that you have brought is your ability to mentor young legislators. When I joined this body in 1995, you gave me opportunities from the very beginning, before we even met, as we looked at the legal challenges behind the 21/21 split. There are not a lot of folks who extend a hand and give a chance to someone to shine and are willing to let young folks in to do their best for the state. So, in addition to all your years of public service and knowledge of the issues and leadership on the issues, you'll leave a legacy in those like myself, who you allowed an opportunity to succeed and learn from you. For that reason, I support Assembly Bill 695.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I don't think there is any question that you deserve to be number one for all time. Thank you.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. I, too, rise in support of AB 695. I'd also like to echo the comments of the chair of Commerce and Labor. In fact, I was always going to take another page out of her book and see if I couldn't attach some of my bills to this particular measure, as an amendment, but Legal told me it wasn't germane—but, I beg to differ. When you come to the Nevada Legislature after you get elected, everyone has a piece of advice for you as every member of this body knows. Almost every piece of that advice starts with, "Mr. Speaker, this. Go see Mr. Speaker that. Talk to Mr. Speaker about that." So I came here, wondering what was Mr. Speaker going to be like. After I met you, and worked with you, I thought to myself, "Why do they call him Mr. Speaker. He barely talks." I have found out since that time, as the chair of Commerce and Labor has, that it is that quiet dignity and leadership that is strong. It is your

offering that opportunity to every one, regardless of the color of their skin, regardless of their gender, of their age, but what you feel is best for the state. It has been an honor to work with you and it is fitting that you should receive this particular license plate designation. It is the very least we can do. I'll tell you, there is one horse from here to Yerington that has the brand "State Assemblyman 1," you can't get out of it anymore, Mr. Speaker.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of this bill. I think I can sum it up by saying the reason we all support it is because everyone in this body is very, very proud to have you as our leader.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. Even I, the nemesis of special license plates, rise in support of this bill. Echoing similar comments of my colleague, the assistant minority leader, in 1995 you gave me an opportunity to co-chair Government Affairs with Mrs. Lambert. I appreciate that opportunity. Hopefully, through that session, and the two that have followed, I have followed in your tradition. As five-time chair of Government Affairs, I look up to you as far as leadership in performing that function and hopefully, I've done that. Thank you, Mr. Speaker.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Speaker. I, too, rise in support of AB 695. I'm just not sure what we're doing because if I can expect to come back, we expect you to come back. Thank you, Mr. Speaker.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. I, too, rise in support. Even though I have only been here four sessions—previously I was a lobbyist here for many years—your door has always been open. Your help to the rural areas has been outstanding. At the same time, I think you have certainly, in your position, represented the whole state of Nevada. You have done a great job. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I support this resolution because I highly admire you as a good man and gentle man. I believe you probably know the pulse of Nevada better than anyone else in our state and I commend you for that hard work that you give to help us all do that.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would like to tell a little story about Mr. Price and me. Our rivalry started in his first session in 1973. I introduced a bill to outlaw aluminum wire in mobile homes. He, being the electrician he is, opposed it. They wrote a big editorial that I was trying to protect the copper industry because the Anaconda Mining Company was in Yerington, the largest copper mine at the time in the state, so they thought it was a conflict of interest and a special interest bill that I introduced for the Anaconda Mining Company. Well, I was a volunteer fireman at the time, and in reading the books, the problems with aluminum wire was, it didn't have the flexibility of copper. Since then, the Universal Code has changed to all the mobile homes having copper wire. But, I was right and he was wrong, but he thought he beat my bill that time.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of AB 695. I personally feel very proud of you. Also, Dr. Buxton, and the many people at the University, who have sent their e-mail with special congratulations to you and are listening right now are very proud of you as well.

Roll call on Assembly Bill No. 695:

YEAS—39.

NAYS—None.

NOT VOTING—Dini.

EXCUSED—Evans, Thomas—2.

Assembly Bill No. 695 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA E. BUCKLEY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 37 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 37.

Bill read second time.

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

Amendment No. 1156.

Amend the bill as a whole by deleting sec. 12 and adding:

"Sec. 12. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 616A.425 is hereby amended to read as follows:

616A.425 1. There is hereby established in the state treasury the fund for workers' compensation and safety as a special revenue fund. All money received from assessments levied on insurers and employers by the administrator pursuant to NRS 232.680 must be deposited in this fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the division for functions supported in whole or in part from the fund must be delivered to the custody of the state treasurer for deposit to the credit of the fund.

3. All money and securities in the fund must be used to defray all costs and expenses of administering the program of workmen's compensation, including the payment of:

(a) All salaries and other expenses in administering the division of industrial relations, including the costs of the office and staff of the administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the hearings division of the department of administration and the programs of self-insurance and review of premium rates by the commissioner . ~~[of insurance.]~~

(c) *The salary and other expenses of a full-time employee of the legislative counsel bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.*

(d) All salaries and other expenses of the fraud control unit for industrial insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) All salaries and expenses of the members of the legislative committee on workers' compensation and any other expenses incurred by the committee in carrying out its duties pursuant to NRS 218.5375 to 218.5378, inclusive.

(g) That portion of the salaries and other expenses of the office for consumer health assistance established pursuant to section 86.6 of this act that is related to providing assistance to consumers and injured employees concerning workers' compensation.

4. The state treasurer may disburse money from the fund only upon written order of the controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any insurer or employer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.".

Amend sec. 14, page 7, line 42, after "~~inclusive,~~" by inserting:

"~~or chapter 617~~".

Amend sec. 14, page 8, line 6, after "inclusive," by inserting:

"or chapter 617".

Amend sec. 16, page 8, line 30, by deleting "20," and inserting "20.5,".

Amend sec. 20, page 9, by deleting line 24 and inserting:

"*2. A classified employee of the system who is employed by the system on*".

Amend the bill as a whole by adding a new section designated sec. 20.5, following sec. 20, to read as follows:

"Sec. 20.5. *Every state office, department, board, commission, bureau, agency or institution, operating by authority of law, and each county, city, school district and other political subdivision of this state shall budget for industrial insurance in the same manner as for other expenses and, if insured by a private carrier, shall pay premiums as required by its contract.*".

Amend sec. 28, page 12, line 34, after "inclusive," by inserting "616B.463,".

Amend the bill as a whole by adding a new section designated sec. 29.5, following sec. 29, to read as follows:

"Sec. 29.5. NRS 616B.167 is hereby amended to read as follows:

616B.167 The manager:

1. Has full power, authority and jurisdiction over the system.

2. May perform all acts necessary or convenient in the exercise of any power, authority or jurisdiction over the system, either in the administration of the system or in connection with the business of insurance to be carried on by the system under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including the establishment of premium rates.

3. May appoint ~~[in the unclassified service of the state no]~~ *not* more than five persons engaged in management who report directly to the manager or an assistant manager. The manager shall designate these positions and may not change them without the approval of the personnel commission. These persons are entitled to receive annual salaries fixed by the manager.".

Amend sec. 30, page 13, line 24, by deleting:

"~~[system when]~~ *administrator if*" and inserting "division if".

Amend sec. 30, page 13, line 25, by deleting:

"~~[requests such coverage and]~~".

Amend sec. 30, page 13, lines 26 and 27, by deleting:

"~~[the system.]~~ *a private carrier.*" and inserting:

"~~[the system or]~~ a private carrier.".

Amend sec. 30, page 13, line 30, by deleting:

"~~[system.]~~ *administrator.*" and inserting "division.".

Amend sec. 30, page 13, line 33, by deleting "~~[system]~~ *administrator*" and inserting "division".

Amend sec. 31, page 13, line 41, after "inclusive," by inserting:

"or chapter 617".

Amend sec. 32, page 14, by deleting lines 6 through 31 and inserting:

"616B.224 1. Every private or public employer who is not a self-insured employer or a member of an association of self-insured public or private employers shall, at intervals and on or before dates established by his insurer, furnish the insurer with:

(a) A true and accurate payroll showing:

(1) The total amount paid to employees for services performed;

(2) The amount of tips reported to him by every employee pursuant to 26 U.S.C. § 6053(a) whose tips in cash totaled $20 or more; and

(3) A segregation of employment in accordance with the requirements of the commissioner; and

(b) Any premium due pursuant to the terms of the policy of industrial insurance.

The payroll reports and any premium may be furnished to the insurer on different dates, as established by the insurer.

2. ~~[Failure]~~ *The failure* of any employer to comply with the provisions of this section operates as a rejection of chapters 616A to 616D, inclusive, and chapter 617 of NRS . ~~[, effective on the date established by the insurer pursuant to subsection 1.]~~ The insurer shall notify the administrator of each such rejection ~~[.]~~ *within the period specified in NRS 616B.460.*".

Amend sec. 32, page 14, line 32, by deleting "5." and inserting "3.".

Amend sec. 32, page 14, line 35, after "inclusive," by inserting: "and chapter 617".

Amend sec. 32, page 14, line 37, by deleting "6." and inserting "4.".

Amend sec. 32, page 14, line 42, by deleting "~~7.~~]" and inserting "~~5.~~]".

Amend sec. 32, page 15, line 1, after "inclusive," by inserting: "and chapter 617".

Amend sec. 32, page 15, between lines 2 and 3, by inserting:

"~~[6. Every employer insured by the system shall pay its premiums to the state insurance fund. All money received by the system pursuant to this section must be deposited with the state treasurer to the credit of the state insurance fund.]~~".

Amend sec. 33, page 15, by deleting lines 23 through 25 and inserting: "income from tips to calculate his federal income tax and to include the income in the computation of benefits pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS.".

Amend the bill as a whole by deleting sections 34 and 35 and adding:

"Secs. 34 and 35. (Deleted by amendment.)".

Amend sec. 36, page 18, by deleting lines 1 through 35 and inserting:

"4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the commissioner;

(b) Has a combined tangible net worth of all members in the association of at least $5,000,000;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the commissioner for authority to determine the documentation demonstrating solvency that an employer must provide to become a member of the

association. The commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the commissioner;

(b) Has a combined tangible net worth of all members in the association of at least $5,000,000; and

(c) Has at least 15 members.

7. The commissioner may withdraw his approval of an application submitted pursuant to subsection 5 or 6 if he determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association may terminate his membership at any time. To terminate his membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The association's administrator shall, within 10 days after receipt of the notice, notify the commissioner of the employer's intent to withdraw from the association.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the commissioner of the addition and:

(1) If the association has not received authority from the commissioner pursuant to subsection 5 or 6, as applicable, provide to the commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the commissioner pursuant to subsection 5 or 6, as applicable, provide to the commissioner evidence that is satisfactory to the commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any other information the commissioner may reasonably require to determine whether the amount of security deposited with the commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the commissioner pursuant to subparagraph (1);

(b) Notify the commissioner and the administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or canceled, maintain coverage for that member for 30 days after notice is given pursuant to paragraph (b), unless the association first receives notice from the administrator that the member has:

(1) ~~[Become insured by the system;~~

~~(2)]~~ Been certified as a self-insured employer pursuant to NRS 616B.312;

~~[(3)]~~ *(2)* Become a member of another association of self-insured public or private employers; or

~~[(4)]~~ *(3)* Become insured by a private carrier.

11. If a member of an association changes his name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under his former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or 617 of NRS during his period of".

Amend the bill as a whole by deleting sections 44 through 49 and adding:

"Sec. 44-49. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 49.5, following sec. 49, to read as follows:

"Sec. 49.5. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer may inquire about and request medical records of an injured employee that concern a preexisting medical condition that is reasonably related to the industrial injury of that injured employee.

2. An injured employee must sign all medical releases necessary for the insurer of his employer to obtain information and records about a preexisting medical condition that is reasonably related to the industrial injury of the employee and that will assist the insurer to determine the nature and amount of workers' compensation to which the employee is entitled.".

Amend sec. 52, page 26, line 25, after "inclusive," by inserting:

"or chapter 617".

Amend the bill as a whole by adding a new section designated sec. 52.5, following sec. 52, to read as follows:

"Sec. 52.5. NRS 616C.100 is hereby amended to read as follows:

616C.100 1. If an injured employee disagrees with the percentage of disability determined by a physician or chiropractor, the injured employee may obtain a second determination of the percentage of disability. If the employee wishes to obtain such a determination, he must select the next physician or chiropractor in rotation from the list of qualified physicians or chiropractors maintained by the administrator pursuant to subsection 2 of NRS 616C.490. If a second determination is obtained, the injured employee shall pay for the determination. *If the physician or chiropractor selected to make the second determination finds a higher percentage of disability than*

the first physician or chiropractor, the injured employee may request a hearing officer or appeals officer to order the insurer to reimburse the employee pursuant to the provisions of NRS 616C.330 or 616C.360.

2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.".

Amend the bill as a whole by adding thereto a new section designated sec. 53.5, following sec. 53, to read as follows:

"Sec. 53.5. NRS 616C.175 is hereby amended to read as follows:

616C.175 1. ~~[An employee is not entitled to compensation pursuant to the provisions of chapters 616A to 616D, inclusive, of NRS if:~~

~~(a) He has]~~ *The resulting condition of an employee who:*

(a) Has a preexisting condition from a cause or origin that did not arise out of or in the course of his current or past employment; and

(b) ~~[He subsequently]~~ *Subsequently* sustains an injury by accident arising out of and in the course of his employment which aggravates, precipitates or accelerates his preexisting condition,

shall be deemed to be an injury by accident that is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, of NRS, unless ~~[information from a physician or chiropractor establishes to the satisfaction of]~~ the insurer *can prove by a preponderance of the evidence* that the subsequent injury is ~~[the primary]~~ *not a substantial contributing* cause of the resulting condition.

2. ~~[An employee is not entitled to compensation pursuant to the provisions of chapters 616A to 616D, inclusive, of NRS if:~~

~~(a) He sustains]~~ *The resulting condition of an employee who:*

(a) Sustains an injury by accident arising out of and in the course of his employment; and

(b) ~~[He subsequently]~~ *Subsequently* aggravates, precipitates or accelerates the injury in a manner that does not arise out of and in the course of his employment,

shall be deemed to be an injury by accident that is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, of NRS, unless the *insurer can prove by a preponderance of the evidence that the* injury described in paragraph (a) is ~~[the primary]~~ *not a substantial contributing* cause of the resulting condition.".

Amend sec. 56, page 29, line 9, by deleting "under" and inserting: "pursuant to the provisions of".

Amend sec. 56, page 29, line 14, after "inclusive," by inserting: "or chapter 617".

Amend sec. 56, page 29, line 20, after "inclusive," by inserting: "or chapter 617".

Amend sec. 56, page 29, line 27, after "inclusive," by inserting: "or chapter 617".

Amend sec. 56, page 29, line 34, after "inclusive," by inserting: "or chapter 617".

Amend sec. 56, page 29, line 41, after "inclusive," by inserting: "or chapter 617".

Amend sec. 56, page 30, line 4, after "inclusive," by inserting: "or chapter 617".

Amend sec. 56, page 30, line 11, after "inclusive," by inserting: "or chapter 617".

Amend sec. 56, page 30, line 16, after "inclusive," by inserting: "or chapter 617".

Amend sec. 56, page 30, line 42, by deleting "under" and inserting "pursuant to".

Amend sec. 56, page 31, line 3, after "dependents," by inserting: "or the attorney or representative of the injured employee or his dependents,".

Amend sec. 56, page 31, line 15, by deleting "under" and inserting "pursuant to".

Amend sec. 56, page 32, line 5, by deleting: "For the purposes of calculating" and inserting "To calculate".

Amend the bill as a whole by deleting sec. 57 and adding:

"Sec. 57. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sections 57.2 and 57.4, following sec. 57, to read as follows:

"Sec. 57.2. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself.

(b) Caused by the employee's willful intention to injure another.

(c) Proximately caused by the employee's intoxication. If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

(d) Proximately caused by the employee's use of a controlled substance. If the employee had any amount of a controlled substance in his system at the time of his injury for which the employee did not have a current and lawful prescription issued in his name, the controlled substance must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

2. For the purposes of paragraphs (c) and (d) of subsection 1:

(a) The affidavit or declaration of an expert or other person described in NRS 50.315 is admissible to prove the existence of any alcohol or the existence, quantity or identity of a controlled substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled substance , ~~[:~~

~~(1) If]~~ the laboratory that conducts the testing ~~[is located in a county whose population is 100,000 or more and the testing is of urine, the laboratory]~~ must be ~~[certified for forensic testing of urine for drugs by the~~

~~College of American Pathologists or a successor organization or by the federal Department of Health and Human Services; and~~

~~(2) Any such testing of breath for alcohol must be performed pursuant to the regulations of the federal Department of Transportation.~~] *licensed pursuant to the provisions of chapter 652 of NRS.*

3. No compensation is payable for the death, disability or treatment of an employee if his death is caused by, or insofar as his disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

4. If any employee persists in an unsanitary or injurious practice that imperils or retards his recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his recovery, his compensation may be reduced or suspended.

5. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of his employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

Sec. 57.4. NRS 616C.235 is hereby amended to read as follows:

616C.235 1. Except as otherwise provided in subsection 2:

(a) When the insurer determines that a claim should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the claim to the claimant by first-class mail addressed to the last known address of the claimant. The notice must include a statement that if the claimant does not agree with the determination, he has a right to request a resolution of the dispute pursuant to NRS 616C.305 and 616C.315 to 616C.385, inclusive. A suitable form for requesting a resolution of the dispute must be enclosed with the notice. The closure of a claim is not effective unless notice is given as required by this subsection.

(b) If the insurer does not receive a request for the resolution of the dispute, it may close the claim.

(c) Notwithstanding the provisions of NRS 233B.125, if a hearing is conducted to resolve the dispute, the decision of the hearing officer may be served by first-class mail.

2. If the medical benefits required to be paid for a claim are less than ~~[$500, the claim closes automatically if the claimant]~~ *$300 and the injured employee* does not receive medical treatment for the injury for ~~[at least 12 months. The claimant may not appeal the closing of such a claim.]~~ *a 12-*

month period, the insurer may close the claim at any time after he sends, by first-class mail addressed to the last known address of the claimant, written notice that:

(a) The claim is being closed pursuant to subsection 2;

(b) The injured employee may appeal the closure of the claim pursuant to the provisions of NRS 616C.305 and 616C.315 to 616C.385, inclusive; and

(c) If the injured employee does not appeal the closure of the claim or appeals the closure of the claim but is not successful, the claim cannot be reopened.

The closure of a claim is not effective unless notice is given as required by this subsection.".

Amend the bill as a whole by deleting sections 61 and 62 and adding:

"Secs. 61 and 62. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sections 62.1 through 62.5, following sec. 62, to read as follows:

"Sec. 62.1. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada attorney for injured workers.

3. If necessary to resolve a medical question concerning an injured employee's condition, the hearing officer may refer the employee to a physician or chiropractor chosen by the hearing officer. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. *If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.*

5. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

~~[5.]~~ *6.* The hearing officer shall render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

~~[6.]~~ *7.* The hearing officer shall render his decision in the most efficient format developed by the chief of the hearings division of the department of administration.

~~[7.]~~ *8.* The hearing officer shall give notice of his decision to each party by mail. He shall include with the notice of his decision the necessary forms for appealing from the decision.

~~[8.]~~ *9.* Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

Sec. 62.2. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If necessary to resolve a medical question concerning an injured employee's condition, the appeals officer may refer the employee to a physician or chiropractor chosen by the appeals officer. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

4. *If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.*

5. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

~~[5.]~~ *6.* The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

~~[6.]~~ *7.* The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision.

Sec. 62.3. NRS 616C.390 is hereby amended to read as follows:

616C.390 1. If an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:

(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of the claimant;

(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and

(c) The application is accompanied by the certificate of a physician or a chiropractor showing a change of circumstances which would warrant an increase or rearrangement of compensation.

2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the claim for medical investigation only. The application must be accompanied by a written request for treatment from the physician or chiropractor treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.

3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.

4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if:

(a) The application is supported by medical evidence demonstrating an objective change in the medical condition of the claimant; and

(b) There is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.

5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:

(a) The claimant was not off work as a result of the injury; and

(b) The claimant did not receive benefits for a permanent partial disability.

If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.

6. If an employee's claim is reopened pursuant to this section, he is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before his claim was reopened, he:

(a) Retired; or

(b) Otherwise voluntarily removed himself from the work force,

for reasons unrelated to the injury for which the claim was originally made.

7. One year after the date on which the claim was closed, an insurer may dispose of the file of a claim authorized to be reopened pursuant to subsection 5, unless an application to reopen the claim has been filed pursuant to that subsection.

8. An increase or rearrangement of compensation is not effective before an application for reopening a claim is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a physician or a chiropractor.

9. A claim that ~~[automatically]~~ closes pursuant to subsection 2 of NRS 616C.235 *and is not appealed or is unsuccessfully appealed pursuant to the provisions of NRS 616C.305 and 616C.315 to 616C.385, inclusive,* may not be reopened pursuant to this section.

10. The provisions of this section apply to any claim for which an application to reopen the claim or to increase or rearrange compensation is made pursuant to this section, regardless of the date of the injury or accident to the claimant. If a claim is reopened pursuant to this section, the amount of any compensation or benefits provided must be determined in accordance with the provisions of NRS 616C.425.

Sec. 62.4. NRS 616C.440 is hereby amended to read as follows:

616C.440 1. Except as otherwise provided in this section and NRS 616C.175, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his dependents as defined in chapters 616A to 616D, inclusive, of NRS, is entitled to receive the following compensation for permanent total disability:

(a) In cases of total disability adjudged to be permanent, compensation per month of 66 2/3 percent of the average monthly wage.

(b) If there is a previous disability, as the loss of one eye, one hand, one foot or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury, but such a deduction for a previous award for permanent partial disability must be made in a reasonable manner and must not be more than the total amount which was paid for the previous award for permanent partial disability.

(c) If the character of the injury is such as to render the employee so physically helpless as to require the service of a constant attendant, an additional allowance may be made so long as such requirements continue, but the allowance may not be made while the employee is receiving benefits for care in a hospital or facility for intermediate care pursuant to the provisions of NRS ~~[616C.255 and]~~ 616C.265.

2. Except as otherwise provided in NRS 616B.185 and 616B.186, an injured employee or his dependents are not entitled to accrue or be paid any benefits for a permanent total disability during the time the injured employee is incarcerated. The injured employee or his dependents are entitled to receive such benefits when the injured employee is released from incarceration if he is certified as permanently totally disabled by a physician or chiropractor.

3. An employee is entitled to receive compensation for a permanent total disability only so long as the permanent total disability continues to exist. The insurer has the burden of proving that the permanent total disability no longer exists.

4. If an employee who has received compensation in a lump sum for a permanent partial disability pursuant to NRS 616C.495 is subsequently determined to be permanently and totally disabled, the compensation for the permanent total disability must be reduced as follows:

(a) If the employee has not received a minimum lump sum, the ~~[employee's]~~ insurer *of the employee's employer* shall deduct from the compensation for the permanent total disability an amount equal to the monthly installment rate for awards for permanent partial disability until the ~~[employee reaches the age upon which his disability was calculated;]~~ *insurer has deducted an amount that equals the amount it has already paid out as a lump sum;* or

(b) If the employee received a minimum lump sum, the ~~[employee's]~~ insurer *of the employee's employer* shall deduct from the compensation for the permanent total disability an amount of not more than 10 percent of the rate of compensation for a permanent total disability until the lump sum is recovered.

The provisions of this subsection are retroactive for all claims for compensation for a permanent total disability remaining open on ~~[July 1, 1995.]~~ *January 1, 2000.*

Sec. 62.5. NRS 616C.475 is hereby amended to read as follows:

616C.475 1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. Except as otherwise provided in NRS 616B.185 and 616B.186, an injured employee or his dependents are not entitled to accrue or be paid any

benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his dependents are entitled to receive such benefits when the injured employee is released from incarceration if he is certified as temporarily totally disabled by a physician or chiropractor.

3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability and regularly thereafter.

4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

5. Payments for a temporary total disability must cease when:

(a) A physician or chiropractor determines that the employee is physically capable of any gainful employment for which the employee is suited, after giving consideration to the employee's education, training and experience;

(b) The employer offers the employee light-duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractor pursuant to subsection 7; or

(c) Except as otherwise provided in NRS 616B.185 and 616B.186, the employee is incarcerated.

6. Each insurer may, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the division for the injured employee to request continued compensation for the temporary total disability.

7. A certification of disability issued by a physician or chiropractor must:

(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;

(b) Specify whether the limitations or restrictions are permanent or temporary; and

(c) Be signed by the treating physician or chiropractor authorized pursuant to NRS 616B.515 or 616B.527.

8. If certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of his accident is not required to comply with NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations adopted by the division governing vocational rehabilitation services if the employer offers the employee a position that ~~[is]~~ *:*

(a) Is substantially similar to the employee's position at the time of his injury in relation to the location of the employment ~~[,]~~ *and* the hours he is required to work *;* and ~~[the salary he will be paid.]~~

(b) Provides a gross wage that is:

(1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his injury; or

(2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his injury.".

Amend sec. 63, page 37, by deleting lines 32 through 34 and inserting:

"employee a position that:

(a) Is substantially similar to the employee's position at the time of his injury in relation to the location of the employment and the hours he is required to work; and

(b) Provides a gross wage that is:

(1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his injury; or

(2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his injury.".

Amend the bill as a whole by deleting sections 64 through 68 and adding:

"Secs. 64-68. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sections 68.2 through 68.8, following sec. 68, to read as follows:

"Sec. 68.2. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole man" are equivalent terms.

2. Within 30 days after receiving from a physician or chiropractor a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with ~~[a]~~ *the* rating physician or chiropractor *selected pursuant to this subsection* to determine the extent of the employee's disability. *Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor:*

(a) The insurer shall select ~~[a]~~ *the rating* physician or chiropractor from ~~[a group]~~ *the list* of *qualified* rating physicians and chiropractors designated by the administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the division pursuant to NRS 616C.110.

(b) Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the administrator, according to their area of specialization and the order in which their names appear on the list.

3. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractor is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

The notice must be on a form approved by the administrator and provided to the injured employee by the insurer at the time of the insurer's request.

4. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. No factors other than the degree of physical impairment of the whole man may be considered in calculating the entitlement to compensation for a permanent partial disability.

5. The rating physician or chiropractor shall provide the insurer with his evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which he is entitled pursuant to this section; or

(b) That he is not entitled to benefits for permanent partial disability.

6. Each 1 percent of impairment of the whole man must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993; ~~[and]~~

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993 ~~[.]~~ *, and before January 1, 2000; and*

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

7. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

8. Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

9. The division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

10. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

11. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

Sec. 68.4. NRS 616C.555 is hereby amended to read as follows:

616C.555 1. A vocational rehabilitation counselor shall develop a plan for a program of vocational rehabilitation for each injured employee who is eligible for vocational rehabilitation services pursuant to NRS 616C.590. The counselor shall work with the insurer and the injured employee to develop a program that is compatible with the injured employee's age, sex and physical condition.

2. If the counselor determined in the written assessment developed pursuant to NRS 616C.550 that the injured employee has existing marketable skills, the plan must consist of job placement assistance only. When practicable, the goal of job placement assistance must be to aid the employee in finding a position which pays a gross wage that is equal to or greater than 80 percent of the gross wage that he was earning at the time of his injury. An injured employee must not receive job placement assistance for more than ~~[90 days]~~ *6 months* after the date on which he was notified that he is eligible only for job placement assistance because:

(a) He was physically capable of returning to work; or

(b) It was determined that he had existing marketable skills.

3. If the counselor determined in the written assessment developed pursuant to NRS 616C.550 that the injured employee does not have existing marketable skills, the plan must consist of a program which trains or educates the injured employee and provides job placement assistance. Except as otherwise provided in NRS 616C.560, such a program must not exceed :

(a) If the injured employee has incurred a permanent physical impairment of less than 6 percent, ~~[6]~~ *9* months.

(b) If the injured employee has incurred a permanent physical impairment of 6 percent or more, but less than 11 percent, ~~[9 months.]~~ *1 year.*

(c) If the injured employee has incurred a permanent physical impairment of 11 percent or more, ~~[1 year.]~~ *18 months.*

The percentage of the injured employee's permanent physical impairment must be determined pursuant to NRS 616C.490.

4. A plan for a program of vocational rehabilitation must comply with the requirements set forth in NRS 616C.585.

5. A program of vocational rehabilitation must not commence before the treating physician or chiropractor, or an examining physician or chiropractor determines that the injured employee is capable of safely participating in the program.

6. If, based upon the opinion of a treating or an examining physician or chiropractor, the counselor determines that an injured employee is not eligible for vocational rehabilitation services, the counselor shall provide a

copy of the opinion to the injured employee, the injured employee's employer and the insurer.

7. A plan for a program of vocational rehabilitation must be signed by a certified vocational rehabilitation counselor.

8. If an initial program of vocational rehabilitation pursuant to this section is unsuccessful, an injured employee may submit a written request for the development of a second program of vocational rehabilitation which relates to the same injury. An insurer shall authorize a second program for an injured employee upon good cause shown.

9. If a second program of vocational rehabilitation pursuant to subsection 8 is unsuccessful, an injured employee may submit a written request for the development of a third program of vocational rehabilitation which relates to the same injury. The insurer, with the approval of the employer who was the injured employee's employer at the time of his injury, may authorize a third program for the injured employee. If such an employer has terminated operations, his approval is not required for authorization of a third program. An insurer's determination to authorize or deny a third program of vocational rehabilitation may not be appealed.

10. The division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.

Sec. 68.5. NRS 616C.560 is hereby amended to read as follows:

616C.560 1. A program for vocational rehabilitation developed pursuant to subsection 3 of NRS 616C.555 may be extended:

(a) Without condition or limitation, by the insurer at his sole discretion; or

(b) In accordance with this section if:

(1) The injured employee makes a written request to extend the program within 30 days after he receives written notification that he is eligible for vocational rehabilitation services; and

(2) There are exceptional circumstances which make it unlikely that the injured employee will obtain suitable gainful employment as a result of vocational rehabilitation which is limited to the period for which he is eligible.

An insurer's determination to grant or deny an extension pursuant to paragraph (a) may not be appealed.

2. If an injured employee has incurred a permanent physical impairment of less than 11 percent:

(a) The total length of the program, including any extension, must not exceed ~~[1 year.]~~ *2 years.*

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (b) of subsection 1, if:

(1) The injured employee lacks work experience, training, education or other transferable skills for an occupation which he is physically capable of performing; or

(2) Severe physical restrictions as a result of the industrial injury have been imposed by a physician which significantly limit the employee's occupational opportunities.

3. If an injured employee has incurred a permanent physical impairment of 11 percent or more:

(a) The total length of the program, including any extension, must not exceed ~~[2]~~ *2 1/2* years.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (b) of subsection 1, if the injured employee has suffered:

(1) The total and permanent loss of sight of both eyes;

(2) The loss by separation of a leg at or above the knee;

(3) The loss by separation of a hand at or above the wrist;

(4) An injury to the head or spine which results in permanent and complete paralysis of both legs, both arms or a leg and an arm;

(5) An injury to the head which results in a severe cognitive functional impairment which may be established by a nationally recognized form of objective psychological testing;

(6) The loss by separation of an arm at or above the elbow and the loss by separation of a leg at or above the knee;

(7) An injury consisting of second or third degree burns on 50 percent or more of the body, both hands or the face;

(8) A total bilateral loss of hearing;

(9) The total loss or significant and permanent impairment of speech; or

(10) A permanent physical impairment of 50 percent or more determined pursuant to NRS 616C.490, if the severity of the impairment limits the injured employee's gainful employment to vocations that are primarily intellectual and require a longer program of education.

4. The insurer shall deliver a copy of its decision granting or denying an extension to the injured employee and the employer. Except as otherwise provided in this section, the decision shall be deemed to be a final determination of the insurer for the purposes of NRS 616C.315.

Sec. 68.7. NRS 616C.580 is hereby amended to read as follows:

616C.580 1. ~~[Vocational]~~ *Except as otherwise provided in this section, vocational* rehabilitation services must not be provided outside of this state. *An injured employee who:*

(a) Lives within 50 miles from any border of this state on the date of injury; or

(b) Was injured while temporarily employed in this state by an employer subject to the provisions of chapters 616A to 617, inclusive, of NRS who can demonstrate that, on the date of injury, his permanent residence was outside of this state,

may receive vocational rehabilitation services at a location within 50 miles from his residence if such services are available at such location.

2. An injured employee, who:

(a) Is eligible for vocational rehabilitation services pursuant to NRS 616C.590; and

(b) Resides outside of this state ~~[.]~~ *but does not qualify to receive vocational rehabilitation services outside of this state pursuant to subsection 1,*

may execute a written agreement with the insurer which provides for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services pursuant to NRS 616C.595. The amount of the lump sum must not exceed $15,000.

3. An injured employee who resides outside of this state *but does not qualify to receive vocational rehabilitation services outside of this state pursuant to subsection 1* may receive the vocational rehabilitation services to which he is entitled pursuant to NRS 616C.545 to 616C.575, inclusive, and 616C.590 if he relocates to ~~[this]~~ *:*

(a) This state *; or*

(b) A location within 50 miles from any border of this state,

at his own expense ~~[.]~~ *, if such services are available at such location.*

Sec. 68.8. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Through fraud, coercion, duress or undue influence:

(1) Induced a claimant to fail to report an accidental injury or occupational disease;

(2) Persuaded a claimant to settle for an amount which is less than reasonable;

(3) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(4) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(b) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or division has been lifted;

(c) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(d) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Failed to comply with the division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(f) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165; or

(g) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

the administrator shall impose an administrative fine of $1,000 for each initial violation, or a fine of $10,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. ~~[Nothing in]~~ *The provisions of* this section ~~[authorizes]~~ *do not authorize* the administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

The fine imposed may not be greater than $250 for an initial violation, or more than $1,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the administrator within 30 days after the date of the order.

3. If the administrator determines that a violation of any of the provisions of paragraphs (a) to (d), inclusive, of subsection 1 has occurred, the administrator shall order the insurer, organization for managed care, health care provider, third-party administrator or employer to pay to the claimant a benefit penalty in an amount ~~[equal to 50 percent of the compensation due or $10,000, whichever is less. In no event may a benefit penalty be less than $500. The]~~ *that is not less than $5,000 and not greater than $25,000. To determine the amount of the benefit penalty, the administrator shall consider the degree of physical harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c) or (d) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties previously imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer pursuant to this section. If this is the third violation within 5 years for which a fine or benefit penalty has been imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer, the administrator shall also consider the degree of economic and physical harm suffered by the insured employee or his dependents as a result of the violation of paragraph (a), (b), (c) or (d) of subsection 1. Except as otherwise provided in this section, the* benefit penalty is for the benefit of the claimant and must be paid directly to him within 10 days after the date of the administrator's determination. *If the claimant is the injured employee and he dies before the benefit penalty is paid to him, the benefit penalty must be paid to his estate.* Proof of the payment of the benefit penalty must be submitted to the administrator within 10 days after the date of his determination unless an appeal is filed pursuant to NRS 616D.140. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection.

4. In addition to any fine or benefit penalty imposed pursuant to this section, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

5. If:

(a) The administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The fraud control unit for industrial insurance established pursuant to NRS 228.420 notifies the administrator that the unit will not prosecute the person for that violation,

the administrator shall impose an administrative fine of not more than $10,000.

6. Two or more fines of $1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

7. The commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.".

Amend sec. 69, page 40, line 7, after "inclusive," by inserting:

"or chapter 617".

Amend sec. 69, page 40, line 10, by deleting:

"~~[to the system]~~" and inserting:

"to ~~[the system or]~~ a private carrier".

Amend sec. 69, page 40, line 11, after "inclusive," by inserting:

"or chapter 617".

Amend sec. 69, page 40, by deleting lines 15 through 19 and inserting:

"not to exceed 6 years; and

(b) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been paid.

The money collected pursuant to this subsection must be paid into the uninsured employers' claim fund.".

Amend sec. 69, page 40, by deleting lines 26 through 31 and inserting:

"chapters 616A to 616D, inclusive, or chapter 617 of NRS, shall be punished as follows:

(a) Except as otherwise provided in paragraph (b), if it is a first offense, for a misdemeanor.

(b) If it is a first offense and, during the period the employer was doing business in this state without providing, securing or maintaining compensation, one of his employees suffers an injury arising out of and in the course of his employment that results in substantial bodily harm to the employee or the death of the employee, for a category C felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and by a fine of not less than $1,000 nor more than $50,000.

(c) If it is a second or subsequent offense committed within 7 years after the previous offense, for a category C felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and by a fine of not less than $1,000 nor more than $50,000.

4. In addition to any other penalty imposed pursuant to paragraph (b) or (c) of subsection 3, the court shall order the employer to:

(a) Pay restitution to an insurer who has incurred costs as a result of the violation in an amount equal to the costs that have been incurred minus any costs incurred that have otherwise been recovered; and

(b) Reimburse the uninsured employers' claim fund for all payments made from the fund on the employer's behalf, including any benefits, administrative costs or attorney's fees paid from the fund, that have not otherwise been recovered pursuant to NRS 616C.220.

5. Any criminal penalty imposed pursuant to subsections 3 and 4 must be in addition to the amount charged".

Amend sec. 70, page 40, line 36, by deleting "premium" and inserting: "premium, interest or penalty".

Amend sec. 70, page 41, line 5, by deleting:

"~~[system or]~~ private".

Amend sec. 70, page 41, by deleting line 6 and inserting:

"prior insurer have been paid to that insurer.".

Amend the bill as a whole by deleting sec. 80 and adding:

"Sec. 80. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 80.5, following sec. 80, to read as follows:

"Sec. 80.5. NRS 617.366 is hereby amended to read as follows:

617.366 1. ~~[An employee is not entitled to compensation pursuant to the provisions of this chapter if:~~

~~(a) He has]~~ *The resulting condition of an employee who:*

(a) Has a preexisting condition from a cause or origin that did not arise out of and in the course of his current or past employment; and

(b) ~~[He subsequently]~~ *Subsequently* contracts an occupational disease which aggravates, precipitates or accelerates his preexisting condition,

shall be deemed to be an occupational disease that is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, and chapter 617 of NRS, unless ~~[information from a physician or chiropractor establishes to the satisfaction of]~~ the insurer *can prove by a preponderance of the evidence* that the occupational disease is ~~[the primary]~~ *not a substantial contributing* cause of the resulting condition.

2. ~~[An employee is not entitled to compensation pursuant to the provisions of this chapter if:~~

~~(a) He contracts]~~ *The resulting condition of an employee who:*

(a) Contracts an occupational disease; and

(b) ~~[He subsequently]~~ *Subsequently* aggravates, precipitates or accelerates the occupational disease in a manner that does not arise out of and in the course of his employment,

shall be deemed to be an occupational disease that is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, and chapter 617 of NRS, unless *the insurer can prove by a preponderance of the evidence that* the occupational disease is ~~[the primary]~~ *not a substantial contributing* cause of the resulting condition.".

Amend the bill as a whole by deleting sec. 82 and adding:

"Sec. 82. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sections 86.1 through 86.9, following sec. 86, to read as follows:

"Sec. 86.1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 86.2 to 86.9, inclusive, of this act.

Sec. 86.2. *As used in sections 86.2 to 86.9, inclusive, of this act, unless the context otherwise requires:*

1. "Consumer" means a natural person who has or is in need of coverage under a health care plan.

2. "Director" means the director of the office for consumer health assistance appointed pursuant to section 86.6 of this act.

3. "Health care plan" means a policy, contract, certificate or agreement offered or issued to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

Sec. 86.4. *The provisions of NRS 223.085 do not apply to the provisions of sections 86.2 to 86.9, inclusive, of this act.*

Sec. 86.6. *1. The office for consumer health assistance is hereby established in the office of the governor. The governor shall appoint the director. The director must:*

(a) Be:

(1) A physician, as that term is defined in NRS 0.040;

(2) A registered nurse, as that term is defined in NRS 632.019;

(3) An advanced practitioner of nursing, as that term is defined in NRS 453.023; or

(4) A physician's assistant, as that term is defined in NRS 630.015; and

(b) Have expertise and experience in the field of advocacy.

2. The cost of carrying out the provisions of sections 86.2 to 86.9, inclusive, of this act must be paid as follows:

(a) That portion of the cost related to providing assistance to consumers and injured employees concerning workers' compensation must be paid from the assessments levied pursuant to NRS 232.680.

(b) The remaining cost must be provided by direct legislative appropriation from the state general fund and be paid out on claims as other claims against the state are paid.

Sec. 86.7. *The director shall:*

1. Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

2. Assist consumers and injured employees in understanding their rights and responsibilities under health care plans and policies of industrial insurance;

3. Identify and investigate complaints of consumers and injured employees regarding their health care plans and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(a) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(b) Providing counseling and assistance to consumers and injured employees concerning health care plans and policies of industrial insurance;

4. Provide information to consumers and injured employees concerning health care plans and policies of industrial insurance in this state;

5. Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the office;

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the director pursuant to this section; and

7. In appropriate cases and pursuant to the direction of the governor, refer a complaint or the results of an investigation to the attorney general for further action.

Sec. 86.8. *1. The director may:*

(a) Within the limits of available money, employ:

(1) Such persons in the unclassified service of the state as he determines to be necessary to carry out the provisions of sections 86.2 to 86.9, inclusive, of this act, including, without limitation, a provider of health care, as that term is defined in NRS 449.581.

(2) Such additional personnel as may be required to carry out the provisions of sections 86.2 to 86.9, inclusive, of this act, who must be in the classified service of the state.

A person employed pursuant to the authority set forth in this subsection must be qualified by training and experience to perform the duties for which the director employs him.

(b) To the extent not otherwise prohibited by law, obtain such information from consumers, injured employees, health care plans and policies of industrial insurance as he determines to be necessary to carry out the provisions of sections 86.2 to 86.9, inclusive, of this act.

(c) Adopt such regulations as he determines to be necessary to carry out the provisions of sections 86.2 to 86.9, inclusive, of this act.

2. The director and his employees shall not have any conflict of interest relating to the performance of their duties pursuant to sections 86.2 to 86.9,

inclusive, of this act. For the purposes of this subsection, a conflict of interest shall be deemed to exist if the director or employee, or any person affiliated with the director or employee:

(a) Has direct involvement in the licensing, certification or accreditation of a health care facility, insurer or provider of health care;

(b) Has a direct ownership interest or investment interest in a health care facility, insurer or provider of health care;

(c) Is employed by, or participating in, the management of a health care facility, insurer or provider of heath care; or

(d) Receives or has the right to receive, directly or indirectly, remuneration pursuant to any arrangement for compensation with a health care facility, insurer or provider of health care.

Sec. 86.9. *On or before February 1 of each year, the director shall submit a written report to the governor, and to the director of the legislative counsel bureau for transmittal to the appropriate committee or committees of the legislature. The report must include, without limitation:*

1. A statement setting forth the number and geographic origin of the written and telephonic inquiries received by the office and the issues to which those inquiries were related;

2. A statement setting forth the type of assistance provided to each consumer and injured employee who sought assistance from the director, including, without limitation, the number of referrals made to the attorney general pursuant to subsection 7 of section 86.7 of this act; and

3. A statement setting forth the disposition of each inquiry and complaint received by the director.".

Amend sec. 89, page 52, line 1, after "218.5375," by inserting:

"*and that portion of the cost of the office for consumer heath assistance established pursuant to section 86.6 of this act that is related to providing assistance to consumers and injured employees concerning workers' compensation,*".

Amend sec. 89, page 52, between lines 39 and 40, by inserting:

"*(g) That portion of the salaries and other expenses of the office for consumer health assistance established pursuant to section 86.6 of this act that is related to providing assistance to consumers and injured employees concerning workers' compensation.*".

Amend sec. 90, page 53, by deleting lines 5 through 17 and inserting:

"chapter, and the department shall provide those services and the use of that equipment as may be mutually agreed:

(a) The court administrator;

(b) The department of motor vehicles and public safety;

(c) The department of transportation;

(d) The employment security division of the department of employment, training and rehabilitation;

(e) The division of wildlife of the state department of conservation and natural resources;

(f) The legislative counsel bureau;

(g) ~~[The state industrial insurance system;~~

~~(h)]~~ The state controller;

~~[(i)]~~ *(h)* The state gaming control board and Nevada gaming commission; and

~~[(j)]~~ *(i)* The University and Community College System of Nevada.".

Amend sec. 91, page 54, line 2, after "inclusive," by inserting: "and chapter 617".

Amend sec. 91, page 54, line 8, after "inclusive," by inserting: "or chapter 617".

Amend sec. 92, page 54, line 29, after "inclusive," by inserting: "and chapter 617".

Amend sec. 92, page 54, line 35, after "inclusive," by inserting: "or chapter 617".

Amend sec. 92, page 55, line 6, by deleting the comma.

Amend the bill as a whole by adding a new section designated sec. 96.5, following sec. 96, to read as follows:

"Sec. 96.5. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the state consists of positions held by state officers or employees in the executive department of the state government as follows:

1. Persons chosen by election or appointment to fill an elective office.

2. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

3. At the discretion of the elective officer or head of each department, agency or institution, one deputy and one chief assistant in each department, agency or institution.

4. ~~[All]~~ *Except as otherwise provided in section 86.8 of this act, all* employees in the office of the governor and all persons required by law to be appointed by the governor or heads of departments or agencies appointed by the governor or by boards.

5. All employees other than clerical in the office of the attorney general and the state public defender required by law to be appointed by the attorney general or the state public defender.

6. Except as otherwise provided by the board of regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the agricultural extension department and experiment station of the University and Community College System of Nevada, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The board of regents of the University of Nevada shall assist the director in carrying out the provisions of this chapter applicable to the University and Community College System of Nevada.

7. Officers and members of the Nevada National Guard.

8. Persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or another competent authority.

9. Patient and inmate help in state charitable, penal, mental and correctional institutions.

10. Part-time professional personnel who are paid for any form of medical, nursing or other professional service and who are not engaged in the performance of administrative or substantially recurring duties.

11. All other officers and employees authorized by law to be employed in the unclassified service.".

Amend sec. 97, page 57, line 40, after "contractors." by inserting:

"Except as otherwise provided by specific statute, each contract for services must be awarded pursuant to the provisions of chapter 333 of NRS.".

Amend sec. 98, page 59, by deleting lines 29 through 33 and inserting:

"3. "Invitation to bid" means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.

4. "Proprietary information" means:

(a) Any trade secret or confidential business information that is contained in a bid or proposal submitted on a particular contract; or

(b) Any other trade secret or confidential business information submitted in a bid or proposal and designated as proprietary by the chief.".

Amend sec. 98, page 59, line 39, by deleting "4." and inserting "5.".

Amend sec. 98, page 59, line 41, by deleting "5." and inserting "6.".

Amend sec. 98, page 60, by deleting line 3 and inserting:

"7. "Request for proposals" means a written statement which sets forth the".

Amend sec. 98, page 60, line 6, by deleting "7." and inserting "8.".

Amend sec. 98, page 60, line 7, by deleting "8." and inserting "9.".

Amend sec. 98, page 60, line 12, by deleting "sources, except" and inserting:

"sources. The term does not include".

Amend sec. 98, page 60, line 16, by deleting "9." and inserting "10."

Amend sec. 98, page 60, line 18, after "inclusive," and inserting:

"or chapter 617".

Amend sec. 105, page 64, line 30, after "Association," by inserting:

"the Government National Mortgage Association,".

Amend sec. 105, page 64, line 42, by deleting "and above".

Amend sec. 105, page 65, lines 28 and 29, by deleting:

"banks or insured" and inserting:

"banks, insured credit unions or".

Amend sec. 105, page 66, line 13, by deleting "3" and inserting "5".

Amend sec. 105, page 66, line 26, by deleting "and".

Amend sec. 105, page 66, line 28, by deleting "equivalent." and inserting:

"equivalent; and

(s) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.".

Amend sec. 105, page 67, line 9, by deleting "*into*" and inserting "into".

Amend sec. 111, page 70, line 34, after "inclusive," by inserting:

"or chapter 617".

Amend sec. 111, page 70, line 35, by deleting "*carrier* and" and inserting:

"*carrier* and, if".

Amend sec. 116, page 72, lines 29 and 30, by deleting:

"office, as defined in subsection 2," and inserting "office".

Amend sec. 116, page 72, line 41, by deleting:

"For the purposes of" and inserting:

"As used in".

Amend sec. 116, page 73, by deleting line 3 and inserting:

"3. The insurer shall, on or before March 15 of each year, furnish proof to".

Amend sec. 126, page 79, by deleting lines 9 through 19 and inserting:

"696B.360 1. *Except as otherwise provided in this section:*

(a) The money collected by the commissioner in a proceeding under this chapter must be from time to time deposited in one or more state or national banks, savings banks, credit unions or trust companies, and in the case of the insolvency or voluntary or involuntary liquidation of any such depositary which is an institution organized and supervised under the laws of this state, such deposits are entitled to priority of payment on an equality with any other priority given by the banking laws of this state.

~~[2.]~~ *(b)* The commissioner may ~~[in his discretion]~~ deposit the money or any part thereof in a national bank, credit union or trust company as a trust".

Amend the bill as a whole by adding new sections designated sections 126.3 and 126.5, following sec. 126, to read as follows:

"Sec. 126.3. Section 2 of Senate Bill No. 351 of this session is hereby amended to read as follows:

Sec. 2. NRS 683A.100 is hereby amended to read as follows:

683A.100 In addition to persons excluded by the terms thereof, the definitions of an agent, broker, solicitor or managing general agent ~~[shall not be deemed to]~~ *do not* include any of the following:

1. Salaried employees rendering solely clerical and administrative services in the office of the employer.

2. Salaried administrative and clerical employees of agents and brokers performing any functions in the office and under the supervision of the employer and receiving no commissions.

3. Salaried employees of insurers, organizations employed by insurers or the state industrial insurance system engaged in inspecting, rating or classifying risks, or in general supervision of agents, and not in the solicitation or writing of insurance.

4. Officers of insurers or of an association of insurers engaged in the performance of their usual and customary executive duties, exclusive of field

solicitation of insurance other than rendering assistance to or on behalf of a licensed agent but receiving no commission or other compensation directly dependent upon the amount of business transacted.

5. Persons completing or delivering declarations or certificates of coverage under running inland marine insurance contracts evidencing coverage thereunder, if:

(a) Such persons receive no commissions directly or indirectly on such insurance; and

(b) Such persons or their employers have an insurable interest in the risk evidenced by the certificate or declaration.

6. Persons who secure and furnish information for the purposes of group life insurance, group or blanket health insurance or annuity coverages, or for enrolling individuals under such plans or issuing certificates thereunder or otherwise assisting in administering such plans where no commission is paid for such services.

7. Service representatives.

8. Employees of a short-term lessor of passenger vehicles who engage solely in the solicitation and sale of insurance requested by a lessee pursuant to NRS 482.3158 in accordance with section 1 of Senate Bill No. 351 of this session.

Sec. 126.5. Section 12 of Senate Bill No. 92 of this session is hereby amended to read as follows:

Sec. 12. NRS 616B.167 is hereby amended to read as follows:

616B.167 The manager:

1. Has full power, authority and jurisdiction over the system.

2. May perform all acts necessary or convenient in the exercise of any power, authority or jurisdiction over the system, either in the administration of the system or in connection with the business of insurance to be carried on by the system under the provisions of chapters 616A to 616D, inclusive, *or chapter 617* of NRS, including the establishment of premium rates.

3. May appoint not more than five persons ~~[,]~~ engaged in management ~~[,]~~ who report directly to the manager or an assistant manager. The manager shall designate these positions ~~[,]~~ and may not change them without the approval of the personnel commission. These persons are entitled to receive annual salaries fixed by the manager.".

Amend the bill as a whole by adding a new section designated sec. 127.5, following sec. 127, to read as follows:

"Sec. 127.5. 1. There is hereby appropriated from the state general fund to the office of the governor to pay that portion of the cost of carrying out the provisions of sections 86.2 to 86.9, inclusive, of this act that is not related to providing assistance to consumers and injured employees concerning workers' compensation:

For the fiscal year 1999-2000	$212,404
For the fiscal year 2000-2001	$251,001

2. The sums appropriated by subsection 1 are available for either fiscal year and may be transferred for use from one fiscal year to the other upon the recommendation of the governor and with the approval of the interim finance committee.

3. Any balance of the sum appropriated by subsection 1 for fiscal year 1999-2000 remaining at the end of that fiscal year that is not transferred for use to fiscal year 2000-2001 pursuant to subsection 2 must not be committed for expenditure after June 30, 2000, and reverts to the state general fund as soon as all payments of money committed have been made. Any balance of the sums appropriated by subsection 1 remaining at the end of fiscal year 2000-2001 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

4. The sums appropriated by subsection 1 must be:

(a) Expended in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive; and

(b) Work programmed for the 2 separate fiscal years, 1999-2000 and 2000-2001, as required by NRS 353.215. Work programs may be revised with the approval of the governor upon the recommendation of the chief of the budget division of the department of administration and in accordance with the provisions of the State Budget Act.

5. Transfers to and from salary allotments, travel allotments, operating expense allotments, equipment allotments and other allotments must be allowed and made in accordance with the provisions of NRS 353.215 to 353.225, inclusive, and after separate consideration of the merits of each request.".

Amend sec. 130, page 82, line 33, by deleting "June 30," and inserting "July 1,".

Amend sec. 132, page 83, line 38, by deleting "1999, may" and inserting: "1999:

(a) May".

Amend sec. 132, page 83, after line 43, by inserting:

"(b) Notwithstanding the provisions of chapter 284 of NRS or the regulations adopted pursuant thereto, is not subject to any probationary period otherwise applicable to his initial reemployment to a position in the classified service of the state.".

Amend sec. 132, page 84, line 4, by deleting "company may" and inserting:

"company:

(a) May".

Amend sec. 132, page 84, between lines 9 and 10, by inserting:

"(b) Notwithstanding the provisions of chapter 284 of NRS or the regulations adopted pursuant thereto, is not subject to any probationary period otherwise applicable to his initial reemployment to a position in the classified service of the state.".

Amend sec. 134, page 84, line 21, by deleting "If" and inserting:
"Except as otherwise required as a result of NRS 286.537:
1. If".

Amend sec. 134, page 84, line 26, by deleting "NRS 286.300" and inserting:
"chapter 286 of NRS, in addition to any years of service previously purchased by the employee pursuant to NRS 286.300,".

Amend sec. 134, page 84, by deleting line 27.

Amend sec. 134, page 84, line 28, by deleting "2." and inserting "(a)".

Amend sec. 134, page 84, line 31, by deleting "3." and inserting "(b)".

Amend sec. 134, page 84, between lines 32 and 33, by inserting:

"2. The public employees' retirement system shall take such action as is necessary to carry out the provisions of subsection 1.".

Amend sec. 139, page 85, by deleting lines 26 and 27 and inserting:
"as a regulation of the division of industrial relations of the department of business and industry or the administrator of the division, respectively, until amended or repealed by the".

Amend the bill as a whole by adding new sections designated sections 139.2 and 139.4, following sec. 139, to read as follows:

"Sec. 139.2. The amendatory provisions of sections 62.5, 68.4, 68.5 and 68.7 of this act apply to an injured employee who is determined to be eligible for vocational rehabilitation services pursuant to NRS 616C.550 or 616C.555 on or after January 1, 2000, even if the industrial injury of that employee was sustained before January 1, 2000.

Sec. 139.4. 1. The positions of the three persons appointed pursuant to NRS 616B.167 to serve as ombudsmen for the state industrial insurance system and two persons appointed pursuant to NRS 616B.167 to assist those ombudsmen, including, without limitation, the equipment and supplies associated with and necessary to carry out the duties of those positions, are hereby transferred to the office for consumer health assistance created pursuant to section 86.6 of this act.

2. There is hereby appropriated from the fund for workers' compensation and safety established pursuant to NRS 616A.425 to the office of the governor to pay for the salaries and related expenses of the positions transferred to the office for consumer health assistance pursuant to subsection 1:

For fiscal year 1999-2000 $262,085
For fiscal year 2000-2001 $325,848

3. The position of one person within the health division of the department of human resources that is funded from the budget account for sexually transmitted disease control is hereby transferred to the office for consumer health assistance created pursuant to section 86.6 of this act.

4. The following sums appropriated by the 1999 Nevada Legislature to fund the position transferred to the office for consumer health assistance

pursuant to subsection 3 are hereby transferred to the office of the governor to pay the salary and related expenses of that position:

For fiscal year 1999-2000 $36,248

For fiscal year 2000-2001 $50,314

5. The position of one person within the division of health care financing and policy of the department of human resources that is funded from the budget account for the Nevada Check-Up Program is hereby transferred to the office for consumer health assistance created pursuant to section 86.6 of this act.

6. The following sums are authorized for expenditure by the office for consumer health assistance created pursuant to section 86.6 of this act:

For fiscal year 1999-2000 $11,047

For fiscal year 2000-2001 $14,925

7. The sums transferred, appropriated or authorized for expenditure pursuant to this section must be:

(a) Expended in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive; and

(b) Work programmed for the 2 separate fiscal years, 1999-2000 and 2000-2001, as required by NRS 353.215. Work programs may be revised with the approval of the governor upon the recommendation of the chief of the budget division of the department of administration and in accordance with the provisions of the State Budget Act.

8. Transfers to and from salary allotments, travel allotments, operating expense allotments, equipment allotments and other allotments must be allowed and made in accordance with the provisions of NRS 353.215 to 353.225, inclusive, and after separate consideration of the merits of each request.".

Amend sec. 140, page 85, by deleting lines 32 through 37 and inserting:

"2. Sections 2, 3, 12.5, 86.1, 86.2, 86.6 to 86.9, inclusive, 96.5, 116, 122, 126.3, 127.5 and, 135 of this act become effective on July 1, 1999.

3. Section 86.4 of this act becomes effective on July 1, 1999, only if Assembly Bill No. 660 of this session is enacted by the legislature.

4. Sections 20.5, 35, 89, 117 and 139.4 of this act become effective at 12:01 a.m. on July 1, 1999.

5. Sections 20, 24, 25, 26 and 96 and subsection 1 of section 132 of this act become effective on the date the governor issues a proclamation pursuant to subsection 1 of section 129 of this act.

6. Sections 29 and 126.5 of this act become effective on the date the governor issues a proclamation pursuant to subsection 1 of section 129 of this act, only if the governor issues the proclamation before October 1, 1999.

7. Section 29.5 of the act becomes effective:

(a) At 12:01 a.m. on October 1, 1999, only if the governor issues a proclamation pursuant to subsection 1 of section 129 of this act on October 1, 1999; or

(b) On the date the governor issues a proclamation pursuant to subsection 1 of section 129 of this act, only if the governor issues the proclamation after October 1, 1999.

8. Sections 49.5, 52.5, 53.5, 57.2, 57.4, 62.1 to 62.5, inclusive, 68.2 to 68.8, inclusive, 80.5 and 139.2 of this act become effective on January 1, 2000.

9. Sections 1, 4 to 12, inclusive, 13 to 19, inclusive, 21, 22, 23, 28, 30 to 34, inclusive, 36 to 49, inclusive, 50, 51, 52, 53, 54 to 57, inclusive, 58 to 62, inclusive, 64 to 68, inclusive, 69 to 80, inclusive, 81 to 86, inclusive, 87, 88, 90 to 95, inclusive, 97 to 115, inclusive, 118 to 121,".

Amend sec. 140, page 86, by deleting line 1 and inserting:

"10. Section 63 of this act becomes effective at 12:01 a.m. on January 1, 2000, only if, on that date, the manager of the state industrial insurance system transfers the assets of the state industrial insurance system to a domestic mutual insurance company pursuant to section 129 of this act.

11. Sections 20, 96, 116 and 122 of this act expire by limitation on".

Amend sec. 140, page 86, line 5, by deleting "6." and inserting "12.".

Amend sec. 140, page 86, line 6, by deleting "7." and inserting "13.".

Amend the title of the bill to read as follows:

"AN ACT relating to insurance; authorizing the manager of the state industrial insurance system to establish a domestic mutual insurance company to transact industrial insurance and other casualty and property insurance in this state; abolishing the state industrial insurance system and authorizing the transfer of the assets of the system to the company under certain circumstances; allowing certain employees of the system and the company to retain their rights to reemployment in the executive branch of state government under certain circumstances; authorizing hearing and appeals officers to order an insurer to reimburse an injured employee for the expense of a second determination of disability under certain circumstances; revising the provisions governing the effect on the availability of compensation of a preexisting condition and of an aggravation of an industrial injury or disease that is not related to employment; revising the provisions governing the determination and provision of compensation for permanent total disability, temporary total disability and permanent partial disability; expanding the maximum length of certain programs of vocational rehabilitation; authorizing vocational rehabilitation services to be provided outside of this state under certain circumstances; creating the office for consumer health assistance; making an appropriation; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

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

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

KATHYRN A. MCCLAIN	MIKE MCGINNESS
GREG BROWER	JON C. PORTER
GENIE OHRENSCHALL	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 267.

Remarks by Assemblywoman McClain.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Buckley and Carpenter as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 267.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 360, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Nolan, Anderson, and Claborn as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 360.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 391, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Tiffany and Williams as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 391.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 475, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Gibbons and Freeman as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 475.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 500, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Berman and Neighbors as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 500.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 530, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Humke and Mortenson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 530.

Mr. Speaker appointed Assemblymen Collins, de Braga and Bache as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 376.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 293.

The following Senate amendment was read:

Amendment No. 999

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of this Title to the contrary, a policy of health insurance issued or delivered for issuance in this state pursuant to this chapter must provide coverage for the treatment of conditions relating to mental health and must not establish any rate, term or condition that places a greater financial burden on the insured person for access to treatment for conditions relating to mental health than for access to treatment for conditions relating to physical health. Any limits required under the policy of health insurance for deductibles and out-of-pocket expenses must be comprehensive for coverage of both conditions relating to mental health and conditions relating to physical health.

2. A policy of health insurance that does not otherwise provide for managed care, or that does not provide for the same degree of managed care for all health conditions, may provide coverage for the treatment of conditions relating to mental health through a managed care organization if the managed care organization is in compliance with regulations adopted by the commissioner which ensure that the system for delivery of the treatment for conditions relating to mental health does not diminish or negate the purpose of this section. The regulations adopted by the commissioner must ensure that:

(a) Timely and appropriate access to care is available;

(b) The distribution of providers of health care who provide services relating to mental health is adequate to serve the needs of persons in this state, considering the quality, location and area of specialization of such providers; and

(c) Administrative or clinical protocols do not reduce access to medically necessary treatment for the insured person.

3. A policy of health insurance shall be deemed to be in compliance with this section if the policy provides to the insured person at least one option for treatment of conditions relating to mental health which has rates, terms and conditions that impose no greater financial burden on the insured person than that imposed for treatment of conditions relating to the physical health of the insured person. The commissioner may disapprove any policy of health insurance if he determines that the policy is inconsistent with this section.

4. Benefits provided pursuant to this section by a policy of health insurance for conditions relating to mental health must be paid in the same manner as benefits for any other illness covered by the policy.

5. Benefits for conditions relating to mental health are not required by this section if the treatment for the condition relating to mental health is not provided:

(a) By a person who is licensed or certified to provide treatment for conditions relating to mental health; or

(b) In a mental health facility or institution designated as a division facility pursuant to NRS 433.233, or in a medical or other facility licensed by the state board of health pursuant to chapter 449 of NRS that provides programs for the treatment of conditions relating to mental health, and pursuant to an individualized written plan developed for the insured person.

6. The provisions of this section must not be construed to:

(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.

(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this state with respect to the provision of services to persons with conditions relating to mental health or substance abuse.

(c) Affect any existing policy of health insurance until its date of renewal or, if the policy of health insurance is governed by a collective bargaining agreement or employment contract, until the expiration of that agreement or contract.

7. As used in this section:

(a) "Condition relating to mental health" means a condition or disorder involving mental illness that falls within any of the diagnostic categories listed in the section on mental disorders in the "International Classification of Diseases," published by the United States Department of Health and Human Services.

(b) "Managed care" has the meaning ascribed to it in NRS 695G.040.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(d) "Rate, term or condition" means any lifetime or annual limit on payments, any requirement concerning deductibles, copayments, coinsurance or other forms of cost sharing, any limit on out-of-pocket costs or on visits to a provider of treatment, and any other financial component of health insurance coverage that affects the insured person.

Sec. 2. NRS 689A.040 is hereby amended to read as follows:

689A.040 1. Except as *otherwise* provided in subsections 2 and 3, each such policy delivered or issued for delivery to any person in this state must contain the provisions specified in NRS 689A.050 to 689A.170, inclusive, *and section 1 of this act,* in the words in which the provisions appear, except that the insurer may, at its option, substitute for one or more of the provisions corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision must be preceded individually by the applicable caption shown, or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

2. Each policy delivered or issued for delivery in this state after November 1, 1973, must contain a provision, if applicable, setting forth the provisions of NRS 689A.045.

3. If any such provision is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the insurer, with the approval of the commissioner, may omit from the policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of a provision in such a manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding a new section designated sec. 4, following section 1, to read as follows:

"Sec. 4. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of this Title to the contrary, a policy of group health insurance issued or delivered for issuance in this state pursuant to this chapter must provide coverage for the treatment of conditions relating to mental health and must not establish any rate, term or condition that places a greater financial burden on the insured person for access to treatment for conditions relating to mental health than for access to treatment for conditions relating to physical health. Any limits required under the policy of group health insurance for deductibles and out-of-pocket expenses must be comprehensive for coverage of both conditions relating to mental health and conditions relating to physical health.

2. A policy of group health insurance that does not otherwise provide for managed care, or that does not provide for the same degree of managed care for all health conditions, may provide coverage for the treatment of conditions relating to mental health through a managed care organization if the managed care organization is in compliance with regulations adopted by the commissioner which ensure that the system for delivery of the treatment for conditions relating to mental health does not diminish or negate the purpose of this section. The regulations adopted by the commissioner must ensure that:

(a) Timely and appropriate access to care is available;

(b) The distribution of providers of health care who provide services relating to mental health is adequate to serve the needs of persons in this state, considering the quality, location and area of specialization of such providers; and

(c) Administrative or clinical protocols do not reduce access to medically necessary treatment for the insured person.

3. A policy of group health insurance shall be deemed to be in compliance with this section if the policy provides to the insured person at least one option for treatment of conditions relating to mental health which has rates, terms and conditions that impose no greater financial burden on the insured person than that imposed for treatment of conditions relating to

the physical health of the insured person. The commissioner may disapprove any policy of group health insurance if he determines that the policy is inconsistent with this section.

4. Benefits provided pursuant to this section by a policy of group health insurance for conditions relating to mental health must be paid in the same manner as benefits for any other illness covered by the policy.

5. Benefits for conditions relating to mental health are not required by this section if the treatment for the condition relating to mental health is not provided:

(a) By a person who is licensed or certified to provide treatment for conditions relating to mental health; or

(b) In a mental health facility or institution designated as a division facility pursuant to NRS 433.233, or in a medical or other facility licensed by the state board of health pursuant to chapter 449 of NRS that provides programs for the treatment of conditions relating to mental health, and pursuant to an individualized written plan developed for the insured person.

6. The provisions of this section must not be construed to:

(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.

(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this state with respect to the provision of services to persons with conditions relating to mental health or substance abuse.

(c) Affect any existing policy of group health insurance until its date of renewal or, if the policy of group health insurance is governed by a collective bargaining agreement or employment contract, until the expiration of that agreement or contract.

7. As used in this section:

(a) "Condition relating to mental health" means a condition or disorder involving mental illness that falls within any of the diagnostic categories listed in the section on mental disorders in the "International Classification of Diseases," published by the United States Department of Health and Human Services.

(b) "Managed care" has the meaning ascribed to it in NRS 695G.040.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(d) "Rate, term or condition" means any lifetime or annual limit on payments, any requirement concerning deductibles, copayments, coinsurance or other forms of cost sharing, any limit on out-of-pocket costs or on visits to a provider of treatment, and any other financial component of health insurance coverage that affects the insured person.".

Amend the bill as a whole by renumbering sec. 3 as sec. 23 and adding new sections designated sections 6 through 22, following sec. 2, to read as follows:

"Sec. 6. NRS 689B.030 is hereby amended to read as follows:

689B.030 Each group health insurance policy must contain in substance the following provisions:

1. A provision that, in the absence of fraud, all statements made by applicants or the policyholders or by an insured person are representations and not warranties, and that no statement made for the purpose of effecting insurance voids the insurance or reduces its benefits unless the statement is contained in a written instrument signed by the policyholder or the insured person, a copy of which has been furnished to him or his beneficiary.

2. A provision that the insurer will furnish to the policyholder for delivery to each employee or member of the insured group a statement in summary form of the essential features of the insurance coverage of that employee or member and to whom benefits thereunder are payable. If dependents are included in the coverage, only one statement need be issued for each family.

3. A provision that to the group originally insured may be added from time to time eligible new employees or members or dependents, as the case may be, in accordance with the terms of the policy.

4. A provision for benefits for ~~[expense]~~ *expenses* arising from care at home or health supportive services if the care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

5. A provision for benefits ~~[payable]~~ for expenses incurred for the treatment of the abuse of alcohol or drugs, as provided in NRS 689B.036.

6. A provision for benefits for expenses arising from hospice care.

7. A provision for benefits for expenses incurred for the treatment of conditions relating to mental health, as provided in section 4 of this act.

Sec. 7. NRS 689B.340 is hereby amended to read as follows:

689B.340 As used in NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, unless the context otherwise requires, the words and terms defined in NRS 689B.350 to 689B.460, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 689B.410 is hereby amended to read as follows:

689B.410 1. "Health benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, arrange for *the* payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes short-term and catastrophic health insurance policies, and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics; and

(h) Other similar insurance coverage specified in federal regulations issued pursuant to *the Health Insurance Portability and Accountability Act of 1996,* Public Law 104-191 , under which benefits for medical care are secondary or incidental to other insurance benefits.

3. If the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan, the term does not include the following benefits:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to *the Health Insurance Portability and Accountability Act of 1996,* Public Law 104-191.

4. For the purposes of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and such benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor, the term does not include:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. For the purposes of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, if offered as a separate policy, certificate or contract of insurance, the term does not include:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, *42 U.S.C. § 1395ss,* as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to ~~[chapter 55 of Title 10, United States Code (]~~ *the* Civilian Health and Medical Program of Uniformed Services ~~[(CHAMPUS));]~~ , *CHAMPUS, 10 U.S.C. §§ 1071 et seq.;* and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 9. NRS 689B.470 is hereby amended to read as follows:

689B.470 For the purposes of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive:

1. Any plan, fund or program which would not be, but for section 2721(e) of the Public Health Service Act, *42 U.S.C. § 300gg-21(e),* as amended by Public Law 104-191, as that section existed on July 16, 1997, an

employee welfare benefit plan and which is established or maintained by a partnership to the extent that the plan, fund or program provides medical care, including items and services paid for as medical care, to current or former partners in the partnership, or to their dependents, as defined under the terms of the plan, fund or program, directly or through insurance, reimbursement, or otherwise, must be treated, subject to the provisions of subsection 2, as an employee welfare benefit plan that is a group health plan.

2. In the case of a group health plan, a partnership shall be deemed to be the employer of each partner.

Sec. 10. NRS 689B.480 is hereby amended to read as follows:

689B.480 1. In determining the applicable creditable coverage of a person for the purposes of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, a person must present any certificates of coverage provided to him in accordance with NRS 689B.490 and such other evidence of coverage as required by regulations adopted by the commissioner. For the purposes of this subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person for the purposes of NRS 689B.500, a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of creditable coverage based on coverage of specific benefits as specified in the regulations of the United States Department of Health and Human Services, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each person at the time of enrollment in the health benefit plan.

Sec. 11. NRS 689B.580 is hereby amended to read as follows:

689B.580 1. A plan sponsor of a governmental plan that is a group health plan to which the provisions of NRS 689B.340 to ~~[689B.600,]~~

689B.590, inclusive, otherwise apply may elect to exclude the governmental plan from compliance with those sections. Such an election:

(a) Must be made in such a form and in such a manner as the commissioner prescribes by regulation.

(b) Is effective for a single specified year of the plan or, if the plan is provided pursuant to a collective bargaining agreement, for the term of that agreement.

(c) May be extended by subsequent elections.

(d) Excludes the governmental plan from those provisions in this chapter that apply only to group health plans.

2. If a plan sponsor of a governmental plan makes an election pursuant to this section, the plan sponsor shall:

(a) Annually and at the time of enrollment, notify the enrollees in the plan of the election and the consequences of the election; and

(b) Provide certification and disclosure of creditable coverage under the plan with respect to those enrollees pursuant to NRS 689B.490.

3. As used in this section, "governmental plan" has the meaning ascribed to in section 3(32) of the Employee Retirement Income Security Act of 1974, *29 U.S.C. § 1002(32),* as that section existed on July 16, 1997.

Sec. 12. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of this Title to the contrary, a health benefit plan issued or delivered for issuance in this state pursuant to this chapter must provide coverage for the treatment of conditions relating to mental health and must not establish any rate, term or condition that places a greater financial burden on the insured person for access to treatment for conditions relating to mental health than for access to treatment for conditions relating to physical health. Any limits required under the health benefit plan for deductibles and out-of-pocket expenses must be comprehensive for coverage of both conditions relating to mental health and conditions relating to physical health.

2. A health benefit plan that does not otherwise provide for managed care, or that does not provide for the same degree of managed care for all health conditions, may provide coverage for the treatment of conditions relating to mental health through a managed care organization if the managed care organization is in compliance with regulations adopted by the commissioner which ensure that the system for delivery of the treatment for conditions relating to mental health does not diminish or negate the purpose of this section. The regulations adopted by the commissioner must ensure that:

(a) Timely and appropriate access to care is available;

(b) The distribution of providers of health care who provide services relating to mental health is adequate to serve the needs of persons in this state, considering the quality, location and area of specialization of such providers; and

(c) Administrative or clinical protocols do not reduce access to medically necessary treatment for the insured person.

3. A health benefit plan shall be deemed to be in compliance with this section if the health benefit plan provides to the insured person at least one option for treatment of conditions relating to mental health which has rates, terms and conditions that impose no greater financial burden on the insured person than that imposed for treatment of conditions relating to the physical health of the insured person. The commissioner may disapprove any health benefit plan if he determines that the plan is inconsistent with this section.

4. Benefits provided pursuant to this section by a health benefit plan for conditions relating to mental health must be paid in the same manner as benefits for any other illness covered by the health benefit plan.

5. Benefits for conditions relating to mental health are not required by this section if the treatment for the condition relating to mental health is not provided:

(a) By a person who is licensed or certified to provide treatment for conditions relating to mental health; or

(b) In a mental health facility or institution designated as a division facility pursuant to NRS 433.233, or in a medical or other facility licensed by the state board of health pursuant to chapter 449 of NRS that provides programs for the treatment of conditions relating to mental health, and pursuant to an individualized written plan developed for the insured person.

6. The provisions of this section must not be construed to:

(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.

(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this state with respect to the provision of services to persons with conditions relating to mental health or substance abuse.

(c) Affect any existing health benefit plan until its date of renewal or, if the health benefit plan is governed by a collective bargaining agreement or employment contract, until the expiration of that agreement or contract.

7. As used in this section:

(a) "Condition relating to mental health" means a condition or disorder involving mental illness that falls within any of the diagnostic categories listed in the section on mental disorders in the "International Classification of Diseases," published by the United States Department of Health and Human Services.

(b) "Managed care" has the meaning ascribed to it in NRS 695G.040.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(d) "Rate, term or condition" means any lifetime or annual limit on payments, any requirement concerning deductibles, copayments, coinsurance or other forms of cost sharing, any limit on out-of-pocket costs or on visits to

a provider of treatment, and any other financial component of health insurance coverage that affects the insured person.

Sec. 13. NRS 689C.155 is hereby amended to read as follows:

689C.155 The commissioner may adopt regulations to carry out the provisions of *section 12 of this act and* NRS 689C.107 to 689C.145, inclusive, 689C.156 to 689C.159, inclusive, 689C.165, 689C.183, 689C.187, 689C.191 to 689C.198, inclusive, 689C.203, 689C.207, 689C.265, 689C.283, 689C.287, 689C.325, 689C.342 to 689C.348, inclusive, 689C.355 and 689C.610 to 689C.980, inclusive, and to ensure that rating practices used by carriers serving small employers are consistent with those sections, including regulations that:

1. Ensure that differences in rates charged for health benefit plans by such carriers are reasonable and reflect only differences in the designs of the plans, the terms of the coverage, the amount contributed by the employers to the cost of coverage and differences based on the rating factors established by the carrier.

2. Prescribe the manner in which characteristics may be used by such carriers.

Sec. 14. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this state with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this state by the carrier to any small employer in this state. The health insurance plans marketed pursuant to this section by the carrier must include, without limitation, a basic health benefit plan and a standard health benefit plan. A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, *and section 12 of this act,* and *NRS* 689C.610 to 689C.980, inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

Sec. 15. NRS 695A.152 is hereby amended to read as follows:

695A.152 1. To the extent reasonably applicable, a fraternal benefit society shall comply with the provisions of NRS 689B.340 to ~~[698B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by the society to its members. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[698B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS, the

provisions of NRS 689B.340 to ~~[698B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to "group health plan" or "carrier" must be replaced by "fraternal benefit society."

Sec. 16. NRS 695A.159 is hereby amended to read as follows:

695A.159 1. If a person:

(a) Adopts a dependent child; or

(b) Assumes and retains a legal obligation for the total or partial support of a dependent child in anticipation of adopting the child,

while the person is eligible for group coverage under a certificate for health benefits, the society issuing that certificate shall not restrict the coverage, in accordance with NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, of the child solely because of a preexisting condition the child has at the time he would otherwise become eligible for coverage pursuant to that policy.

2. For the purposes of this section, "child" means a person who is under 18 years of age at the time of his adoption or the assumption of a legal obligation for his support in anticipation of his adoption.

Sec. 17. NRS 695B.180 is hereby amended to read as follows:

695B.180 A contract for hospital, medical or dental services must not be entered into between a corporation proposing to furnish or provide any one or more of the services authorized under this chapter and a subscriber:

1. Unless the entire consideration therefor is expressed in the contract.

2. Unless the times at which the benefits or services to the subscriber take effect and terminate are stated in a portion of the contract above the evidence of its execution.

3. If the contract purports to entitle more than one person to benefits or services, except for family contracts issued under NRS 695B.190, group contracts issued under NRS 695B.200, and blanket contracts issued under NRS 695B.220.

4. Unless every printed portion and any endorsement or attached papers are plainly printed in type of which the face is not smaller than 10 points.

5. Except for group contracts and blanket contracts issued under NRS 695B.220, unless the exceptions of the contract are printed with greater prominence than the benefits to which they apply.

6. Except for group contracts and blanket contracts issued under NRS 695B.230, unless, if any portion of the contract purports, by reason of the circumstances under which an illness, injury or disablement is incurred to reduce any service to less than that provided for the same illness, injury or disablement incurred under ordinary circumstances, that portion is printed in boldface type and with greater prominence than any other text of the contract.

7. If the contract contains any provisions purporting to make any portion of the charter, constitution or bylaws of a nonprofit corporation a part of the contract unless that portion is set forth in full in the contract.

8. Unless the contract, if it is a group contract, contains a provision for benefits payable for expenses incurred for the treatment of ~~[the]~~ :

(a) The abuse of alcohol or drugs, as provided in NRS 695B.194 ~~[.]~~ *; and*

(b) Conditions relating to mental health, as provided in section 4 of this act.

9. Unless the contract provides benefits for expenses incurred for hospice care.

10. Unless the contract for service in a hospital contains in blackface type, not less than 10 points, the following provisions:

This contract does not restrict or interfere with the right of any person entitled to service and care in a hospital to select the contracting hospital or to make a free choice of his attending physician, who must be the holder of a valid and unrevoked physician's license and a member of, or acceptable to, the attending staff and board of directors of the hospital in which the services are to be provided.

Sec. 18. NRS 695B.187 is hereby amended to read as follows:

695B.187 Except as otherwise provided by the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance:

1. A group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that the benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

if that contract is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement contract pursuant to subsection 1 to cover his employees, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to his employees pursuant to NRS 608.1577.

3. Any corporation which issues a replacement contract pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the corporation which indicates what benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. The provisions of this section apply to a self-insured employer who provides health benefits to his employees and replaces those benefits with a group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation.

Sec. 19. NRS 695B.189 is hereby amended to read as follows:

695B.189 A group contract issued by a corporation under the provisions of this chapter must contain a provision which permits the continuation of coverage pursuant to the provisions of NRS 689B.245 to 689B.249, inclusive, and 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

Sec. 20. NRS 695B.192 is hereby amended to read as follows:

695B.192 1. No hospital, medical or dental service contract issued by a corporation pursuant to the provisions of this chapter may contain any exclusion, reduction or other limitation of coverage relating to complications of pregnancy, unless the provision applies generally to all benefits payable under the contract and complies with the provisions of NRS 689B.340 to NRS ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

2. As used in this section, the term "complications of pregnancy" includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. A contract subject to the provisions of this chapter which is issued or delivered on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision of the contract which is in conflict with this section is void.

Sec. 21. NRS 695B.251 is hereby amended to read as follows:

695B.251 1. Except as otherwise provided in the provisions of this section, NRS 689B.340 to ~~[389B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, all group subscriber contracts delivered or issued for delivery in this state providing for hospital, surgical or major medical coverage, or any combination of these coverages, on a service basis or an expense-incurred basis, or both, must contain a provision that the employee or member is entitled to have issued to him a subscriber contract of health coverage when the employee or member is no longer covered by the group subscriber contract.

2. The requirement in subsection 1 does not apply to contracts providing benefits only for specific diseases or accidental injuries.

3. If an employee or member was a recipient of benefits under the coverage provided pursuant to NRS 695B.1944, he is not entitled to have issued to him by a replacement insurer a subscriber contract of health coverage unless he has reported for his normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695B.1944.

Sec. 22. NRS 695B.318 is hereby amended to read as follows:

695B.318 1. Nonprofit hospital, medical or dental service corporations are subject to the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to:

(a) "Carrier" must be replaced by "corporation."

(b) "Group health plan" must be replaced by "group contract for hospital, medical or dental services." ".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 30 and 31 and adding new sections designated sections 24 through 29, following sec. 3, to read as follows:

"Sec. 24. NRS 695C.057 is hereby amended to read as follows:

695C.057 1. A health maintenance organization is subject to the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to "group health plan" or "carrier" must be replaced by "health maintenance organization."

Sec. 25. NRS 695C.170 is hereby amended to read as follows:

695C.170 1. Every enrollee residing in this state is entitled to evidence of coverage under a health care plan. If the enrollee obtains coverage under a health care plan through an insurance policy, whether by option or otherwise, the insurer shall issue the evidence of coverage. Otherwise, the health maintenance organization shall issue the evidence of coverage.

2. Evidence of coverage or amendment thereto must not be issued or delivered to any person in this state until a copy of the form of the evidence

of coverage or amendment thereto has been filed with and approved by the commissioner.

3. An evidence of coverage:

(a) Must not contain any provisions or statements which are unjust, unfair, inequitable, misleading, deceptive, which encourage misrepresentation or which are untrue, misleading or deceptive as defined in subsection 1 of NRS 695C.300; and

(b) Must contain a clear and complete statement, if a contract, or a reasonably complete summary if a certificate, of:

(1) The health care services and the insurance or other benefits, if any, to which the enrollee is entitled under the health care plan;

(2) Any limitations on the services, kind of services, benefits, or kind of benefits, to be provided, including any deductible or copayment feature;

(3) Where and in what manner the services may be obtained;

(4) The total amount of payment for health care services and the indemnity or service benefits, if any, which the enrollee is obligated to pay; and

(5) A provision for benefits payable for expenses incurred for the treatment of ~~[the]~~ *:*

(I) The abuse of alcohol or drugs, as provided in NRS 695C.174 ~~[.]~~ *; and*

(II) Conditions relating to mental health, as provided in section 4 of this act.

Any subsequent change may be evidenced in a separate document issued to the enrollee.

4. A copy of the form of the evidence of coverage to be used in this state and any amendment thereto is subject to the requirements for filing and approval of subsection 2 unless it is subject to the jurisdiction of the commissioner under the laws governing health insurance, in which event the provisions for filing and approval of those laws apply. To the extent that such provisions do not apply to the requirements in subsection 3, such provisions are amended to incorporate the requirements of subsection 3 in approving or disapproving an evidence of coverage required by subsection 2.

Sec. 26. NRS 695C.1705 is hereby amended to read as follows:

695C.1705 Except as otherwise provided in the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance:

1. A group health care plan issued by a health maintenance organization to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that benefits may be reduced or excluded to the extent that

such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

if that plan is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement plan pursuant to subsection 1 to cover his employees, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to his employees pursuant to NRS 608.1577.

3. Any health maintenance organization which issues a replacement plan pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the organization indicating what benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. If an employee or enrollee was a recipient of benefits under the coverage provided pursuant to NRS 695C.1709, he is not entitled to have issued to him by a health maintenance organization a replacement plan unless he has reported for his normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695C.1709.

5. The provisions of this section apply to a self-insured employer who provides health benefits to his employees and replaces those benefits with a group health care plan issued by a health maintenance organization.

Sec. 27. NRS 695C.1707 is hereby amended to read as follows:

695C.1707 Any policy of group insurance to which an enrollee is entitled under a health care plan provided by a health maintenance organization must contain a provision which permits the continuation of coverage pursuant to the provisions of NRS 689B.245 to 689B.249, inclusive, NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance.

Sec. 28. NRS 695C.172 is hereby amended to read as follows:

695C.172 1. No health maintenance organization may issue evidence of coverage under a health care plan to any enrollee in this state if it contains any exclusion, reduction or other limitation of coverage relating to complications of pregnancy unless the provision applies generally to all benefits payable under the policy and complies with the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance.

2. As used in this section, the term "complications of pregnancy" includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac

decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. Evidence of coverage under a health care plan subject to the provisions of this chapter which is issued on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision which is in conflict with this section is void.

Sec. 29. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to subsection 3 of NRS 679B.158.

7. Chapter 683A of NRS.

8. To the extent applicable, the provisions of NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

9. NRS 689A.413.

10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

11. Chapter 692C of NRS, concerning holding companies.".

Amend the bill as a whole by adding new sections designated sections 32 through 35 and the text of the repealed section, following sec. 5, to read as follows:

"Sec. 32. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body

to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this state. Any contract with an independent administrator must be approved by the commissioner of insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 689B.030 to 689B.050, inclusive, apply to coverage provided pursuant to this paragraph ~~[.]~~ *, except that the provisions of section 4 of this act do not apply to such coverage.*

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

Sec. 33. NRS 287.045 is hereby amended to read as follows:

287.045 1. Except as otherwise provided in this section, every officer or employee of the state is eligible to participate in the program on the first day of the month following the completion of 90 days of full-time employment.

2. Professional employees of the University and Community College System of Nevada who have annual employment contracts are eligible to participate in the program on:

(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or

(b) The first day of the month following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.

3. Every officer or employee who is employed by a participating public agency on a permanent and full-time basis on the date the agency enters into an agreement to participate in the state's group insurance program, and every officer or employee who commences his employment after that date is eligible to participate in the program on the first day of the month following the completion of 90 days of full-time employment.

4. Every senator and assemblyman is eligible to participate in the program on the first day of the month following the 90th day after his initial term of office begins.

5. An officer or employee of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada who retires under the conditions set forth in NRS 286.510 or 286.620 and was not participating in the state's group insurance program at the time of his retirement is eligible to participate in the program 30 days after notice of the selection to participate is given pursuant to NRS 287.023 or 287.0235. The committee on benefits shall make a separate accounting for these retired persons. For the first year following enrollment, the rates charged must be the full actuarial costs determined by the actuary based upon the expected claims experience with these retired persons. The claims experience of these retired persons must not be commingled with the retired persons who were members of the state's program before their retirement, nor with active employees of the state. After the first year following enrollment, the rates charged must be the full actuarial costs determined by the actuary based upon the past claims experience of these retired persons since enrolling.

6. Notwithstanding the provisions of subsections 1, 3 and 4, if the committee on benefits does not, pursuant to NRS 689B.580, elect to exclude the program from compliance with NRS 689B.340 to ~~[689B.600,]~~ *689B.590,* inclusive, and if the coverage under the program is provided by a health maintenance organization authorized to transact insurance in this state pursuant to chapter 695C of NRS, any affiliation period imposed by the program may not exceed the statutory limit for an affiliation period set forth in NRS 689B.500.

Sec. 34. NRS 689B.600 is hereby repealed.

Sec. 35. 1. This section and sections 1, 2, 4, 6 to 22, inclusive, 24 to 29, inclusive, 32, 33 and 34 of this act become effective on July 1, 1999.

2. Sections 3, 5, 23, 30 and 31 of this act become effective on October 1, 1999.

TEXT OF REPEALED SECTION

689B.600 Insurance for groups of 51 persons or more which offers medical and surgical benefits and mental health benefits: Aggregate lifetime and annual limits on benefits.

1. Except as otherwise provided in this section, if group health insurance for groups of 51 persons or more which is issued or delivered for issuance in this state and which offers both medical and surgical benefits and mental health benefits:

(a) Does not include an aggregate lifetime limit on substantially all medical and surgical benefits, the group health insurance may not impose an aggregate lifetime limit on the mental health benefits.

(b) Includes an aggregate lifetime limit on substantially all medical and surgical benefits, the aggregate lifetime limit on the mental health benefits offered by the group health insurance must not be less than the aggregate lifetime limit set for the medical and surgical benefits.

(c) Includes no aggregate lifetime limits, or different aggregate lifetime limits, on different categories of medical and surgical benefits, the applicable aggregate lifetime limit that must be applied in accordance with paragraph (b) to the mental health benefits of the group health insurance must be computed by taking into account the weighted average of the aggregate lifetime limits applicable to such categories of medical and surgical benefits offered by the group health insurance. The computation of the aggregate lifetime limit must be consistent with the rules adopted by the Secretary of the United States Department of Labor pursuant to 29 U.S.C. § 1185a.

2. Except as otherwise provided in this section, if group health insurance for groups of 51 persons or more which is issued or delivered for issuance in this state and which offers both medical and surgical benefits and mental health benefits:

(a) Does not include an annual limit on substantially all medical and surgical benefits, the group health insurance may not impose an annual limit on the mental health benefits.

(b) Includes an annual limit on substantially all medical and surgical benefits, the annual limit on the mental health benefits offered by the group health insurance must not be less than the annual limit set for the medical and surgical benefits.

(c) Includes no annual limit, or different annual limits, on different categories of medical and surgical benefits, the applicable annual limit that must be applied in accordance with paragraph (b) to the mental health benefits of the group health insurance must be computed by taking into account the weighted average of the annual limits applicable to such categories of medical and surgical benefits offered by the group health insurance. The computation of the annual limit must be consistent with the rules adopted by the Secretary of the United States Department of Labor pursuant to 29 U.S.C. § 1185a.

3. Nothing in this section:

(a) Requires group health insurance to provide mental health benefits.

(b) Except as specifically provided in subsection 1, affects the terms or conditions of group health insurance that provides mental health benefits, relating to the amount, duration or scope of those benefits, including, but not limited to, cost sharing, limits on numbers of visits or days of coverage and requirements relating to medical necessity.

4. Group health insurance is not required to comply with the provisions of this section if the application of this section would result in an increase in the cost under the group health insurance of 1 percent or more.

5. If the group health insurance offers a participant or beneficiary more than one benefit package option, the provisions of this section must be applied separately to each such option offered.

6. As used in this section:

(a) "Aggregate lifetime limit" means a limitation on the total amount of benefits that may be paid with respect to those benefits under group health insurance with respect to a policyholder or other coverage unit.

(b) "Annual limit" means a limitation on the total amount of benefits that may be paid with respect to those benefits in a 12-month period under group health insurance with respect to an individual or other coverage unit.

(c) "Medical and surgical benefits" means benefits, as defined under the group health insurance, provided by such insurance for medical or surgical services. The term does not include benefits for services relating to mental health.

(d) "Mental health benefits" means benefits, as defined under the group health insurance, provided by such insurance for services relating to mental health. The term does not include benefits provided for the treatment of substance abuse or chemical dependency.".

Amend the title of the bill, first line, after "insurance;" by inserting: "providing for the revision of the provisions governing parity for insurance benefits for the treatment of conditions relating to mental health; exempting certain group health coverage provided by public agencies from certain provisions governing required benefits;".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 293.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 631.

The following Senate amendment was read:

Amendment No. 913.

Amend sec. 3, page 2, by deleting lines 19 through 24 and inserting:

"Sec. 3. *1. Each:*

(a) Incumbent assemblyman may request the drafting of not more than 4 legislative measures submitted to the legislative counsel before September 1 preceding the commencement of a regular session of the legislature and not

more than 4 legislative measures submitted to the legislative counsel on or after September 1 but on or before December 15 preceding the commencement of a regular session of the legislature.

(b) Incumbent senator may request the drafting of not more than 8 legislative measures submitted to the legislative counsel before September 1 preceding the commencement of a regular session of the legislature and not more than 8 legislative measures submitted to the legislative counsel on or after September 1 but on or before December 15 preceding the commencement of a regular session of the legislature.

(c) Newly elected assemblyman may request the drafting of not more than 4 legislative measures submitted to the legislative counsel on or before December 15 preceding the commencement of a regular session of the legislature.

(d) Newly elected senator may request the drafting of not more than 8 legislative measures submitted to the legislative counsel on or before December 15 preceding the commencement of a regular session of the legislature.".

Amend sec. 6, page 4, lines 6 and 7, by deleting:

"*the commencement of a regular legislative session not more than 250*" and inserting:

"*September 1 preceding a regular legislative session not more than 125*".

Amend sec. 6, page 4, line 10, by deleting:

"*NRS 218.245, except that the*" and inserting:

"*NRS 218.245.*

2. The".

Amend sec. 6, page 4, line 11, by deleting "*first*" and inserting "*19th*".

Amend sec. 6, page 4, line 15, by deleting "*2.*" and inserting "*3.*".

Amend sec. 6, page 4, lines 16 and 17, by deleting:

"*the commencement of*" and inserting:

"*September 1 preceding*".

Amend sec. 6, page 4, line 20, by deleting "*15*" and inserting "*8*".

Amend sec. 6, page 4, line 23, by deleting "*35*" and inserting "*25*".

Amend sec. 6, page 4, line 25, by deleting "*3.*" and inserting "*4.*".

Amend sec. 6, page 4, lines 27 and 28, by deleting:

"*the commencement of*" and inserting:

"*September 1 preceding*".

Amend the bill as a whole by renumbering sections 18 through 51 as sections 20 through 53 and adding new sections designated sections 18 and 19, following sec. 17, to read as follows:

"Sec. 18. NRS 218.2413 is hereby amended to read as follows:

218.2413 1. Except as otherwise provided in subsections 3, 4 and 5, each board of county commissioners, board of trustees of a school district and city council may request the legislative counsel and the legal division of the legislative counsel bureau to prepare any legislative measure which has

been approved by the governing body of the county, school district or city at a public hearing before its submission to the legislative counsel bureau.

2. The legislative counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than ~~[33]~~ *15* legislative measures pursuant to subsection 1 for a regular legislative session. At least ~~[three]~~ *one* of the measures must be recommended by a metropolitan police department that is located within the county.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than ~~[25]~~ *10* legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than ~~[5]~~ *2* legislative measures pursuant to subsection 1 for a regular legislative session.

4. The board of trustees of a school district in a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than ~~[3]~~ *2* legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

5. The city council of a city whose population:

(a) Is 100,000 or more shall not request the preparation of more than ~~[10]~~ *4* legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is less than 100,000 shall not request the preparation of more than ~~[5 legislative measures]~~ *1 legislative measure* pursuant to subsection 1 for a regular legislative session.

6. As used in this section, "population" means the current population estimate for that city or county as determined and published by the department of taxation and the demographer employed pursuant to NRS 360.283.

Sec. 19. NRS 218.2415 is hereby amended to read as follows:

218.2415 1. An association of elected officials may directly request the legislative counsel and the legal division of the legislative counsel bureau to prepare no more than 5 legislative measures for a regular legislative session.

2. An association of counties or cities may directly request the legislative counsel and the legal division of the legislative counsel bureau to prepare no more than ~~[10]~~ *20* legislative measures for a regular legislative session.".

Amend sec. 19, page 13, by deleting lines 37 through 39 and inserting:

"~~[upon the request of a member of the legislature or the personal written request of the governor.]~~ *as authorized by statute or joint rule of the legislature.*".

Amend sec. 19, page 14, line 3, by deleting "1." and inserting:
"1 ~~[.]~~ *of this section and subsection 1, 3 or 4 of section 6 of this act.*".

Amend sec. 20, page 14, line 13, by deleting "*20*" and inserting "*16*".

Amend sec. 20, page 14, line 14, by deleting "*5*" and inserting "*4*".

Amend sec. 44, page 24, line 22, by deleting "30th" and inserting "final".

Amend sec. 44, page 24, line 23, by deleting "30th" and inserting "final".

Amend sec. 44, page 24, line 24, by deleting the comma and inserting:
"or other appropriate legislative measure,".

Amend sec. 44, page 24, line 27, by deleting "30th" and inserting "final".

Amend sec. 50, page 28, line 34, by deleting:
"~~[19th calendar]~~ *first*" and inserting: "19th calendar".

Amend sec. 50, page 28, line 37, by deleting "budget." and inserting:
"budget ~~[.]~~ *or to carry out the governor's legislative agenda.*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 631.

Remarks by Assemblymen Giunchigliani, Collins and Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1086.

Amend sec. 3, page 2, line 21, by deleting "*4*" and inserting "*5*".

Amend sec. 3, page 2, line 23, by deleting "*4*" and inserting "*5*".

Amend sec. 3, page 2, line 26, by deleting "*8*" and inserting "*10*".

Amend sec. 3, page 2, line 29, by deleting "*8*" and inserting "*10*".

Amend sec. 3, page 2, line 33, by deleting "*4*" and inserting "*5*".

Amend sec. 3, page 2, line 36, by deleting "*8*" and inserting "*10*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 631.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 128, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Giunchigliani and Berman as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 128.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 133, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Segerblom, Goldwater and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 133.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 322, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Goldwater, Segerblom and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 322.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 423, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Parks and Nolan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 423.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and Senate Bill No. 37 be considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblymen Buckley, Giunchigliani, Goldwater, Humke, Collins, Perkins, Anderson, Parnell and Hettrick.

Potential conflict of interest declared by Assemblyman Humke.

Roll call on Senate Bill No. 37:

YEAS—36.

NAYS—Claborn, Giunchigliani, Parnell, Price—4.

EXCUSED—Evans, Thomas—2.

Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 696—AN ACT relating to Southern Nevada Correctional Center; authorizing the department of prisons to enter into a lease of the Southern Nevada Correctional Center; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 14, 103, 152, 200, 237, 298, 346, 347, 429, 470, 504, 614, 628, 668; Assembly Joint Resolutions Nos. 13, 26; Senate Bills Nos. 38, 74, 103, 132, 282, 362, 375, 396, 428, 435, 476.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Bolick.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Dubron-Lambert.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Wulfekuhle and Gib Hills.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Len Gemmell.

Assemblyman Perkins moved that the Assembly adjourn until Thrusday, May 27, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:58 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 27, 1999

Assembly called to order at 11:32 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Lord, You have promised that if Your people will humble themselves, seek Your face and pray, You will answer and heal our land. Give us courage to be accountable to You and Your commandments. Help us to place You and Your Word above personal desire, political party, and individual prestige. We repent of the pride, selfishness, and pre-justice that often contradicts Your justice and righteousness in our society. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Lee moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 689, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 694, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 283, 308, 368, 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 595, 685, 691, 693, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 170, 287, 454; 519, 679, Senate Bill No. 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 622, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 23, 73.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 867 to Senate Bill No. 31; Assembly Amendment No. 1030 to Senate Bill No. 47; Assembly Amendment No. 1051 to Senate Bill No. 68; Assembly Amendment No. 892 to Senate Bill No. 152; Assembly Amendment No. 943 to Senate Bill No. 191; Assembly Amendment No. 977 to Senate Bill No. 203; Assembly Amendment No. 1039 to Senate Bill No. 210; Assembly Amendment No. 729 to Senate Bill No. 263; Assembly Amendment No. 1059 to Senate Bill No. 323; Assembly Amendment No. 976 to Senate Bill No. 372; Assembly Amendment No. 989 to Senate Bill No. 387; Assembly Amendments Nos. 898, 1118 to Senate Bill No. 436; Assembly Amendment No. 836 to Senate Bill No. 470; Assembly Amendment No. 837 to Senate Bill No. 473; Assembly Amendment No. 1132 to Senate Bill No. 508; Assembly Amendment No. 1087 to Senate Bill No. 521.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1109 to Senate Bill No. 167; Assembly Amendment No. 1084 to Senate Bill No. 192.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1091 to Senate Bill No. 302; Assembly Amendment Nos. 908, 946 to Senate Bill No. 451.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bills Nos. 76, 272, 610.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 15, Senate Amendments Nos. 1096, 1122, and requests a conference, and appointed Senators Washington, Wiener and Amodei as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 166, Senate Amendments Nos. 422, 841, 856, and requests a conference, and appointed Senators McGinness, Porter and Titus as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 280, Senate Amendment No. 930, and requests a conference, and appointed Senators Amodei, Wiener and Mathews as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 313, Senate Amendment No. 1061, and requests a conference, and appointed Senators Washington, Schneider and Amodei as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 318, Senate Amendment No. 963, and requests a conference, and appointed Senators O'Connell, Neal and Porter as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 431, Senate Amendment No. 1119, and requests a conference, and appointed Senators Townsend, Rhoads and Shaffer as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 527, Senate Amendment No. 1103, and

requests a conference, and appointed Senators Rawson, Neal and Mathews as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 669, Senate Amendment No. 896, and requests a conference, and appointed Senators O'Connell, Schneider and Rhoads as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Joint Resolution No. 1, Senate Amendment No. 1012, and requests a conference, and appointed Senators Jacobsen, Coffin and McGinness as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Jacobsen, Amodei and Wiener as a first Conference Committee concerning Senate Bill No. 381.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Neal, Townsend and Washington as a first Conference Committee concerning Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 267 and appointed Senators James, Titus and Washington as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 267.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Segerblom, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Thomas, Tiffany, Von Tobel and Williams; Senators Porter, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 74—Commending Nevada businessman and inventor Paul C. Fisher.

WHEREAS, Paul C. Fisher, the inventor of the pressurized Fisher Space Pen, was born on October 10, 1913, in Lebanon, Kansas; and

WHEREAS, After attending college for 3 years, Paul Fisher interrupted his education to work full time at the Cedar Rapids Bakery, where he served as General Manager from 1936 to 1938; and

WHEREAS, In 1938, Paul Fisher returned to Kansas State University in Manhattan, Kansas, and received his Bachelor of Science degree in 1939; and

WHEREAS, During World War II, Paul Fisher was General Manager and Assistant to the President of Aetna Ball Bearing Manufacturing Company, which manufactured bearings for propellers, jeeps, tanks, naval guns and other military equipment and which received the "E Award" from the War Production Board of the United States for efficient war production; and

WHEREAS, In October 1945, after Milton Reynolds of the Reynolds International Pen Company introduced the Reynolds BallPoint Pen, an amazing new invention that earned millions of dollars for his company in the next 3 months but proved defective, Paul Fisher was asked by Reynolds to help design a new ball pen and later became Reynolds' main supplier of parts for that pen; and

WHEREAS, With encouragement from the top officers of Reynolds International Pen Company to invent "the writing instrument of the future," Paul Fisher began his efforts to improve the ball pen, which is a project that he continues to this day; and

WHEREAS, To finance his continued research, Paul Fisher designed his famous Bullet Pens, founded the Fisher Pen Company as a division of Fisher Armour Manufacturing Company and began manufacturing Fisher Pens in October 1948; and

WHEREAS, As President and owner of Fisher Space Pen Company of Boulder City, Nevada, Paul Fisher has helped design and build many special tools and automatic machines and has several valuable patents, including patents covering inks, improved ballpoint pens, the erasable ball pens and the pressurized Space Pens that are used on all manned space flights; and

WHEREAS, Paul Fisher was recognized as Nevada Small Business Person of the Year in 1980 by the United States Small Business Administration, the Nevada Exporter of the Year in 1995 by Governor Bob Miller and the Nevada Inventor of the Year in 1997 by the Nevada Technology Council; and

WHEREAS, One of Paul Fisher's inventions was named the Product of the Year in 1996 by *Imagining Magazine*, and the Fisher Space Pen Company was selected as one of Nevada's top 100 private companies in 1998 by the Las Vegas 100; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature do hereby commend Paul C. Fisher for his enterprising and inventive spirit which has contributed in many ways to this country and, especially, to the State of Nevada; and be it further

RESOLVED, That the residents of this state recognize Paul Fisher as a model of what one person with a passion can accomplish; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Paul C. Fisher.

Assemblywoman Segerblom moved the adoption of the resolution.

Remarks by Assemblymen Segerblom, Chowning and Price.

Assemblyman Carpenter requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SEGERBLOM:

Thank you, Mr. Speaker. I know you heard of his wonderful accomplishments, but he's had some new ones recently. His major interest is learning how to apply the "Scientific Technique" to economic problems. His proposal, called "How can scientific technology help us give economic security to the people in the Third World Countries?" was recently received favorably by the Economic Group of the United Nations in New York. He also has been invited to a United Nations meeting in Austria, in August.

Paul has done much for Boulder City. We owe him a great debt. He has helped with all kinds of fund-raisers. If you need help, like for the Boulder Dam Museum, you will get it from Paul Fisher. He is taking part in the Boys and Girls Club, helping them learn about space. We hope to have a little space museum in Boulder City, which he is helping with. He is recognized in Boulder City as the largest employer of people. He employs 80 Boulder City residents. In the little town of Boulder City, which you all laugh about because it's so small, he is a big person.

He has been awarded Ph.D.'s in Humanities, Political Science, Economics, and Financial Planning. In 1999 he was appointed to the Economic Academic Board of Oxford International University. He built his first Space Pen in 1948 and it has been used on all manned space flights since Apollo VII. Thank you, Mr. Speaker.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I stand in support of ACR 74. My colleague from District 22 sort of beat me to it, but can you imagine the pride that we in Nevada have? That one of our inventors from Nevada had a product that went all the way to the moon and back? Not only on the spaceships once, but several times. I really want to tell him how proud we are of him. For all of our students in Nevada, who want to study science, they can look to you as a role model. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It's with great pride and honor that I rise today in support of ACR 74, on behalf of Paul, who is not only one of the most inventive and wonderful minds, but a fine, fine person; one that I've had the pleasure of working with over the years on different projects. As I was reading the resolution, it answered a question I had wondered about for many years. For a long time, I had in the back of my mind why it seemed like Paul and I had met before. I've never really said anything to him, but I've thought about that, and now, as I read the resolution, I see in 1938 that he was at the Cedar Rapids Bakery and that's where I remember him. We were living just out of town. I was 2 years old and we used to come over to the bakery. In all seriousness, thank you so much for your years of service to our state and community.

Resolution adopted unanimously.

Assemblywoman Segerblom moved that all rules be suspended and that Assembly Concurrent Resolution No. 74 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblywoman Giunchigliani moved that Assembly Concurrent Resolution No. 67 be taken from the Resolution File and place on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

By Assemblymen Williams, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany and Von Tobel; Senators Neal, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 75—Commending William H. "Bob" Bailey and Anna Bailey for their years of public activism and service and contributions toward social and economic change in this state.

WHEREAS, William H. "Bob" Bailey was born in Detroit, Michigan, on February 14, 1927, into a family with a strong musical tradition, and he grew up in Cleveland, Ohio, where he learned to sing in church choirs; and

WHEREAS, When young William Bailey embarked on his own vocal career as part of a quartet called the Four Notes, he adopted the nickname "Bob" to avoid confusion with his cousin, Bill Bailey, who was also a professional entertainer; and

WHEREAS, Bob Bailey pursued his ambition to be an international lawyer by attending and graduating from the highly-respected Morehouse College in Atlanta, Georgia; and

WHEREAS, Despite his scholastic achievements, Bob Bailey's love of music took center stage when he was hired by Count Basie to become one of the two featured singers with the Count Basie Orchestra, affording him the opportunity to have three hit records; and

WHEREAS, It was during this time with Count Basie that he met and married the lovely and talented Anna Louis Porter who became his partner and loyal supporter in all his future endeavors; and

WHEREAS, Anna Porter was born in Savannah, Georgia, grew up in New York City and, inspired by her mother's creative survival skills and utilizing her own sparkling personality,

became a performer at the legendary Apollo Theatre and eventually moved on to Broadway where she performed with legends such as Louis Armstrong, Pearl Bailey, Duke Ellington and Count Basie; and

WHEREAS, Anna Porter's talent, captivating beauty and gracious personality earned her nationwide fame and led her to London, England, to perform at the London Palladium for 6 months, and from there to Las Vegas as a member of the chorus line at the Moulin Rouge, a casino that featured a show with all African-American entertainers; and

WHEREAS, The breakup of Count Basie's big band in 1950 gave Bob Bailey the opening to move on to the new medium of television, and in preparation, he attended the School of Radio and Television in New York City; and

WHEREAS, Bob Bailey's break into television did not occur until after he worked in Las Vegas as a co-producer and master of ceremonies at the Moulin Rouge, the only casino at that time which was open to everyone in what was a very segregated city; and

WHEREAS, The television show sponsored by the Moulin Rouge with Bob Bailey as its host was canceled when the Moulin Rouge closed after only 6 months, but Hank Greenspun, who owned KLAS-Channel 8, continued the program that was the first to be produced, acted in and directed by African-American talent and the first to be sponsored by businesses owned by African Americans; and

WHEREAS, While he was pioneering the way for African Americans in the television industry as a current events talk show host with KLAS and a newscaster and variety show host with KTNV-Channel 13, Bob Bailey also wrote editorials for the *Las Vegas Voice*, the local African-American newspaper, and authored a column for the *Las Vegas Sun*; and

WHEREAS, Bob Bailey's high profile after only 2 years in Las Vegas led to his appointment as the local chairman of the Urban Renewal Advisory Commission in 1956, which was followed by numerous other appointments, including an appointment by Governor Grant Sawyer in 1961 to the commission established by the Legislature to study the extent of discrimination against minorities in Nevada; and

WHEREAS, Bob Bailey's work investigating job opportunities for the Commission made him a natural choice to direct a federally encouraged Manpower Services program that trained minorities in jobs traditionally reserved for whites and, as a result of Bob's determination and persistent recruitment of assistance from casino executives and managers, opened up more than 1,000 jobs to minorities in less than 2 years; and

WHEREAS, To augment the meager income from his television career, Bob Bailey became a real estate broker and developer, and in 1964 he and his wife, Anna, opened a club in West Las Vegas named the Sugar Hill, which became an after-hours hangout for the next 25 years for such big name entertainers as Sammy Davis, Jr., Johnny Carson and Duke Ellington, and, during that period, employed over 500 African Americans; and

WHEREAS, In the mid-1960s, Bob and Anna Bailey also bought the riot-damaged West Owens Shopping Center and converted much of it into the Pan-Afro Auditorium, a move that continued to build the economic growth and employment of the African-American community in Las Vegas; and

WHEREAS, Bob Bailey later established the Nevada Economic Development Company, which helped minority businesses obtain $300 million in loans and lines of credit over 19 years; and

WHEREAS, Bob Bailey's success in this venture led to a job in Washington, D.C., as an associate director and, later, deputy director of the Minority Business Development Agency, which included the responsibility of overseeing a $66 million national budget and helping to report to the United States Congress on its work; and

WHEREAS, Anna Bailey encouraged her husband to accept the appointment at the United States Department of Commerce and for the 4 years during his absence managed the family business, including the development and operation of the Baby Grand Night Club, which they had acquired just prior to Bob's appointment, and continued her role as the mother of their two children, Kimberly and John; and

WHEREAS, Being homesick for Nevada, Bob Bailey declined the offer to stay in Washington after President George Bush left office and is currently concentrating on his New

Ventures Inc., which has been awarded a contract to certify local businesses as qualified to participate in a new Small Business Administration program; and

WHEREAS, Anna Bailey's boundless energy has made her a vital part of various community organizations and kept her beside her husband through all their commitments and successes for the past 48 years; and

WHEREAS, Together Bob and Anna Bailey raised two college graduates, now successful in their own right, John Robert Bailey, an attorney with Lionel, Sawyer & Collins, and Kimberly Ann Bailey-Tureaud, a minority business developer; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature do hereby commend and express their heartfelt gratitude to William H. "Bob" Bailey and Anna Bailey for all their efforts to help make Nevada a place where persons of all races and diverse backgrounds can live together and prosper together; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Bob and Anna Bailey.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams, Collins, Hettrick, Chowning, Nolan, Ohrenschall, Marvel, Beers, Price, and Tiffany.

Assemblyman Carpenter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I rise today in support of this resolution even though I really feel in my heart that I'm not really capable to do so or have the right to do so. The Baileys, Bob Bailey and Anna Bailey and their family, encompass what historic Nevada is all about. I think their families and their lives truly indicate the best of Nevada. Their lives also serve as a blueprint to us and to the children and generations to come. Their lives are a blueprint of what good things can happen in Nevada, and what the best things in Nevada are and what Nevada represents as a true, great state.

The Bailey's have been the ones who have led the way, not only in the areas of social change, but in economic change and personal change as well, affecting many people's lives throughout our state. Having been in Las Vegas for approximately 22 years, it's very easy for me and others who have known them over that period of time—even beyond the time I have known them—to see that they're the type of people that we, as Nevadans, should emulate and copy. We should try to live our lives by the same type of patterns and same type of drive and dignity they encompass and show in everything we do.

I think everybody should take some time, if its not today or after we adjourn or *sine die* here, to look at the trail both of them has led across this country and throughout the world. It was mentioned that Mrs. Bailey served as one of the very first dancers at the Moulin Rouge Casino, which opened in 1955. It was, by the way, the first integrated casino in the world. As gaming proliferates throughout the nation and throughout the world, there is one thing that Nevada can always point to: the fact that we opened and still have the first integrated casino in the world, plus the fact that we still have a living legend in Nevada, which is something we can all be proud of.

Speaking of Bob Bailey, his work as an artist, entertainer, activist, visionary—and even his work on Capitol Hill and the White House—serves to show how the many great things and aspects of his character, commitment, and life we can all implement.

We struggle and debate issues that affect folks lives every day in this body, and change laws and do things for people every day, making their lives better. One thing we do when we recognize people like the Bailey's is show that we have people in our state that we not only pass laws for, but can look to and say, "Here's what's great about Nevada, here's why Nevada will be great in the future." Sometimes, even when we look at the things that are not so right in Nevada, these people work to make those things better and now they are better. I think we can all stand proud and hold our heads high when we look at the Bailey family, a family we can emulate in our own lives. So, Mr. Speaker, I would urge my colleagues to all adopt this resolution.

It's mentioned in the resolution that Mrs. Bailey was known throughout the world as the "Georgia Peach." She is still beautiful today. Every time I look at her, I always say she has the looks of a woman who is 19, the drive of a woman who is 29, the determination of a woman who is 39, the grace of a woman who is 49, obviously the wisdom of a woman who is 59, the class of a woman who is 69 and, finally, the wealth of a woman who is 79.

If we only had as much vision as Bob Bailey. If we only had as much determination as Mr. Bailey. If I was only as articulate as Mr. Bailey and had as much courage as he's shown this nation and if I only could dress as nice and sharp as Mr. Bailey. If we all care about people, and others, as much as Mr. Bailey, Nevada will continue to be the great state that it is. I would urge my colleagues to accept this resolution and adopt it.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I, too, rise in support of ACR 75. Of course, my chairman of Education—he sure knows how to pack a speech. He puts words in there that really go well. I commend him for that. I rise, because, I grew up in southern Nevada and lived not too far away from the many things that the Baileys have done to achieve progress in West Las Vegas and in southern Nevada. First, I remember him, when I was a lot younger, having a television show on in the afternoons when I got home from school. He did a lot of things that diversified our community and brought progress to our community. Living near Rancho and Owens, I knew when he stepped in with some folks and revitalized an area that was not in good condition. He's done a lot of things for our community and I just want to join in support of this resolution and recognize the Bailey family for all that they've done for southern Nevada, and for the thousands of people who have come to Nevada. So, I hope you all will support this resolution.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, rise in support of ACR 75. I do have to agree with my colleague. I don't think we can top the speech given by the chairman of Education. He did a great job. I have to say that it was interesting to me. I had the privilege of attending the Republican National Convention in 1996 with Bob Bailey and Anna. Quite frankly, I did not know any of this about Bob Bailey. I hate to admit it. I'm from the north. Obviously, Mr. Bailey and Anna are from the south. I didn't know any of this past history. The reason, when I saw this on the desk and read it, I decided to rise, was I wanted to say, despite all his accomplishments, or in addition to, what impresses me more than anything, is they are both just really nice people. What a pleasure to be around and to deal with and to just have the chance to associate with—first-class people. These kinds of accomplishments just make me even more proud of them and understand fully why they are such great folks. We are proud to honor you. You obviously both deserve it. It's my pleasure to rise in support of this resolution, Mr. Speaker.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I, too, rise in support, proud support, of ACR 75. When I was a young girl growing up, I lived in Victory Village—Carver Park was the other housing development. They were segregated. When I was growing up, I really didn't even understand what all that meant. I did when I was older and it's a sad part of our state's history. I am so proud that we live in a diverse, integrated society now. And it's because of people like this, who serve as role models, that so many people have housing that they can be proud to live in. My father worked at the Moulin Rouge in the 1950's for six months. So, I am proud of that, too. I grew up watching him on television, too. Thank you for all you've done for us.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. I, too, rise in support of ACR 75. My father was in the real estate industry in southern Nevada and in northern Nevada here for a number of years and has worked with Mr. Bailey and always has good things to say about him. As I got a little bit older, and began working in the Chamber of Commerce, some of the first committees I worked on, I served with Mr. Bailey. It's so nice to know that someone who has been so successful in their own personal life and is so preoccupied in their professional business, can still take time to become

involved in community affairs, and in making their community and our community in southern Nevada such a great place to live. And so, for that, we thank both of you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I am very proud to have worked with Bob Bailey on many community activities through the years. But, I think, what sums it up is that Bob and Anna Bailey are the epitome of community activists who have touched thousands of people's lives and left them the richer and better for it. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, support ACR 75. I think those of us who have been around the legislature for a while have gotten to know Bob fairly well from the work he has done for economic development. He has never lost his interest in what could be done for rural Nevada. I think we also owe him a real deep thanks for helping us break down the racial barriers we have in the State of Nevada because he has done a tremendous job, he and Anna, and their son John, who is also a graduate of McGeorge Law School, where my son is a graduate. More than that, I go back to the old Count Basie days, the "Satchmo" Armstrong's—I probably saw you at the Moulin Rouge, maybe you and Anna both. At that time, I didn't know who you were. May I say this again: thank you, Bailey Family, for what you've contributed to the State of Nevada. It's been a real honor knowing you. Just recently we were able to work together on the Governor's transition team and Bob certainly has been an asset to the transition for Governor Guinn. Thanks a lot, Bob and Anna.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker. I rise in support ACR 75. I think, perhaps, one of the most lasting measures of a man and a woman are their children. I got to know Mr. and Mrs. Bailey through their children before I got to know Mr. and Mrs. Bailey. I worked on a civic organization with John and found him to be very hard working, talented and capable. I went through Leadership Las Vegas with Kim, and she's just a Tasmanian devil of advocacy, in the best sense. John and Kim are two lasting testaments to your lives together and they're very welcome additions to the state. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It's also with pride that I rise to support this resolution to two wonderful people. Like most southern Nevadans over the years, we've had an opportunity to work together and to be associated in many areas. I got to thinking about it as we were reading the resolution and I am not sure that Bob knows this, but when I was an apprentice electrician and just getting started back in 1955, the Moulin Rouge was, in fact, the second apprenticeship job I ever had. I worked over there helping with Vegas Valley, who was the contractor. They had a different name then. I worked on the Moulin Rouge when it was getting started there. Then, of course, I was back for shows and everything else at a later time. When you think about how Las Vegas was before it got started and the great progress that has been made today, it is in large part thanks to the work of Bob and Anna. Nevada, southern Nevada, and all of your friends and constituents throughout the state greatly love and appreciate it.

ASSEMBLYWOMAN TIFFANY:

Thank you, Mr. Speaker. I rise in support of this resolution. I was not going to say anything because there has been so many wonderful things said about Mr. Bailey. There is one particular event that I was involved in with Mr. Bailey. He has brought his national contacts to Las Vegas and a very special, select group of people that I think is worth mentioning. He put together an event called "Vocal Extravaganza in Black." He brought all of the Black college choirs to Las Vegas to compete. Las Vegas Events kicked in to this, and the Commission Authority was behind it. At the time he could retire, with everything he has done, I just want you to know how actively he is involved in our community and with the Black community. These kids are role models for our Black kids in Las Vegas and I think that is a very special contribution that's worth mentioning. I stand in support. Anna, it is nice to see you. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblyman Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 75 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Parks and Humke as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 109.

Mr. Speaker appointed Assemblymen Buckley, Leslie and Berman as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 280.

Mr. Speaker appointed Assemblymen Giunchigliani, Hettrick and Perkins as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 289.

Mr. Speaker appointed Assemblymen Bache, Segerblom and Lee as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 318.

Mr. Speaker appointed Assemblymen Buckley, Giunchigliani and Nolan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 431.

Mr. Speaker appointed Assemblymen Manendo, Neighbors and Gibbons as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 527.

Mr. Speaker appointed Assemblymen Goldwater, Anderson and Brower as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 669.

Mr. Speaker appointed Assemblymen Bache, Gibbons and Neighbors as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Joint Resolution No. 1.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Tiffany, Von Tobel and Williams; Senators Titus, Amodei, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness,

Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener:

Assembly Concurrent Resolution No. 76—Commending Claude "Blackie" Evans for his public service to people in this state.

WHEREAS, Claude "Blackie" Evans was born in Joplin, Missouri, on November 11, 1935, to Homer and Gertrude Evans, and was the oldest of three children; and

WHEREAS, On September 7, 1953, Blackie Evans married his childhood sweetheart, Carolyn, and later that same year the Evans family moved to Nevada where Blackie began a long and distinguished career in the labor movement, beginning as a laborer and then as a lathe operator at the Titanium Metal Corporation in Henderson, Nevada; and

WHEREAS, After working as a shop steward with the United Steel Workers of America Local #4856, Blackie Evans was recognized for his dedication to the labor movement by being elected President of the Steelworkers Union Local #4856 in 1963, the youngest ever to be elected to such a responsible position; and

WHEREAS, Blackie Evans' interest in labor relations grew as he became certified in several related fields including Arbitration Preparation by the United Steelworkers of America in 1971, College of Worker's Compensation in 1974, Management for Government Administrators at the Professional Institute of the American Management Association in 1975, Mine Safety by the United States Department of Labor in 1975, Media Relations at the George Meany Center for Labor Studies in 1976 and since 1983 he has been involved in the Degree Program at the George Meany Center for Labor Studies; and

WHEREAS, In 1971, Blackie Evans was appointed by Governor Mike O'Callaghan as Labor Commissioner of the Nevada Industrial Commission, and during the next 7 years in this position, Blackie administered an operating budget in excess of $20 million per year with an investment portfolio exceeding $400 million; and

WHEREAS, In 1978, Blackie Evans became the Chief Executive Officer of the State of Nevada AFL-CIO, the state labor organization that consists of approximately 150 local unions with 120,000 members; and

WHEREAS, While in that office, Blackie Evans maintained and balanced an annual operating budget in excess of $500,000, served as liaison to the National AFL-CIO, National Labor Relations Board, local unions and political candidates and officials, administered statewide political action and education campaigns to endorse and elect political candidates, proposed legislation and served as a lobbyist in the Nevada Legislature supporting legislation which would benefit union members; and

WHEREAS, Blackie Evans has served this state in many ways, including his membership on the State Mine Safety Advisory Board in 1969, the State Job Training Board from 1979 to 1982, the Vocation Education Board from 1980 to 1983, the State Industrial Insurance System Board of Directors from 1979 to 1993, the Federal Solar Energy Education Board in 1994 and the General Executive Board of the National AFL-CIO from 1996 to 1998; and

WHEREAS, Claude "Blackie" Evans is recognized as an expert in matters of labor and management relations, contract negotiations and as a legislative lobbyist, having spent his entire lifetime combining practical experience, specialized training and formal education in all related fields of labor relations; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Claude "Blackie" Evans is hereby congratulated for his public service to Nevada and for his loyalty and dedication to the needs of members of unions within the State of Nevada; and be it further

RESOLVED, That Blackie Evans has been a leader among leaders and has contributed a lifetime of energy, skill and knowledge to the legislative process as he worked diligently to provide the Nevada Legislature with an understanding of the many concerns of hardworking men and women in Nevada; and be it further

RESOLVED, That this Legislature appreciates the exceptional knowledge of all areas of labor relations and management that Blackie Evans has contributed to the political exchange of ideas from which state public policy is formed; and be it further

RESOLVED, That, on the occasion of Blackie Evans' retirement as Chief Executive Officer of the State of Nevada AFL-CIO in July of this year, the Nevada Legislature wishes Blackie many hours of relaxation and fun with his wife, his four children, Steve, Cherie, Seanna and Lisa, and his four grandchildren, Brittany, Cierra, Alex and Geena; and be it further

RESOLVED, That a copy of this resolution be transmitted to Claude "Blackie" Evans.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Claborn.

Resolution adopted unanimously.

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 76 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 77—Commending the Chief and staff of the State Printing Division of the Department of Administration for services rendered to the Nevada Legislature.

WHEREAS, This legislative session is the first session limited to 120 days; and

WHEREAS, Chief Donald L. Bailey, Sr., and the staff of the State Printing Division of the Department of Administration have worked long and hard to meet the needs of the 70th session of the Nevada Legislature; and

WHEREAS, The work produced by the State Printing Division continues to meet the high standards of previous years because of the care that Chief Don Bailey and his excellent staff devote to every assignment given to them; and

WHEREAS, The departments of the printing office including composition, offset, bindery and office staff have set and achieved these high standards under the direction of Chief Bailey; and

WHEREAS, Chief Don Bailey has upgraded the equipment in the printing office to ensure the printing of all bills, resolutions, histories and journals in a timely and efficient manner; and

WHEREAS, Without such outstanding service and continued cooperation from the Chief and his staff, the Legislature could not function or fulfill its obligations to the people of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 70th session of the Nevada Legislature hereby express their appreciation and commend Chief Donald L. Bailey, Sr., and the members of his staff at the State Printing Division of the Department of Administration for their dedication, cooperation and exceptional work; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Donald L. Bailey, Sr., Chief of the State Printing Division of the Department of Administration.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Humke, Price and Anderson.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 77 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 519, 521, 595, 622, 679, 685, 689, 691, 693, 694, and Senate Bills Nos. 363, 511 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved the Assembly Bills Nos. 170, 287, 368 and 454 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 80 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 283, 308, 368 and 545 considered engrossed, declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that the reading of the history on Senate Bills on Second Reading and General File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1184.

Amend section 1, page 1, line 3, by deleting "chiefs" and inserting "administrators".

Amend section 1, page 1, line 4, by deleting "subsection 2," and inserting:

"subsections 2 and 3,".

Amend section 1, page 1, line 8, by deleting:

"state. *One deputy*" and inserting:

"state ~~[.]~~ , *one of whom*".

Amend section 1, page 1, after line 12, by inserting:

"3. The administrator of the division of health care financing and policy of the department may appoint two deputies in the unclassified service of the state.".

Amend the bill as a whole by deleting sections 2 through 56 and the leadlines of repealed sections.

Amend the title of the bill to read as follows:

"AN ACT relating to the division of child and family services of the department of human resources; requiring the administrator of the division to appoint certain deputies, including a deputy administrator for youth corrections; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires administrator of division of child and family services of department of human resources to appoint certain deputies. (BDR 18-908)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1190.

Amend sec. 4, page 1, line 9, by deleting "*the committee*" and inserting "*a committee*".

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. *The principal of each public school shall establish a plan to provide for progressive discipline of pupils and for on-site review of disciplinary decisions. The plan must:*

1. Be developed with the input and participation of teachers and support staff of the school and parents of pupils who are enrolled in the school.

2. Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463 and the provisions of sections 2 to 12, inclusive, of this act.

3. Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.".

Amend sec. 7, page 2, line 18, by deleting "*a teacher;*" and inserting: "*appropriate personnel of the school district;*".

Amend sec. 8, page 2, line 23, by deleting "*a*" and inserting:
"*at least one*".

Amend sec. 8, page 2, line 24, by deleting "*The committee*" and inserting:
"*A committee established pursuant to this section*".

Amend sec. 8, page 2, line 29, by deleting "*The committee*" and inserting:
"*A committee established pursuant to this section*".

Amend sec. 8, page 2, line 31, after "*in*" by inserting "*temporary*".

Amend sec. 8, page 2, line 33, by deleting "*the committee,*" and inserting:
"*a committee established pursuant to this section,*".

Amend sec. 9, page 2, by deleting lines 36 through 38 and inserting:

"Sec. 9. *1. A teacher may remove from his classroom a pupil who, in the judgment of the teacher, engages in behavior that seriously interferes with the ability*".

Amend sec. 9, page 2, by deleting lines 41 and 42 and inserting:
"*from the classroom, the teacher shall notify the principal of the school on a form provided by the school district.*".

Amend sec. 9, page 3, by deleting lines 3 through 10 and inserting:
"*pursuant to subsection 1, the principal of the school shall notify the parent or legal guardian of the pupil within 24 hours and assign the pupil to either of the following temporary alternative placements:*

(a) Another appropriate classroom; or

(b) A period of suspension in school.".

Amend sec. 9, page 3, line 13, by deleting "*an*" and inserting "*a temporary*".

Amend sec. 9, page 3, line 16, by deleting "*an*" and inserting "*a temporary*".

Amend sec. 10, pages 3 and 4, by deleting lines 37 through 39 on page 3 and lines 1 and 2 on page 4, and inserting:
"*accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.*

3. If the parent or legal guardian refuses to attend a conference, the principal shall send written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the".

Amend sec. 10, page 4, line 4, by deleting "*determine*" and inserting "*recommend*".

Amend sec. 10, page 4, line 27, by deleting "*determine*" and inserting "*recommend*".

Amend sec. 10, page 4, line 28, before "*alternative*" by inserting "*temporary*".

Amend sec. 11, page 4, by deleting line 31 and inserting:
"*act, the principal recommends that a pupil be returned to the*".

Amend sec. 11, page 4, by deleting line 33 and inserting:
"*pupil does not agree with the recommendation, the principal shall*".

Amend sec. 11, page 4, line 34, before "*alternative*" by inserting "*temporary*".

Amend sec. 11, page 4, line 35, after "*committee.*" by inserting:

"*The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting.*".

Amend sec. 11, page 4, by deleting lines 36 through 38 and inserting:

"*circumstances of the pupil's removal from the classroom and the pupil's behavior that caused him to be removed from the classroom. Based upon its review, the committee*".

Amend sec. 11, page 5, line 10, by deleting "*classroom,*" and inserting "*classroom and*".

Amend sec. 11, page 5, by deleting line 11 and inserting:

"*classroom. Based upon its*".

Amend sec. 11, page 5, line 27, by deleting "*classroom,*" and inserting "*classroom and*".

Amend sec. 11, page 5, by deleting line 28 and inserting:

"*classroom. Based upon its*".

Amend sec. 11, page 5, line 35, by deleting:

"*subsections 4 and 5*" and inserting "*subsection 4*".

Amend sec. 12, page 5, line 37, by deleting "*an*" and inserting "*a pilot*".

Amend sec. 12, page 6, line 15, by deleting "*intensive*".

Amend sec. 12, page 6, line 29, by deleting "*shall,*" and inserting "*shall*".

Amend sec. 12, page 6, by deleting line 30 and inserting:

"*confirm the placement of the*".

Amend sec. 12, page 6, by deleting lines 33 through 37.

Amend sec. 12, page 6, line 38, by deleting "*6.*" and inserting "*5.*".

Amend sec. 12, page 6, by deleting line 43 and inserting:

"*pupil has access to all course work and requirements necessary for the pupil to graduate from high school; and*".

Amend sec. 12, page 7, between lines 3 and 4, by inserting:

"*6. On or before each regular session of the legislature, the department shall conduct an evaluation of alternative programs of education that are established pursuant to this section and submit a report concerning the evaluation to the director of the legislative counsel bureau for distribution to the legislature.*".

Amend sec. 13, page 7, line 18, after "*report*" by inserting:

"*within 1 school day*".

Amend sec. 13, page 7, by deleting lines 20 through 22 and inserting:

"*of the report to the parent or legal guardian of the pupil.*".

Amend sec. 14, page 7, by deleting lines 24 through 35 and inserting:

"392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school;

(b) The pupil has been suspended for initiating at least two fights on school property, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on his way to or from school; ~~[or]~~

(c) *The pupil has been removed from the classroom pursuant to section 9 of this act at least four times; or*

(d) The pupil has a record of ~~[five]~~ *three* suspensions from the school for any reason.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives one suspension on his record, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that if the pupil is suspended for initiating one additional fight or if the pupil receives five suspensions on his record during the current school year, he will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem must be suspended or expelled from school for a period equal to at least one school semester;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 6 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of his disability, he may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) If applicable, a summary of the provisions of subsection 4.

A school shall provide the notice required by this subsection for each suspension on the record of a pupil during a school year. A school may include the notice required by this subsection with notice that is otherwise

provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.

4. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives four suspensions on his record within 1 school year, the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his child.

(b) The pupil and his parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and his parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

If the pupil commits the same act for which notice was provided pursuant to subsection 3 after he enters into a plan of behavior, the pupil shall be deemed a habitual disciplinary problem.

5. If a pupil commits an act the commission of which qualifies him to be deemed a habitual disciplinary problem pursuant to subsection 1, the school shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the qualifying act and any previous such acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that pursuant to subsection 3 of NRS 392.466, a pupil who is a habitual disciplinary problem must be suspended or expelled from school for a period equal to at least one school semester;

(c) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 6 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of his disability, he may be suspended or expelled from school in the same manner as a pupil without a disability; and

(d) If applicable, a summary of the provisions of subsection 6.

The school shall provide the notice at least 7 days before the school deems the pupil a habitual disciplinary problem. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.

6. Before a school deems a pupil a habitual disciplinary problem and suspends or expels the pupil, the school may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being

deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his child.

(b) The pupil and his parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and his parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

If the pupil violates the conditions of the plan or commits the same act for which notice was provided pursuant to subsection 5 after he enters into a plan of behavior, the pupil shall be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one contract of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.".

Amend sec. 15, pages 7 and 8, by deleting lines 40 through 43 on page 7 and lines 1 through 19 on page 8, and inserting:

"2. The department shall apportion and allocate the money appropriated pursuant to subsection 1 to each school district in proportion to the total number of pupils enrolled in public schools within the school district.

3. The board of trustees of each school district shall use the money allocated to the school district pursuant to subsection 2 to carry out the provisions of sections 2 to 12, inclusive, of this act. The money allocated to the school district pursuant to subsection 2 must not be used to:".

Amend sec. 15, page 8, line 25, by deleting "7." and inserting "4.".

Amend sec. 17, page 8, by deleting lines 34 and 35 and inserting:

"2. Sections 1 to 13, inclusive, and 16 of this act become effective on July 1, 1999.

3. Section 14 of this act becomes effective at 12:01 a.m. on July 1, 1999.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 595.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1172.

Amend section 1, page 1, by deleting line 1 and inserting:

"Section 1. 1. Notwithstanding the provisions of subsection 2 of NRS 353.260, upon approval of the Interim Finance Committee, the".

Amend section 1, page 1, by deleting lines 4 and 5 and inserting:

"beyond the 1999-2001 biennium except that the total amount of money committed over the 20-".

Amend section 1, page 1, line 7, after "costs." by inserting:

"The request submitted to the Interim Finance Committee for approval of the lease must include all substantive details of the proposed lease and, if possible, a copy of the proposed lease document or documents.

2.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 622.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1163.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 2.070 is hereby amended to read as follows:

2.070 1. If a justice of the supreme court at the time of his death had retired and was then receiving a pension under the provisions of NRS 2.060, or if at the time of his death the justice had not retired but had performed sufficient service for retirement under the provisions of NRS 2.060, the surviving spouse, if the spouse has attained the age of 60 years, is entitled, until his death or remarriage, to receive monthly payments of ~~[$2,000]~~ *$2,500* per month.

2. If a surviving spouse of a justice is not eligible to receive benefits pursuant to subsection 1, he is entitled, until his death or remarriage or until he becomes eligible to receive those benefits, to receive payments equal in amount to the payment provided in subsection 1 of NRS 286.674 for the spouse of a deceased member of the public employees' retirement system.

3. To obtain these benefits, the surviving spouse must make application to the board, commission or authority entrusted with the administration of the judges' pensions and furnish such information as may be required pursuant to reasonable regulations adopted for the purpose of carrying out the intent of this section.

4. Any person receiving a benefit pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired under the public employees' retirement system.

5. It is the intent of this section that no special fund be created for the purpose of paying these benefits, and all payments made under the provisions of this section are to be made out of and charged to any fund created for the purpose of paying pension benefits to justices of the supreme court.

Sec. 2. NRS 3.095 is hereby amended to read as follows:

3.095 1. If a district judge at the time of his death had retired and was then receiving a pension under the provisions of NRS 3.090, or if at the time of his death the judge had not retired but had performed sufficient service for retirement under the provisions of NRS 3.090, the surviving spouse, if the spouse has attained the age of 60 years, is entitled, until his death or remarriage, to receive monthly payments of ~~[$2,000]~~ *$2,500* per month.

2. If a surviving spouse of a judge is not eligible to receive benefits pursuant to subsection 1, he is entitled, until his death or remarriage or until he becomes eligible to receive those benefits, to receive payments equal in amount to the payment provided in subsection 1 of NRS 286.674 for the spouse of a deceased member of the public employees' retirement system.

3. To obtain these benefits, the surviving spouse must make application to the board, commission or authority entrusted with the administration of the judges' pensions and furnish such information as may be required pursuant to reasonable regulations adopted for the purpose of carrying out the intent of this section.

4. Any person receiving a benefit pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired under the public employees' retirement system.

5. It is the intent of this section that no special fund be created for the purpose of paying these benefits, and all payments made under the provisions of this section are to be made out of and charged to any fund created for the purpose of paying pension benefits to district judges.".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to the supreme court for the support of the pensions of justices, judges and surviving spouses:

For the fiscal year 1999-2000	$73,109
For the fiscal year 2000-2001	$73,109

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill, second line, after "judges;" by inserting: "making an appropriation;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 679.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1185.

Amend sec. 2, page 2, by deleting line 4 and inserting:

"*division of compliance enforcement.*".

Amend sec. 2, page 2, line 7, by deleting "*section.*" and inserting "*division.*".

Amend sec. 4, page 4, by deleting lines 16 and 17 and inserting:

"(13) Investigators and administrators of the ~~[bureau]~~ *division* of *compliance* enforcement of the ~~[registration~~".

Amend sec. 4, page 4, line 32, after "in" by inserting:

"the State of".

Amend sec. 4, page 4, line 38, by deleting "arrests; and" and inserting "arrests;".

Amend sec. 4, page 4, line 41, by deleting "department." and inserting:

"department; and

(22) Criminal investigators who are employed by the secretary of state.".

Amend sec. 6, page 5, line 15, after "*of*" by inserting "*compliance*".

Amend sec. 6, page 5, by deleting line 27 and inserting:

"~~[(j)]~~ *(8) A training division.*

(c) Such other *branches or* divisions as the director may from time".

Amend sec. 7, page 7, between lines 28 and 29, by inserting:

"*(i) The training division shall provide training to the employees of the department.*".

Amend sec. 43, page 22, by deleting line 4 and inserting:

"*division of compliance* enforcement of the".

Amend sec. 47, page 25, by deleting lines 35 and 36 and inserting:

"3. Administrators and investigators of the ~~[bureau]~~ *division* of *compliance* enforcement of the ~~[registration~~".

Amend sec. 50, page 28, by deleting lines 16 and 17 and inserting:

"5. An investigator of the ~~[bureau]~~ *division* of *compliance* enforcement of the ~~[registration division]~~ *motor vehicles*".

Amend sec. 50, page 28, by deleting lines 29 and 30 and inserting:

"9. A forensic specialist or correctional officer employed by the division of mental health and developmental services of the department of human".

Amend the bill as a whole by renumbering sec. 52 as sec. 53 and adding a new section designated sec. 52, following sec. 51, to read as follows:

"Sec. 52. Section 25 of Assembly Bill No. 626 of this session is hereby amended to read as follows:

Sec. 25. NRS 289.270 is hereby amended to read as follows:

289.270 1. The following persons have the powers of a peace officer:

(a) The director of the department of motor vehicles and public safety.

(b) The chiefs of the divisions of the department of motor vehicles and public safety.

(c) The deputy directors of the department of motor vehicles and public safety employed pursuant to subsection 2 of NRS 481.035.

(d) The investigators and agents of the investigation division of the department of motor vehicles and public safety and any other officer or employee of that division whose principal duty is to enforce one or more laws of this state, and any person promoted from such a duty to a supervisory position related to such a duty.

(e) The personnel of the capitol police division of the department of motor vehicles and public safety appointed pursuant to subsection 2 of NRS 331.140.

2. The personnel of the Nevada highway patrol appointed pursuant to subsection 2 of NRS 481.150 have the powers of a peace officer specified in NRS 481.150 and 481.180.

3. Administrators and investigators of the division of compliance enforcement of the motor vehicles branch of the department of motor vehicles and public safety have the powers of a peace officer to enforce any law of the State of Nevada in carrying out their duties under NRS 481.048.

4. Officers and investigators of the section for the control of emissions from vehicles of the motor vehicles branch of the department of motor vehicles and public safety, appointed pursuant to NRS 481.0481, have the powers of peace officers in carrying out their duties under that section.

5. Members of the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety who are, pursuant to NRS 414.270, activated by the chief of the division during a state of emergency *or declaration of disaster* proclaimed pursuant to NRS 414.070 to perform the duties of the state disaster identification team, have the powers of peace officers in carrying out those duties.".

Amend the bill as a whole by renumbering sections 53 through 55 as sections 56 through 58 and adding new sections designated sections 54 and 55, following sec. 52, to read as follows:

"Sec. 54. The Governor shall review the organization of the department of motor vehicles and public safety as reorganized pursuant to the amendatory provisions of this act, determine whether the organization of the department requires any additional changes and notify the interim finance committee before January 1, 2000, of his determination. Notwithstanding any provision of Title 43 of NRS to the contrary, any changes in the organization of the department of motor vehicles and public safety included in the

Governor's determination may be made upon approval of the interim finance committee. A plan describing any such changes must be approved by the Governor before it is submitted to the interim finance committee for approval.

Sec. 55. Notwithstanding the provisions of chapter 284 of NRS and any administrative regulations and personnel policies to the contrary:

1. Other than terminations and resignations, all personnel actions, including, without limitation, appointments, transfers, promotions and the filling of vacancies, that are carried out to implement, or are in any way related to, the reorganization of the department of motor vehicles and public safety pursuant to the amendatory provisions of this act shall be deemed temporary actions until January 1, 2000.

2. A state officer or employee who through an appointment, transfer, promotion or other personnel action that is made temporary by subsection 1 does not lose any rights or privileges of state employment except any right to the specific temporary position.".

Amend sec. 54, page 29, by deleting lines 33 through 36 and inserting:

"1. This section and sections 1, 2, 3, 5 to 56, inclusive, and 58 of this act become effective on July 1, 1999; and

2. Section 4 of this act becomes effective at 12:01 a.m. on July 1, 1999.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 685.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1181.

Amend the bill as a whole by deleting sec. 32 and adding a new section designated sec. 32, following sec. 31, to read as follows:

"Sec. 32. Section 16 of Senate Bill No. 145 of this session is hereby amended to read as follows:

Sec. 16. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to subsection 3 of NRS 679B.158.

7. Chapter 683A of NRS.

8. To the extent applicable, the provisions of NRS 689B.340 to 689B.600, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

9. NRS *689A.410,* 689A.413 ~~[.]~~ *and section 3 of this act.*

10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

11. Chapter 692C of NRS, concerning holding companies.

12. Sections 4 to 11, inclusive, of *Assembly Bill No. 685 of* this ~~[act.]~~ *session.*".

Amend the title of the bill, seventh and eighth lines, by deleting:
"making an appropriation;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 689.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1151.

Amend section 1, page 1, line 1, by deleting:
"3 and 4" and inserting:
"3, 4 and 5".

Amend section 1, page 3, line 7, by deleting "*section.*" and inserting:
"*section regardless of whether the public water system is required to comply with those provisions.*".

Amend section 1, page 3, between lines 29 and 30, by inserting:

"Sec. 5. 1. This section becomes effective upon passage and approval.

2. Section 3 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 1999, for all other purposes.

3. Sections 1, 2, 4 and 4.5 of this act become effective on October 1, 1999.

4. This act expires by limitation on January 1, 2001, if a majority of the voters voting on the question placed on the ballot pursuant to section 4.5 of this act vote affirmatively in all counties in which the measure was placed on the ballot.".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Assembly Bill No. 284 of this session is hereby amended by adding thereto a new section designated sec. 4.5, following sec. 4, to read as follows:

Sec. 4.5. At the general election on November 7, 2000, in each county whose population is 400,000 or more, an advisory question must be placed on the general election ballot in substantially the following form:

Should each public water system in this county that serves a population of 100,000 persons or more cease the fluoridation of the water?

Sec. 3. Section 3 of Assembly Bill No. 590 of this session is hereby amended to read as follows:

Sec. 3. Section 5.020 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 215, Statutes of Nevada 1997, at page 748, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The city council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. *The seats for city councilmen must be designated by the numbers one through four which number must correspond with the wards the candidates for city councilmen will seek to represent. A candidate for the office of city councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for city council must be designated as a candidate for the city council seat that corresponds with the ward that he seeks to represent.*

2. If for any general municipal election there are three or more candidates for the offices of mayor or municipal judge, or ~~[five or more candidates for the office of councilman,]~~ *for a particular city council seat,* a primary election for any such office must be held on the Tuesday following the first Monday in May preceding the general election.

3. Except as otherwise provided in ~~[subsections 4 and 5,]~~ *subsection 4,* after the primary election, the names of the two candidates for mayor , ~~[and]~~ municipal judge and ~~[the names of the four candidates for city councilman]~~ *each city council seat* who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for mayor , ~~[or]~~ municipal judge *or a city council seat* receives a majority of the total votes cast for that office in the primary election, he shall be declared elected to office and his name must not appear on the ballot for the general election.

~~[5. If a candidate for city council receives votes equal to a majority of voters casting ballots in the primary election:~~

~~(a) He shall be declared elected to one of the open seats on the city council and his name must not appear on the ballot for the general election.~~

~~(b) Unless all the open seats were filled pursuant to paragraph (a), the names of those candidates who received the highest number of votes but did not receive a number of votes equal to a majority of the voters casting ballots in the primary election, not to exceed twice the number of candidates remaining to be elected, must be placed on the ballot for the general election.~~]".

Amend the title of the bill, fourth line, after "more;" by inserting: "requiring an advisory question concerning the fluoridation of water to be placed on the general election ballot in a county whose population is 400,000 or more; amending Assembly Bill No. 590 of the 1999 Legislative Session clarifying that a candidate for the office of city councilman must include in his declaration of candidacy the number of the ward that he seeks to represent;".

Amend the summary of the bill, first line, by deleting "284" and inserting: "284, Assembly Bill No. 590".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 689 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Assemblyman Anderson moved to withdraw his motion.

Motion carried.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 691.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1170.

Amend section 1, page 1, line 3, by deleting "~~[of prisons]~~" and inserting "of prisons".

Amend section 1, page 1, line 8, by deleting "proposed" and inserting "~~[proposed]~~".

Amend section 1, page 1, line 9, by deleting "$6" and inserting "~~[$6]~~ *$7.50*".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. 1. There is hereby appropriated from the state general fund to the department of prisons:

For the fiscal year 1999-2000	$156,354
For the fiscal year 2000-2001	$224,718

2. The money appropriated by subsection 1 must be allocated as follows:

	1999-2000	2000-2001

Prison medical care	$29,568	$34,342
Director's office	$2,746	$3,308
Southern Nevada Correctional Center	$44,255	$7,888
Indian Springs Conservation Camp	$7,037	$7,037
Southern Desert Correctional Center	$68,709	$67,550
Jean Conservation Camp	$4,039	$4,039
Men's Prison No. 7 (Cold Creek State Prison)	0 -	$100,554

Sec. 3. There is hereby appropriated from the state general fund to the division of forestry of the state department of conservation and natural resources:

For the fiscal year 1999-2000 $5,745

For the fiscal year 2000-2001 $5,713

Sec. 4. Any balance of the sums appropriated by sections 2 and 3 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill, second line, after "7;" by inserting:

"increasing the amount authorized for travel expenses; making appropriations;".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes travel expenses for certain persons employed at Men's Prison No. 7 and makes appropriations for support of certain prisons. (BDR 16-1765)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 693.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1165.

Amend the bill as a whole by renumbering sections 1 through 13 as sections 2 through 14 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 561.153 is hereby amended to read as follows:

561.153 The director may by regulation adopt such procedures as he may deem appropriate for the billing or collection of fees for any service ~~[rendered]~~ *or any publication or other product provided* by the department under Titles 49, 50 and 51 of NRS for which fees are collectible.".

Amend sec. 2, page 1, by deleting lines 9 and 10 and inserting:

"(c) Nonprofit organization or association, including the Nevada Fair of".

Amend sec. 2, page 1, line 12, by deleting "~~[or]~~ *and*" and inserting "and".

Amend sec. 2, page 2, line 8, by deleting "administrator" and inserting "director".

Amend sec. 2, page 2, line 10, by deleting "administrator" and inserting "director".

Amend sec. 2, page 2, line 11, by deleting "administrator" and inserting "director".

Amend sec. 2, page 2, line 16, by deleting "administrator" and inserting "director".

Amend sec. 3, page 2, line 23, by deleting "division" and inserting "department".

Amend sec. 3, page 2, line 25, by deleting "~~division~~" and inserting "~~department~~".

Amend sec. 5, page 3, line 10, by deleting "administrator" and inserting "director".

Amend sec. 5, page 3, lines 12 and 13, by deleting "~~subject, however,~~" and inserting "~~subject~~".

Amend sec. 5, page 3, line 16, by deleting "administrator" and inserting "director".

Amend sec. 5, page 3, line 17, by deleting "*licensed*" and inserting "*license*".

Amend sec. 5, page 3, line 21, by deleting "administrator" and inserting "director".

Amend sec. 6, page 3, line 24, by deleting "administrator" and inserting "director".

Amend sec. 6, page 3, by deleting lines 28 and 29 and inserting:

"*the application of those pesticides,* including, but not limited to, the following areas:".

Amend sec. 6, page 3, line 38, by deleting "administrator" and inserting "director".

Amend sec. 6, page 3, line 42, by deleting "administrator" and inserting "director".

Amend sec. 8, page 4, line 17, by deleting "administrator" and inserting "director".

Amend sec. 8, page 4, line 19, by deleting "administrator" and inserting "director".

Amend sec. 8, page 4, line 22, by deleting "*administrator.*" and inserting "*director.*".

Amend sec. 8, page 4, line 23, by deleting "~~administrator~~" and inserting "~~director~~".

Amend sec. 8, page 4, line 26, by deleting "~~[registration of]~~" and inserting: "~~[the registration of]~~".

Amend sec. 9, page 4, by deleting lines 33 through 35 and inserting:

"586.401 or the Federal Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq., ~~[without being]~~ *unless he is* registered with the director.".

Amend sec. 9, page 5, by deleting lines 7 through 9 and inserting:

"during the year the registration was not in effect.

5. ~~[All persons]~~ *Each person who is* registered shall maintain for 2 years a record of all sales of restricted-use".

Amend sec. 9, page 5, line 18, by deleting "administrator." and inserting "director.".

Amend sec. 9, page 5, line 20, by deleting "administrator" and inserting "director".

Amend sec. 9, page 5, line 22, by deleting "administrator" and inserting "director".

Amend sec. 10, page 5, line 27, by deleting "division" and inserting "department".

Amend sec. 10, page 5, line 30, by deleting "administrator" and inserting "director".

Amend sec. 10, page 5, line 31, by deleting "administrator" and inserting "director".

Amend sec. 10, page 5, line 33, by deleting "division" and inserting "department".

Amend sec. 10, page 5, line 37, by deleting "administrator," and inserting "director,".

Amend sec. 11, page 5, line 41, by deleting "division" and inserting "department".

Amend sec. 11, page 6, line 3, by deleting "division" and inserting "department".

Amend sec. 11, page 6, line 10, by deleting "division" and inserting "department".

Amend sec. 13, page 6, line 40, by deleting:

"1 to 12," and inserting:

"2 to 13,".

Amend the title of the bill by deleting the second and third lines and inserting:

"board of agriculture and the state department of agriculture; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second and third lines and inserting:

"agriculture and state department of agriculture. (BDR 50-1748)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 694.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 1186.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 2, by deleting lines 6 through 11 and inserting:

"581.320 1. All fluid dairy products ~~[, including cream and buttermilk, shall]~~ *must* be packaged for retail sale ~~[only in units of 1 gill or less, one-half liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, one-half gallon, 3 liquid quarts, 1 gallon, 1 1/2 gallons, 2 gallons, 2 1/2 gallons or multiples of 1 gallon.]~~ *by liquid measure and in such amounts as are approved, jointly, by the state dairy commission and the state sealer of weights and measures.* Containers used for".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to dairy products; authorizing the state dairy commission and the state sealer of weights and measures to approve, jointly, the size of containers used to package fluid dairy products for retail sale; and".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1164.

Amend sec. 5, page 1, lines 13 and 14, by deleting "*not listed*" and inserting:

"*not:*

(a) Listed, proposed for listing or eligible for listing".

Amend sec. 5, page 1, line 15, after the semicolon by inserting:

"*and*

(b) Owned, managed or controlled by a person or governmental entity subject to a pending investigation or ongoing enforcement action of the Federal Government pursuant to the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., or the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 et seq.;".

Amend sec. 11.5, page 2, line 25, after "*listed*" by inserting:

"*, proposed for listing or eligible for listing*".

Amend sec. 11.5, page 2, line 27, after "*Regulations*" by inserting:

"*or that is owned, managed or controlled by a person or governmental entity subject to a pending investigation or ongoing enforcement action by the Federal Government pursuant to the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., or the Comprehensive*

Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 et seq.,".

Amend sec. 11.5, page 2, by deleting line 31 and inserting:

"*2. The reason for which the property was listed or is proposed or eligible for listing on the National Priorities List or for the investigation or enforcement action by the Federal Government is*".

Amend sec. 16, page 5, line 15, by deleting "*or*".

Amend sec. 16, page 5, line 19, by deleting "*act.*" and inserting:

"*act; or*

7. For a release of any hazardous substance not specified in the remedial agreement.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1168.

Amend section 1, page 1, by deleting lines 13 through 16 and inserting:

"2. Except as otherwise provided in subsections 4, 5 and 6, ~~[all fees must be used by that department as needed to carry out the provisions of NRS 445B.700 to 445B.845, inclusive.]~~ *and after deduction of the amount required for grants pursuant to paragraph (a) of subsection 4, money in the pollution control account may, pursuant to legislative appropriation or with the approval of the interim finance committee, be expended by the following agencies in the following order of priority:*

(a) The department of motor vehicles and public safety to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The state department of conservation and natural resources to carry out the provisions of this chapter.

(c) The division of agriculture of the department of business and industry to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

(e) The Nevada Tahoe regional planning agency to carry out the provisions of NRS 278.780 to 278.828, inclusive.

(f) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the attainment or maintenance of environmental thresholds in the Lake Tahoe Basin.

(g) Other agencies of this state to pay the costs incurred by those agencies to attain or maintain the environmental thresholds established by the Tahoe Regional Planning Agency pursuant to NRS 277.200.".

Amend section 1, page 2, by deleting lines 6 through 31 and inserting:

" ~~(a) Money]~~ *money* in the pollution control account to *local governmental* agencies in nonattainment or maintenance areas for carbon monoxide for programs related to the improvement of the quality of air. The *grants to agencies in a county pursuant to this subsection must be made from:*

(a) An amount of money ~~[granted must not exceed that portion of the money in the pollution control account that equals 1/5]~~ *in the pollution control account that is equal to one-fifth* of the amount received for each form issued *in the county* pursuant to subsection 1 ~~[.]~~ *; and*

(b) Excess money in the pollution control account . ~~[to air pollution control agencies established pursuant to NRS 445B.205 or 445B.500.]~~ As used in this paragraph, "excess money" means the money in excess of $500,000 remaining in the pollution control account at the end of the fiscal year ~~[.]~~ *, after deduction of the amount required for grants pursuant to paragraph (a) and any disbursements made from the account pursuant to subsection 2.*

5. Any regulations adopted pursuant to subsection 4 must provide for".

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the state where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the department of motor vehicles and public safety and accounted for in the pollution control account, which is hereby created in the state general fund:

(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station$25

(b) For each set of 25 forms certifying emission control compliance 125

(c) For each form issued to a fleet station 5

2. Except as otherwise provided in subsections 4, 5 and 6, and after deduction of the amount required for grants pursuant to paragraph (a) of subsection 4, money in the pollution control account may, pursuant to legislative appropriation or with the approval of the interim finance committee, be expended by the following agencies in the following order of priority:

(a) The department of motor vehicles and public safety to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The state department of conservation and natural resources to carry out the provisions of this chapter.

(c) The division of agriculture of the department of business and industry to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

~~[(e) The Nevada Tahoe regional planning agency to carry out the provisions of NRS 278.780 to 278.828, inclusive.~~

~~(f) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the attainment or maintenance of environmental thresholds in the Lake Tahoe Basin.~~

~~(g) Other agencies of this state to pay the costs incurred by those agencies to attain or maintain the environmental thresholds established by the Tahoe Regional Planning Agency pursuant to NRS 277.200.]~~

3. The department of motor vehicles and public safety may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The department of motor vehicles and public safety shall by regulation establish a program to award grants of money in the pollution control account to local governmental agencies in nonattainment or maintenance areas for carbon monoxide for programs related to the improvement of the quality of air. The grants to agencies in a county pursuant to this subsection must be made from:

(a) An amount of money in the pollution control account that is equal to one-fifth of the amount received for each form issued in the county pursuant to subsection 1; and

(b) Excess money in the pollution control account. As used in this paragraph, "excess money" means the money in excess of $500,000 remaining in the pollution control account at the end of the fiscal year, after deduction of the amount required for grants pursuant to paragraph (a) and any disbursements made from the account pursuant to subsection 2.

5. Any regulations adopted pursuant to subsection 4 must provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Review applications for grants and make recommendations for their approval, rejection or modification;

(b) Establish goals and objectives for the program for control of emissions from motor vehicles;

(c) Identify areas where funding should be made available; and

(d) Review and make recommendations concerning regulations adopted pursuant to subsection 4 or NRS 445B.770.

6. Grants proposed pursuant to subsections 4 and 5 must be submitted to the chief of the registration division of the department of motor vehicles and public safety and the administrator of the division of environmental protection of the state department of conservation and natural resources.

Proposed grants approved by the chief and the administrator must not be awarded until approved by the interim finance committee.

Sec. 3. 1. This section and section 1 of this act become effective on July 1, 1999.

2. Section 2 of this act becomes effective on July 1, 2001.

3. Section 1 of this act expires by limitation on June 30, 2001.".

Amend the title of the bill, first line, by deleting "temporarily".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 13.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 46.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 53.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted, as amended.

Assemblyman Perkins moved that Assembly Bills Nos. 170, 287, 368 and 454 be placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

BARBARA E. BUCKLEY, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 170.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1180.

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

"Section 1. NRS 218.220 is hereby amended to read as follows:

218.220 1. The per diem expense allowance and the travel and telephone expenses of senators and assemblymen elected or appointed and in attendance at any session or presession orientation conference of the legislature must be allowed in the manner set forth in this section.

2. For initial travel from his home to Carson City, Nevada, to attend a session or presession orientation conference of the legislature, and for return travel from Carson City, Nevada, to his home upon adjournment sine die of a session or termination of a presession orientation conference of the legislature, each senator and assemblyman is entitled to receive:

(a) A per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City Area, for one day's travel to and one day's travel from the session or conference.

(b) Travel expenses.

3. In addition to the per diem and travel expenses authorized by subsection 2, each senator and assemblyman is entitled to receive a supplemental allowance which must not exceed:

(a) A total of $6,800 during each regular session of the legislature for:

(1) His actual expenses in moving to and from Carson City for the session;

(2) Travel to and from his home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the state which relates to legislative business; ~~[and]~~

(3) If he rents furniture for his temporary residence rather than moving similar furniture from his home, the cost of renting that furniture not to exceed the amount that it would have cost to move the furniture to and from his home; and

(4) If:

(I) His home is more than 50 miles from Carson City; and

(II) He maintains temporary quarters in or near Carson City for which he has entered into a lease or other agreement for occupancy during a regular legislative session, the cost of such additional housing, paid at the end of each month during the legislative session, beginning the month of the first day of the legislative session and ending the month of the adjournment sine die of the legislative session, in an amount that is the fair market rent for a one bedroom unit in Carson City as published by the United States Department of Housing and Urban Development prorated for the number of days of the month that he actually maintained the temporary quarters in or near Carson City. For the purposes of this subparagraph, any day before the first day of the legislative session or after the day of the adjournment sine die of the legislative session may not be counted as a day for which he actually maintained such temporary quarters; and

(b) A total of $1,000 during each special session of the legislature for travel to and from his home or temporary residence or for traveling to and

from legislative committee and subcommittee meetings or hearings or for individual travel within the state which relates to legislative business.

4. Each senator and assemblyman is entitled to receive a per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City area, for each day that the legislature is in session or in a presession orientation conference and for each day that he attends a meeting of a standing committee of which he is a member when the legislature has adjourned for more than 4 days.

5. Each senator and assemblyman who maintains temporary quarters in or near Carson City for which he has entered into a lease or other agreement for continuous occupancy for the duration of a legislative session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the legislative commission designates by rule as being allocated to lodging, for not more than 14 days in each period in which:

(a) The legislature has adjourned until a time certain; and

(b) The senator or assemblyman is not entitled to a per diem expense allowance pursuant to subsection 4.

6. In addition to the per diem expense allowance authorized by subsection 4 and the lodging allowance authorized by subsection 5, each senator and assemblyman who maintains temporary quarters in or near Carson City for which he has entered into a lease or other agreement for continuous occupancy for the duration of a legislative session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the legislative commission designates by rule as being allocated to lodging, for not more than 17 days in each period in which:

(a) The legislature has adjourned for more than 4 days; and

(b) The senator or assemblyman must obtain temporary lodging in a location that a standing committee of which he is a member is meeting.

7. Each senator and assemblyman is entitled to receive a lodging allowance equal to that portion of the expense allowance which the legislative commission designates by rule as being allocated to lodging, for not more than 6 days in each period in which:

(a) The legislature has adjourned for more than 4 days; and

(b) The senator or assemblyman must obtain temporary lodging in a location that a standing committee of which he is a member is meeting,

if the senator or assemblyman is not entitled to the per diem expense allowance authorized by subsection 4 or the lodging allowances authorized by subsections 5 and 6.

8. Each senator and assemblyman is entitled to receive a telephone allowance of not more than $2,800 for the payment of tolls and charges incurred by him in the performance of official business during each regular session of the legislature and not more than $300 during each special session of the legislature.

9. An employee of the legislature assigned to serve a standing committee is entitled to receive the travel expenses and per diem expense allowance

provided by law for state employees generally if he is required to attend a hearing of the committee outside Carson City.

10. Claims for expenses made under the provisions of this section must be paid from the legislative fund. Claims for per diem expense allowances authorized by subsection 4 and lodging allowances authorized by subsections 5, 6 and 7 must be paid once each week during a legislative session and upon completion of a presession orientation conference.

11. A claim for travel expenses authorized by subsection 2 or 3 must not be paid unless the senator or assemblyman submits a signed statement affirming:

(a) The date of the travel; and

(b) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

12. Travel expenses authorized by subsections 2 and 3 are limited to:

(a) If the travel is by private conveyance, a rate equal to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax. If two or more legislators travel in the same private conveyance, the legislator who provided or arranged for providing the transportation is presumed entitled to reimbursement.

(b) If the travel is not by private conveyance, the actual amount expended. Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles.".

Amend the title of the bill to read as follows:

"AN ACT relating to the legislature; authorizing the use of the supplemental allowance provided for legislators to pay the costs of additional housing during a regular legislative session under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes use of supplemental allowance provided for legislators to pay costs of additional housing during legislative session under certain circumstances. (BDR 17-60)".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 287.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1166.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

All proceedings in all courts brought under this chapter to exercise the right of eminent domain take precedence over all other causes and actions not involving the public interest, to the end that all such proceedings must be quickly heard and determined.".

Amend section 1, pages 1 and 2, by deleting lines 11 and 12 on page 1 and lines 1 through 6 on page 2, and inserting:

"~~[commencement of the action,]~~ *first service of the summons,* and the *court makes a written finding that the* delay is caused primarily by the ~~[defendant or, if there is more than one defendant, the total delay caused by all the defendants,]~~ *plaintiff or is caused by congestion or backlog in the calendar of the court,* the date of valuation is ~~[the date of the first service of summons or]~~ the date of the *actual commencement of the* trial . ~~[, whichever results in the lesser compensation and damages.]~~ *If a new trial is ordered by a court, the date of valuation used in the new trial must be the date of valuation used in the original trial.*".

Amend section 1, page 2, line 11, by deleting:

"~~[plaintiff or the]~~" and inserting:

"plaintiff or the".

Amend sec. 2, pages 2 and 3, by deleting lines 16 through 43 on page 2 and lines 1 through 5 on page 3, and inserting:

"37.175 1. Except as otherwise provided in this section, the plaintiff shall pay interest on the final judgment on the difference between the amount deposited pursuant to NRS 37.100 or 37.170 and the sum of the amount awarded for the taking and any damages awarded for the severance of the property, excluding costs and attorney's fees, ~~[at the following rates:~~

~~(a) From the date of the commencement of the action to the date of the final judgment, at a rate equal to the rate of interest fixed for 1-year United States treasury bills on the date of the commencement of the action, as reported in the "Federal Reserve Bulletin" published by the Board of Governors of the Federal Reserve System or another commonly used business or financial publication. The rate of interest must be adjusted annually thereafter on the anniversary date of the commencement of the action. The interest must be compounded annually.~~

~~(b) From the date of the final judgment to the date the judgment is satisfied, at a rate equal to the rate of interest fixed for 1-year United States treasury bills on the date of the final judgment, as reported in the "Federal Reserve Bulletin" published by the Board of Governors of the Federal Reserve System or another commonly used business or financial publication. The rate of interest must be adjusted annually thereafter on the anniversary date of the final judgment. The interest must be compounded annually.~~] *from*

the date of the first service of the summons until the date the judgment is satisfied, at the rate provided in NRS 17.130.

2. The plaintiff is not required to pay interest on any amount deposited pursuant to the provisions of NRS 37.100 or 37.170.

3. No interest is required to be paid for the period from the date of a trial which is continued past 2 years after the ~~[commencement of the action,]~~ *date of the first service of the summons,* until the date of entry of judgment, if the continuance was caused primarily by the defendant or, if there is more than one defendant, the total delay caused by all the defendants. As used in this subsection , "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all defendants , that would cause the trial to be continued past 2 years after the ~~[commencement of the action.]~~ *date of the first service of the summons.*".

Amend the title of the bill, first line, after "domain;" by inserting: "establishing a preference in the processing of actions related to eminent domain under certain circumstances;".

Amend the summary of the bill, first line, after "governing" by inserting "proceedings and".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 368.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1183.

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

A school district that has more than 150,000 pupils enrolled shall develop and adopt a policy concerning the renovation or reconstruction of older buildings for schools or related facilities. As part of the policy, consideration must be given to the relative advantages and disadvantages of the renovation or reconstruction of older buildings for schools or related facilities as compared to the design, construction or purchase of new buildings for schools or related facilities. The policy must include, without limitation, guidelines for use by the board of trustees in determining whether older buildings should be renovated or reconstructed or whether new buildings to replace those older buildings should be constructed or purchased.

Sec. 3. 1. The board of trustees of a school district that has more than 150,000 pupils enrolled shall establish a pilot program to replace schools. The school district may use an amount not to exceed $15 million from the proceeds of the bonds issued pursuant to subsection 3 or 4 of NRS 350.020 to:

(a) Evaluate older schools within the district to determine the need for renovation or reconstruction of those schools; and

(b) Reconstruct one existing elementary school designated by the board of trustees.

2. The purpose of this section is to provide authority to expend the proceeds of the bonds issued pursuant to subsection 3 or 4 of NRS 350.020 for reconstruction that is additional to and does not replace, repeal or limit any existing authority to so expend such proceeds.

3. On or before February 1, 2001, the school district shall submit an interim report regarding the pilot program to replace schools, including, without limitation, the evaluation of the older schools and the progress of the reconstruction of the elementary school designated by the board of trustees to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada legislature.".

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring that the annual audit of certain school districts include an audit of expenditures relating to the design, construction, acquisition and renovation of school facilities and grounds; requiring certain school districts to develop and adopt a policy to renovate or reconstruct certain school facilities; requiring certain school districts to establish a pilot program for replacing schools; authorizing those school districts to use certain proceeds of bonds for the pilot program; requiring those school districts to submit an interim report concerning the progress of the pilot program; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires annual audit of certain expenditures by certain school districts and development of policy to renovate or reconstruct certain school facilities by certain school districts. (BDR 31-179)".

Assemblyman Williams moved that Assembly Bill No. 368 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Williams.

Motion carried.

Assembly Bill No. 454.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1174.

Amend sec. 3, page 2, line 37, by deleting:

"*substance or marihuana;*" and inserting "*substance;*".

Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assemblyman Perkins moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 1:04 p.m.

ASSEMBLY IN SESSION

At 4:58 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 269, 323, 342, 686; Assembly Joint Resolutions Nos. 22, 24; Senate Joint Resolution No. 22.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 70, 165, 236, 432.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 285, Amendment No. 1159, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 60, 74, 75, 76, 77.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 680, Senate Amendment No. 1073, and requests a conference, and appointed Senators Rhoads, Townsend and Shaffer as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 634, Senate Amendment No. 876, and requests a conference, and appointed Senators Townsend, Amodei and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID E. GOLDWATER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 697—AN ACT relating to making appropriations from the state general fund and the state highway fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1,

1999, and ending June 30, 2000, and beginning July 1, 2000, and ending June 30, 2001; providing for the use of the money so appropriated; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 70.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 165.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 236.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 432.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 22.

Assemblyman Perkins moved that the resolution be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 408.

The following Senate amendment was read:

Amendment No. 1011.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

If the state engineer issues a temporary permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which he has issued such a temporary permit, he shall file a notice with the county recorder of the

county in which the permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:

1. A temporary permit may be revoked;

2. The owner of a domestic well may be prohibited from deepening or repairing the well; and

3. The owner of the property served by the well may be required to connect to this water source at his own expense.".

Amend section 1, page 1, line 16, by deleting "The" and inserting:

"~~[The]~~ *Except as otherwise provided in subsection 5, the*".

Amend section 1, page 1, line 18, by deleting:

"be revoked *for just cause*" and inserting:

"*, except as limited by subsection 4,* be revoked".

Amend section 1, page 2, line 5, after "Limit" by inserting "*the*".

Amend section 1, page 2, line 7, by deleting:

"534.0175 and 534.180," and inserting:

"*534.013 and* 534.0175 *,* ~~[and 534.180,]~~".

Amend section 1, page 2, line 10, after "4." by inserting:

"*The state engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom ground water was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:*

(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet;

(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig; and

(c) The holder of the permit will be offered financial assistance to pay not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water.

In a basin that has a water authority that has a ground water management program, the state engineer shall not revoke the temporary permit unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the state engineer.

5. The state engineer may, in an area in which he has issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a

well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet;

(b) The deepening or repair of the well would require the use of a well-drilling rig; and

(c) The person proposing to deepen or repair the well will be offered financial assistance to pay not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water.

In a basin that has a water authority that has a ground water management program, the state engineer shall not prohibit the deepening or repair of a well unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the state engineer.

6.".

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. The legislative committee on public lands shall conduct a study of issues related to residential, municipal and quasi-municipal water wells in the State of Nevada and report its findings and recommendations to the 71st session of the Nevada legislature. The legislative commission shall appoint two additional senators and two additional assemblymen to the legislative committee on public lands for the purposes of this study. The chairman of the legislative committee on public lands shall appoint a technical advisory committee to assist in conducting the study with representation from urban and rural areas, well owners, suppliers of municipal water, holders of water rights, and ratepayers.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective on July 1, 1999.

2. Section 1 of this act becomes effective on October 1, 1999.

3. Section 2 of this act expires by limitation on July 1, 2005.".

Amend the title of the bill to read as follows:

"AN ACT relating to water; establishing the circumstances under which certain temporary permits for the appropriation of ground water may be revoked; restricting the authority of the state engineer to limit the depth of or prohibit the repair of certain wells; requiring the state engineer to file certain notices with the county recorder; requiring the legislative committee on public lands to conduct a study of water wells; and providing other matters properly relating thereto.".

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 408.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman de Braga moved that the Assembly do not recede from its action on Senate Bill No. 167, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman de Braga.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen de Braga, Ohrenschall and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 167.

RECEDE FROM SENATE AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 451, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Carpenter and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 451.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Giunchigliani moved that the Assembly do not recede from its action on Senate Bill No. 478, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, McClain and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 478.

GENERAL FILE AND THIRD READING

Assembly Bill No. 472.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 472:

YEAS—35.

NAYS—Angle, Beers, Brower, Freeman, Gustavson, Mortenson—6.

EXCUSED—Evans.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 683.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Assembly Bill No. 683:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 683 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 688.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 688:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 688 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 507.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Senate Bill No. 507:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 71 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 80.

Bill read third time.

Remarks by Assemblymen Chowning, Anderson, Carpenter, Bache, Cegavske, Collins, Von Tobel and McClain.

Roll call on Senate Bill No. 80:

YEAS—29.

NAYS—Anderson, Angle, Bache, Carpenter, de Braga, Gustavson, Humke, Marvel, Parnell, Price, Segerblom, Thomas—12.

EXCUSED—Evans.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 283:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 308.

Bill read third time.

Remarks by Assemblymen Leslie and Bache.

Roll call on Senate Bill No. 308:

YEAS—38.

NAYS—Angle, Buckley, Freeman—3.

EXCUSED—Evans.

Senate Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 368.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 368:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 545.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 545:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 545 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 242.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 71 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 242, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

BERNARD ANDERSON
JOHN C. CARPENTER
GENIE OHRENSCHALL
Assembly Conference Committee

MIKE MCGINNESS
JON C. PORTER
VALERIE WIENER
Senate Conference Committee

The following amendment was proposed by the First Conference Committee:

Amendment No. CA2.

Amend section 1, page 1, by deleting lines 8 through 11 and inserting: "provisions of this section ~~[must include]~~ *shall ensure that* the social security numbers of both parties ~~[.]~~ *are:*".

Amend section 1, page 1, line 14, by deleting "*Filed*" and inserting "*Placed*".

Amend sec. 2, page 2, by deleting lines 7 through 12 and inserting:

"2. ~~[An order made]~~ *A court that enters an order* pursuant to subsection 1 for the support of any minor child or children ~~[must include]~~ *shall ensure that* the social security numbers of the parties ~~[.]~~ *are:*".

Amend sec. 2, page 2, line 15, by deleting "*Filed*" and inserting "*Placed*".

Amend sec. 3, page 2, by deleting lines 34 through 41 and inserting:

"~~[3.]~~ *(b) Ensure that the social security numbers of the child and the parents of the child are placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.*

2. Within 10 days after a court of this state issues an order for the support of a child, each party to the cause of action shall file with the court that issued the order and the welfare division:".

Amend sec. 3, page 3, line 2, by deleting "~~[and]~~" and inserting "and".

Amend sec. 3, page 3, line 3, by deleting:

"employer ~~[.]~~ *; and*" and inserting "employer.".

Amend sec. 3, page 3, by deleting lines 4 and 5.

Amend sec. 5, page 4, by deleting lines 20 through 23 and inserting:

"(d) The court shall ~~[include in its order]~~ *ensure that* the social security number of the responsible parent ~~[.]~~ *is:*".

Amend sec. 5, page 4, line 26, by deleting "*Filed*" and inserting "*Placed*".

Amend sec. 6, page 5, by deleting lines 21 and 22 and inserting:

"*(b) Ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is to be paid are:*".

Amend sec. 6, page 5, line 24, by deleting "*Filed*" and inserting "*Placed*".

Amend sec. 7, page 7, by deleting lines 11 through 16 and inserting:

"*approves a recommendation* pursuant to this section ~~[does not contain]~~ *shall ensure that, before the recommendation is filed pursuant to subsection 7,* the social security numbers of the parents or legal guardians of the child ~~[, the court shall include those numbers on the recommendation before it is filed pursuant to subsection 7.]~~ *are:*".

Amend sec. 7, page 7, line 18, by deleting "*Filed*" and inserting "*Placed*".

Amend sec. 8, page 7, by deleting lines 31 through 34 and inserting:

"~~[inclusive, must contain]~~ *shall ensure that* the social security numbers of the parents or legal guardians of the child ~~[.]~~ *are:*".

Amend sec. 8, page 7, line 36, by deleting "*Filed*" and inserting "*Placed*".

Amend sec. 9, page 8, by deleting lines 27 through 29 and inserting:

"*that the social security number of the parent or guardian who is the subject of the order is:*".

Amend sec. 9, page 8, line 32, by deleting "*Filed*" and inserting "*Placed*".

Amend the title of the bill, second line, by deleting "certain" and inserting: "social security numbers and certain other".

Amend the summary of the bill, first line, by deleting "certain" and inserting:

"social security numbers and certain other".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 242.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Koivisto, Giunchigliani and Cegavske as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 15.

Mr. Speaker appointed Assemblymen Parks, Goldwater and Berman as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 634.

Mr. Speaker appointed Assemblymen Goldwater, Segerblom and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 680.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 193.

The following Senate amendment was read:

Amendment No. 1120.

Amend section 1, page 1, line 2, by deleting:

"2 to 5, inclusive," and inserting:

"2, 3 and 4".

Amend sec. 2, page 1, line 3, by deleting:

"*2 to 5, inclusive,*" and inserting:

"*2, 3 and 4*".

Amend sec. 3, page 2, by deleting line 9 and inserting:

"*2. A nonprofit organization.*".

Amend sec. 3, page 2, between lines 24 and 25, by inserting:

"*7. A candidate for public office, committee advocating the passage or defeat of a ballot question, political party, committee sponsored by a political party or a committee for political action.*"

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 4 and 5.

Amend sec. 5, page 3, lines 12 and 13, by deleting:

"*and sections 2, 3 and 4 of this act*".

Amend sec. 5, page 3, lines 15 and 16, by deleting:

"*597.930 and sections 2, 3 and 4 of this act,*" and inserting "*597.930,*".

Amend sec. 6, page 3, line 39, by deleting "*6*" and inserting "*9*".

Amend the bill as a whole by adding new section designated sec. 6, following sec. 6, to read as follows:

"Sec. 6. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.".

Amend sec. 7, page 4, by deleting lines 5 through 7 and inserting:

"Sec. 7. *A person engages in a "deceptive trade practice" when, in the course*".

Amend the bill as a whole by renumbering sections 8 through 10 as sections 9 through 11 and adding a new section designated sec. 8, following sec. 7, to read as follows:

Sec. 8. *1. In a county whose population is 400,000 or more, a person who:*

(a) Is a licensee, owner or employee of a business entity that is licensed to operate an adult cabaret, erotic dance establishment or adult night club; and

(b) While performing duties associated with the business entity, pays or offers to pay remuneration of any kind, including, without limitation, cash or services, to the owner or driver of a taxicab, limousine or bus containing 21 or fewer passengers, or to an agent of the owner or driver, for taking or attempting to take a passenger to a location other than the destination requested by the passenger,

commits a deceptive trade practice for purposes of NRS 598.0903 to 598.0999, inclusive.

2. In any action brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court finds the licensee or owner of a business entity engaged in a deceptive trade practice described in subsection 1, or his employee engaged in a deceptive trade practice described in subsection 1, the licensee or owner is subject only to a civil penalty of:

(a) For the first violation, not less than $500 and not more than $1,000;

(b) For the second violation, not less than $1,000 and not more than $5,000; and

(c) For the third and subsequent violations, not less than $5,000 and not more than $10,000.

3. If the violation of subsection 1 is the third or greater violation and if:

(a) The violation was committed by the licensee or owner of the business entity; or

(b) The violation was committed by an employee of the licensee or owner, and the director determines that the licensee or owner knew or should have known that the employee engaged in the act constituting the violation,

the director shall order, in writing, all applicable licensing authorities to suspend the license of the business entity for a period of not more than 6 months.

4. Upon receiving an order from the director pursuant to subsection 3, a licensing authority shall suspend the license of the licensee for the period specified in the order.

5. As used in this section:

(a) "License" means a business license to operate an adult cabaret, erotic dance establishment or adult night club.

(b) "Licensee" means the person to whom a license is issued.

(c) "Licensing authority" means a local government that licenses adult cabarets, erotic dance establishments or adult night clubs.".

Amend sec. 9, page 4, line 33 and 34, by deleting:
"598.0979 to 598.099, inclusive," and inserting:
"~~[598.0979 to 598.099, inclusive,]~~ *598.0903 to 598.0999, inclusive, and section 7 of this act,*".

Amend sec. 9, page 4, line 40, by deleting "practice:" and inserting:
"~~[practice:]~~ *practice, other than a deceptive trade practice described in section 8 of this act:*".

Amend sec. 9, page 5, line 9, after "598.966, inclusive," by inserting:
"*and section 8 of this act,*".

Amend the title of the bill, fifth line, after "circumstances;" by inserting:
"providing that payment of remuneration to certain drivers of taxicabs, limousines and buses under certain circumstances constitutes a deceptive trade practice;".

Amend the summary of the bill, second line, by deleting the period and inserting:
"and establishing certain actions as deceptive trade practices.".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 193.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 411 be placed on the Second Reading File.

Motion carried.

Assemblyman Hettrick moved that the vote whereby Assembly Bill No. 472 was passed be rescinded.

Remarks by Assemblyman Hettrick.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 472.

Bill read third time.

Remarks by Assemblymen Goldwater and Hettrick.

Roll call on Assembly Bill No. 472:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Evans.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1161.

Amend sec. 3, page 4, line 10, after "*cost*" by inserting:

"*of replacement as*".

Amend sec. 4, page 5, line 3, by deleting "that:".

Amend sec. 4, pages 5 and 6, by deleting lines 4 through 43 on page 5 and lines 1 through 11 on page 6 and inserting:

"that it is more equitable to establish the valuation for assessment purposes of all types of property without considering the value of intangible personal property and that the incremental elimination of intangible personal property from the valuation and assessment of all property in the State of Nevada is desirable to allow the orderly assessment and collection of ad valorem taxes.

2. Notwithstanding the amendatory provisions of this act, intangible personal property must continue to be assessed pursuant to the provisions of chapter 361 of NRS as those provisions existed before the enactment of the amendatory provisions of this act, except that:

(a) For the fiscal year commencing July 1, 2000, the assessed value of the intangible personal property must be reduced by 5 percent;

(b) For the fiscal year commencing July 1, 2001, the assessed value of the intangible personal property must be reduced by 10 percent;

(c) For the fiscal year commencing July 1, 2002, the assessed value of the intangible personal property must be reduced by 40 percent; and

(d) For the fiscal year commencing July 1, 2003, the assessed value of the intangible personal property must be reduced by 70 percent.".

Amend sec. 5, page 6, line 30, by deleting "the committee" and inserting:

"the committee, other representatives of local government".

Amend sec. 5, page 7, line 20, by deleting:

"fair and equitable" and inserting:

"fair, equitable, stable and reliable".

Amend sec. 6, page 7, by deleting lines 23 through 27 and inserting:

"Sec. 6. 1. This act becomes effective July 1, 1999.

2. Section 4 of this act expires by limitation on June 30, 2004.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day appointed Senators Shaffer, Amodei and Townsend as a first Conference Committee concerning Senate Bill No. 128.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Rhoads and Townsend as a first Conference Committee concerning Senate Bill No. 133.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, McGinness and Care as a first Conference Committee concerning Senate Bill No. 322.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, Care and Titus as a first Conference Committee concerning Senate Bill No. 360.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Porter and Care as a first Conference Committee concerning Senate Bill No. 391.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Rhoads and Amodei as a first Conference Committee concerning Senate Bill No. 423.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Porter and Care as a first Conference Committee concerning Senate Bill No. 475.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Porter and Care as a first Conference Committee concerning Senate Bill No. 500.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Porter and Care as a first Conference Committee concerning Senate Bill No. 530.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 293, 321, 525, 631; Assembly Resolution No 9; Senate Bills Nos. 30, 31, 47, 68, 152, 191, 203, 210, 263, 323, 372, 387, 436, 470, 473, 508, 521.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Gilbert and Conrad Wright.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Roland Cortes and Lynell Cortes.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Hollis.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Niel Aronson, Ignacio Cervantes, Tyson Curran, Sam Friesen, Chase Fuller, Daniel Jacobsen, Michael Lawrence, Rob Valerius, Derek Wood, Adam Hughes, Josh Anderson, Stephanie Adamson, Samantha Hilke, Dyla Duckworth, Amanda Howard, Kadie Huffman, Nikki Johnson, Danielle Sheaf, Kaitlin Savcedo, Meslissa Wehr, Eric Jackson, Aaron Avery, Mitchell Conway, James Hamilton, Shaun Kennedy, Eric Mayurga, Philip Lee, Kyle Walker, Zaik

Werner, Patrick Thielen, Dakota Wood, Samedi Barnes, Carnyn Butz, Lea Cartwright, Amanda Clardy, Jueyneline Johnson, Megan Villines, Meghan Taylor, Christy Works, Kassandra Sing, Tiffany Hammer and James Wheeler.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Paul C. Fisher and Carrie Fisher.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 28, 1999, at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:06 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 28, 1999

Assembly called to order at 12:07 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Lord, as this Memorial Day weekend begins, we remember in gratitude the many men and women who have given their lives for their country. We remember especially those men and women from the State of Nevada who made the greatest of all sacrifices—the giving of their lives for others. Help us, Lord, to offer prayers of thanksgiving each day of this weekend. And, Lord, we pray that You will protect especially those who are traveling to and from Nevada during these next few days. May Your Holy Spirit continually remind us during these next few days, especially, of how much we owe so many and of the need of Your protection for all who travel. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Lee moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Joint Resolution No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which was referred Senate Bill No. 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 280, 305, 401, 443, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bill No. 72; Senate Bills Nos. 469, 481, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 72 and Senate Bills Nos. 481 and 485 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 280, 305, 401, 443, 469, 504; and Senate Joint Resolution No. 22 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that the reading of the history on Assembly and Senate bills and Joint Resolutions on Second Reading and the General File be dispensed with for this legislative day.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess for the purpose of hearing John M. Kubiak.

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 5 of 69th Session.

The following Senate amendment was read:

Amendment No. 1093.

Amend the resolution, pages 1 and 2, by deleting lines 5 through 18 on page 1 and lines 1 through 27 on page 2, and inserting:

"*Sec. 29A. The Legislature shall adjourn sine die each:*

1. Regular session in an:

(a) Odd-numbered year not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

(b) Even-numbered year not later than midnight Pacific standard time 45 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 45th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

2. Special session not later than midnight Pacific standard time 20 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 20th calendar day is void.

Sec. 2. 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* sessions of the Legislature shall be ~~[biennial,]~~ *annual,* and shall commence on the ~~[1st Monday of February following the election of members of the Assembly, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.~~

~~2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.]~~ *first Monday of:*

(a) February in odd-numbered years; and

(b) March in even-numbered years.

2. The Governor, by proclamation:

(a) May convene the Legislature for a special session not to exceed 20 calendar days in accordance with section 9 of article 5 of this constitution.

(b) Shall convene the Legislature for a special session not to exceed 20 calendar days not later than 45 calendar days after receipt of a petition by two-thirds of the members elected to each House calling for a special session and setting forth the topics for consideration during the special session. If the Legislature is convened for a special session pursuant to this paragraph, the Governor may add to the list of topics to be considered by the Legislature during that special session.

3. The Governor shall submit *:*

(a) In odd-numbered years, the proposed executive budget *; and*

(b) In even-numbered years, any proposed appropriations or proposed revisions to the executive budget,

to the Legislature not later than ~~[14]~~ *30* calendar days before the commencement of each regular session.

~~[Sec.:]~~ *Sec.* 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for ~~[not to exceed 60 days]~~ *each calendar day of service* during any regular session of the legislature and ~~[not to exceed 20 days]~~ during any special session convened by the governor; but no increase of such compensation shall take effect".

Amend the resolution, page 2, by deleting lines 40 through 42 and inserting:

"~~[Sec.:]~~ *Sec.* 9. The Governor may on extraordinary occasions, convene the Legislature by Proclamation *for a special session not to exceed 20 calendar days* and shall state to both houses when organized, the purpose for".

Amend the resolution, page 3, line 9, by deleting ", [and]" and inserting ", ~~[and]~~".

Amend the resolution, page 3, by deleting lines 20 through 23 and inserting:

"secretary of state before beginning circulation and not earlier than ~~[January 1 of the year preceding the year in which a regular session of the legislature is held.]~~ *1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.* After its circulation, it".

Amend the resolution, page 4, line 13, after "law." by inserting:

"If at the session of the legislature to which an initiative petition proposing an amendment to a statute is presented which the legislature rejects or upon which it takes no action, the legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the secretary of state in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the legislature.".

Amend the resolution, page 4, line 35, by deleting "shall" and inserting:

"shall, unless precluded by subsection 5 or 6,".

Amend the resolution, page 4, between lines 37 and 38, by inserting:

"5. If two or more measures which affect the same section of a statute or of the constitution are finally approved pursuant to this section, or an amendment to the constitution is finally so approved and an amendment proposed by the legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this section, another amendment is finally approved pursuant to this section, or an amendment proposed by the legislature is ratified, which affects the same section of the constitution but is compatible with the amendment given first approval, the secretary of state shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the secretary of state shall not submit the amendment given first approval to the voters again.".

Amend the resolution, page 4, by deleting lines 43 and 44 and inserting:

"annual session and each special session, compensation for each calendar day of service.".

Amend the resolution by deleting the text of repealed section and adding a new text of repealed section, following the resolution, to read as follows:

TEXT OF REPEALED SECTION

Sec: 12. Commencement date of first three legislative sessions; regular sessions of legislature to be held biennially. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially.".

Assemblyman Price moved that the Assembly do not concur in the Senate amendment to Assembly Joint Resolution No. 5 of the 69th Session.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The First Conference Committee concerning Assembly Bill No. 527, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA5, which is attached to and hereby made a part of this report.

MARK A. MANENDO	RAYMOND D. RAWSON
P. M. "ROY" NEIGHBORS	JOSEPH M. NEAL, JR.
DAWN GIBBONS	BERNICE MATHEWS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA5.

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. It is the intent of the Legislature in enacting section 3 of this act that gifts, grants, donations and clinical fees be used to pay the principal and interest on the bonds issued pursuant to section 3 of this act for the construction and operation of the facilities authorized by the section. This act does not obligate the use of money from the state general fund other than any portion of the clinical fees that is derived from money appropriated for Nevada Medicaid or the Children's Health Insurance Program.".

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 527.

Remarks by Assemblyman Manendo.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 368 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Williams.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 411 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Goldwater.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 130.

The following Senate amendment was read:

Amendment No. 1080.

Amend the bill as a whole by deleting sections 1 through 7, renumbering sections 8 and 9 as sections 17 and 18 and adding new sections designated sections 1 through 16, following the enacting clause, to read as follows:

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each report of expenses or expenditures required pursuant to NRS 294A.125, 294A.200, 294A.210, 294A.220 and 294A.280 must consist of a list of the expenses incurred or expenditures made during the periods for reporting. The list must state the category and amount of the expense or expenditure and the approximate date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Goods and services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses related to the campaign.

Sec. 2. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Seven days before the primary election, for the period from 30 days before the regular session of the legislature after the last election for that office up to 12 days before the primary election;

(b) Seven days before the general election, whether or not the candidate won the primary election, for the period from 12 days before the primary election up to 12 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days before the next regular session of the legislature,

~~[report the total amount of his]~~ *list each of the* campaign contributions *he receives during the period* on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination up to 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election,

~~[report the total amount of his]~~ *list each of the* campaign contributions *he receives during the period* on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall ~~[report the total amount of his]~~ *list each of the* campaign contributions *he receives* on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 30 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election.

4. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to subsection 4 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. ~~[Each]~~ *The name and address of the contributor and the date on which the contribution was received must be included on the list for each* contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period . ~~[must be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported on the form provided by the secretary of state.]~~ *The form designed and provided by*

the secretary of state for the reporting of contributions pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign contribution as he receives it.

Sec. 3. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held, shall, not later than December 31 of:

(a) The year in which he receives contributions in excess of $10,000, ~~[report the total contributions received.]~~ *list each of the contributions he receives during the period.*

(b) Each year after the year in which he received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, ~~[report]~~ *list each of* the contributions received and the expenditures made in that year.

2. The reports required by subsection 1 must be submitted on a form designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. ~~[Each]~~ *The name and address of the contributor and the date on which the contribution was received must be included on the list for each* contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount . ~~[must be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported on the form provided by the secretary of state. Each expenditure in excess of $100 and expenditures that the candidate made cumulatively in excess of that amount must be separately identified with the date of the expenditure, tabulated and reported on the form provided by the secretary of state.]~~ *The forms designed and provided by the secretary of state for the reporting of contributions and expenditures pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign contribution as he receives it and each expenditure as it is made.*

4. The report must be filed with the secretary of state.

Sec. 4. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party and committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates shall, not later than:

(a) Seven days before a primary election or primary city election, for the period from 30 days after the last election for that office to 12 days before the primary election or primary city election;

(b) Seven days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 12 days before the primary election or primary city election to 12 days before the general election or general city election; and

(c) The 15th day of the second month after the general election or general city election, for the remaining period up to 30 days after the general election or general city election,

~~[report the total amount]~~ *list each* of *the* contributions received *during the period* on the form designed and provided by the secretary of state and shall sign the report under penalty of perjury.

2. The ~~[report of campaign contributions must identify]~~ *name and address of the contributor and the date on which the contribution was received must be included on the list for* each contribution in excess of $100 ~~[. Contributions]~~ *and contributions* which a contributor has made cumulatively in excess of $100 since the beginning of the first reporting period . ~~[must be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported on the form designed and provided by the secretary of state.]~~ *The form designed and provided by the secretary of state for the reporting of contributions pursuant to this section must be designed to be used by the person, committee for political action, political party or committee sponsored by a political party to record in the form of a list each contribution as it is received.*

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. For all other candidates the reports must be filed with the secretary of state. A person or entity may file the report with the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

Sec. 5. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall, not later than:

(a) Seven days before a primary election or primary city election, for the period from 30 days after the last general election to 12 days before the primary election or primary city election;

(b) Seven days before a general election or general city election, for the period from 12 days before the primary election or primary city election to 12 days before the general election or general city election; and

(c) The 15th day of the second month after the general election or general city election, for the remaining period up to 30 days after the general election or general city election,

~~[report the total amount]~~ *list each* of *the* contributions received *during the period* on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury.

2. ~~[Each]~~ *The name and address of the contributor and the date on which the contribution was received must be included on the list for each* contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period . ~~[must be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported on the form provided by the secretary of state.]~~ *The form designed and provided by the secretary of state for the reporting of contributions pursuant to this section must be designed to be used to record in the form of a list each contribution as it is received.*

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

Sec. 6. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Seven days before the primary election, for the period from 30 days before the regular session of the legislature after the last election for that office up to 12 days before the primary election;

(b) Seven days before the general election, whether or not the candidate won the primary election, for the period from 12 days before the primary election up to 12 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days before the next regular session of the legislature,

~~[report his]~~ *list each of the* campaign expenses *he incurs during the period* on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination up to 12 days before the special election; and

(b) Sixty days after the special election, for the remaining period up to 30 days after the special election,

~~[report his]~~ *list each of the* campaign expenses *he incurs during the period* on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall ~~[report his]~~ *list the* campaign expenses *he incurs* on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 60 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to 30 days after the special election.

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to subsection 4 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. The forms designed and provided by the secretary of state for the reporting of campaign expenses pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign expense as he incurs it.

Sec. 7. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates shall, not later than:

(a) Seven days before a primary election or primary city election, for the period from 30 days after the last election for that office to 12 days before the primary election or primary city election;

(b) Seven days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 12 days before the primary election or primary city election to 12 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

~~[report the expenditures]~~ *list each expenditure* made *during the period* on behalf of a candidate or group of candidates in excess of $100 on forms designed and provided by the secretary of state and signed by the person or a

representative of the group under penalty of perjury. The report must also include identification of expenditures which the person or group made cumulatively in excess of $100 since the beginning of the first reporting period.

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report.

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of candidates, the reports must be made to the officer appropriate for each candidate and itemized by the candidate. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. The forms designed and provided by the secretary of state for the reporting of expenditures pursuant to this section must be designed to be used by the person or representative of the group to record in the form of a list each expenditure as it is made.

Sec. 8. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall, not later than:

(a) Seven days before a primary election or primary city election, for the period from 30 days after the last general election to 12 days before the primary election or primary city election;

(b) Seven days before a general election or general city election, for the period from 12 days before the primary election or primary city election to 12 days before the general election or general city election; and

(c) The 15th day of the second month after the general election or general city election, for the remaining period up to 30 days after the general election or general city election,

~~[report expenditures]~~ *list each expenditure* made *during the period* on behalf of or against a question or group of questions on the ballot in excess of $100 on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury. The report must also include the identification of expenditures which the person or group made cumulatively in excess of $100 since the beginning of the first reporting period.

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report.

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question. A person may make his report to the appropriate filing officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. The form designed and provided by the secretary of state for the reporting of expenditures pursuant to this section must be designed to be used by the person or representative of the group to record in the form of a list each expenditure as it is made.

Sec. 9. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall up to 12 days before the special election; and

(b) Thirty days after the election, for the remaining period up to the election,

~~[report]~~ *list* each contribution received or made by the committee in excess of $100 on a form provided by the secretary of state and signed under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, ~~[report]~~ *list* each contribution received or made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall up to the day the court determines that an election will not be held, ~~[report]~~ *list* each contribution received or made by the committee in excess of $100.

4. Each report of contributions must be filed with the secretary of state. The committee may mail the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. ~~[Each]~~ *The name and address of the contributor and the date on which the contribution was received must be included on the list for each* contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the first reporting period . ~~[must be separately identified with the name and address of the contributor or person to whom the contribution was given and the date of the contribution, tabulated and reported on the form provided by the secretary of state.]~~ *The form designed and provided by the secretary of state for the reporting of contributions pursuant to this section must be designed to be used by the committee to record in the form of a list each contribution as it is received or made.*

Sec. 10. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall up to 12 days before the special election; and

(b) Thirty days after the election, for the remaining period up to the election,

~~[report]~~ *list* each expenditure made by the committee in excess of $100 on a form provided by the secretary of state and signed under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, ~~[report]~~ *list* each expenditure made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall up to the day the court determines that an election will not be held, ~~[report]~~ *list* each expenditure made by the committee in excess of $100.

4. The report must also include identification of expenditures which the committee for the recall of a public officer made cumulatively in excess of $100 since the beginning of the first reporting period.

5. Each report of expenditures must be filed with the secretary of state. The committee may mail the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

6. The form designed and provided by the secretary of state for the reporting of expenditures pursuant to this section must be designed to be used by a committee to record in the form of a list each expenditure as it is made.

Sec. 11. NRS 294A.345 is hereby amended to read as follows:

294A.345 1. A person shall not, with actual malice and the intent to impede the success of the campaign of a candidate, ~~[cause]~~ *impede the success of the candidate by causing* to be published a false statement of fact concerning the candidate, including, without limitation, statements concerning:

(a) The education or training of the candidate.

(b) The profession or occupation of the candidate.

(c) Whether the candidate committed, was indicted for committing or was convicted of committing a felony or other crime involving moral turpitude, dishonesty or corruption.

(d) Whether the candidate has received treatment for a mental illness.

(e) Whether the candidate was disciplined while serving in the military or was dishonorably discharged from service in the military.

(f) Whether another person endorses or opposes the candidate.

(g) The record of voting of a candidate if he formerly served or currently serves as a public officer.

2. ~~[A person shall not, with actual malice and the intent to impede the success of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, cause to be published a false statement of fact concerning the question on the ballot.~~

~~3.]~~ Any candidate who alleges that a false statement of fact concerning the candidate has been published in violation of subsection 1 ~~[, and any person or group of persons that advocates the passage or defeat of a question on the ballot at any election, is required to file a report pursuant to NRS 294A.150, and alleges that a false statement of fact has been published in violation of subsection 2,]~~ may file a request for an opinion with the commission on ethics pursuant to NRS 281.411 to 281.581, inclusive, and NRS 281.477. The commission shall give priority to such a request over all other matters pending with the commission.

~~[4.]~~ *3.* A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the commission on ethics pursuant to NRS 281.551.

~~[5.]~~ *4.* As used in this section:

(a) "Actual malice" means knowledge of the falsity of a statement or reckless disregard for whether a statement is true or false.

(b) "Publish" means the act of printing, posting, broadcasting, mailing, speaking or otherwise disseminating.

Sec. 12. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office where the general city election is preceded by a primary city election shall file the reports in the manner required by NRS 294A.120, 294A.200 and 294A.350 for other offices not later than:

(a) Seven days before the primary city election, for the period from 30 days after the last election for that office up to 12 days before the primary city election;

(b) Seven days before the general city election, whether or not the candidate won the primary city election, for the period from 12 days before the primary city election up to 12 days before the general city election; and

(c) The 15th day of the second month after the general city election, for the remaining period up to 30 days after the general city election.

2. Every candidate for city office where there is no primary city election shall so file those reports:

(a) Seven days before the general city election, for the period from 30 days after the last election for that office up to 12 days before the general city election; and

(b) The 15th day of the second month after the general city election, for the remaining period up to 30 days after the general city election.

3. The city clerk shall design the form for each report a candidate for city office is required to file pursuant to NRS 294A.120 and 294A.200. *The form designed and provided by the city clerk for the reporting of campaign contributions and campaign expenses pursuant to this section must be designed to be used to record in the form of a list each campaign contribution as it is made and each campaign expense as it is incurred.*

The city clerk shall submit the form to the secretary of state for approval. The city clerk shall not use such a form until it is approved.

Sec. 13. NRS 294A.380 is hereby amended to read as follows:

294A.380 The secretary of state may adopt and promulgate regulations, prescribe forms *in accordance with the provisions of this chapter* and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

Sec. 14. NRS 281.477 is hereby amended to read as follows:

281.477 1. If a request for an opinion is filed with the commission pursuant to NRS 294A.345 or 294A.346, the commission shall conduct a public hearing on the request. Except as otherwise provided in subsection 6, the hearing must be held as expeditiously as possible, but not later than 15 days after the receipt of the request for the opinion.

2. Such a request must be accompanied by all evidence and arguments to be offered by the requester concerning the issues related to the request. Except as otherwise provided in this subsection, if such evidence and arguments are not submitted with the request, the commission may:

(a) Draw any conclusions it deems appropriate from the failure of the person or group of persons requesting the opinion to submit the evidence and arguments, other than a conclusion that a person alleged to have violated NRS 294A.345 acted with actual malice; and

(b) Decline to render an opinion.

The provisions of this subsection do not prohibit the commission from considering evidence or arguments presented by the requester after submission of the request for an opinion if the commission determines that consideration of such evidence or arguments is in the interest of justice.

3. The commission shall immediately notify any person alleged to have violated NRS 294A.345 or 294A.346 that such an opinion has been requested by the most expedient means possible. If notice is given orally by telephone or in any other manner, a second notice must be given in writing ~~[no]~~ *not* later than the next calendar day by facsimile machine or overnight mail. The notice must include the time and place of the commission's hearing on the matter.

4. A person notified pursuant to subsection 3 shall submit a response to the commission ~~[no]~~ *not* later than ~~[at]~~ the close of business on the second business day following the receipt of the notice. The response must be accompanied by any evidence concerning the issues related to the request that the person has in his possession or may obtain without undue financial hardship. Except as otherwise provided in this subsection, if such evidence is not submitted within that time, the commission may:

(a) Draw any conclusions it deems appropriate from the failure of that person to submit the evidence and argument; and

(b) Prohibit that person from responding and presenting evidence at the hearing.

The provisions of this subsection do not prohibit the commission from allowing that person to respond and present evidence or arguments, or both, after the close of business on the second business day if the commission determines that consideration of such evidence or arguments is in the interest of justice.

5. Except as otherwise provided in subsection 4, the commission shall allow any person alleged to have violated NRS 294A.345 or 294A.346 to:

(a) Be represented by counsel; and

(b) Hear the evidence presented to the commission and respond and present evidence on his own behalf.

6. At the request of:

(a) The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346; or

(b) The person alleged to have violated the provisions of NRS 294A.345 or 294A.346,

the commission may grant a continuance of a hearing held pursuant to the provisions of this section upon a showing of the existence of extraordinary circumstances that would prohibit the commission from rendering a fair and impartial opinion. A continuance may be granted for not more than 15 days. Not more than one continuance may be granted by the commission pursuant to this subsection.

7. The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346 has the burden of proving the elements of the offense, including that a person alleged to have violated NRS 294A.345 acted with actual malice. The existence of actual malice may not be presumed. A final opinion of the commission rendered pursuant to this section must be supported by clear and convincing evidence. *In addition to*

the other requirements for issuing an opinion pursuant to this subsection, the commission shall not render a final opinion determining that a person has violated NRS 294A.345 unless the commission makes specific findings that:

(a) The person caused to be published a false statement of fact concerning a candidate;

(b) The person acted with actual malice in causing the false statement to be published;

(c) The person acted with the intent to impede the success of the campaign of the candidate in causing the false statement to be published; and

(d) The publication of the false statement did in fact impede the success of the campaign of the candidate.

8. The commission shall render its opinion, or decline to render an opinion, as expeditiously as possible, but not later than 3 days after the date of the hearing. If additional time is required to determine the state of mind or the intent of the person alleged to have violated the provisions of NRS 294A.345 or 294A.346 or to determine the amount of any civil penalty that may be imposed pursuant to NRS 281.551, the commission may continue its jurisdiction to investigate those issues but shall render its opinion as to the truth or falsity of the statement made concerning the candidate or the ballot question or its opinion as to whether the person impeded the success of the campaign or induced another person to impede the success of the campaign. If the commission continues its jurisdiction pursuant to this subsection, it may render a final opinion after the time set forth in this subsection.

9. A final opinion of the commission rendered pursuant to this section is subject to judicial review pursuant to NRS 233B.130. The district court shall give a petition for judicial review of a final opinion of the commission priority over other civil matters that are not expressly given priority by law. Notwithstanding the provisions of NRS 233B.130, the court may provide for such expedited review of the final opinion, including shortened periods for filing documents, as it deems appropriate for the circumstances.

10. Each request for an opinion filed pursuant to NRS 294A.345 or 294A.346, each opinion rendered by the commission pursuant thereto and any motion, evidence or record of a hearing relating to the request are public and must be open to inspection pursuant to NRS 239.010.

11. For the purposes of NRS 41.032, the members of the commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking any action related to the rendering of an opinion pursuant to this section.

12. Except as otherwise provided in this section, a meeting or hearing held by the commission to carry out the provisions of this section and the commission's deliberations on the information or evidence are not subject to any provision of chapter 241 of NRS.

13. As used in this section:

(a) "Actual malice" has the meaning ascribed to it in NRS 294A.345.

(b) "Publish" has the meaning ascribed to it in NRS 294A.345.

Sec. 15. NRS 281.551 is hereby amended to read as follows:

281.551 1. In addition to any other penalty provided by law, the commission may impose on a public officer or employee or former public officer or employee civil penalties not to exceed $5,000 for a willful violation of this chapter.

2. In addition to other penalties provided by law, the commission may impose a civil penalty not to exceed $5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511, against a person who:

(a) Submits to the commission, in bad faith or with a vexatious purpose, an accusation or information that is false;

(b) Submits to the commission, in connection with a request for an opinion that the commission determines to be without merit, an accusation or information that is false; or

(c) Prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. Except as otherwise provided in this subsection, and in addition to any other penalty provided by law, the commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed $10,000. ~~[If]~~ *Except as otherwise provided in this subsection, if* the commission finds that a violation of NRS 294A.345 or 294A.346 occurred within 10 days before an election, including any recall or special election, the commission may impose on the person who committed such a violation a civil penalty not to exceed $30,000. *The commission shall not impose a civil penalty for a violation of NRS 294A.345 unless the commission has made the specific findings required pursuant to subsection 7 of NRS 281.477.*

5. If the commission finds that a violation of this chapter has been committed by a public officer removable from office by impeachment only, it shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee:

(a) Relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee;

(b) Was unable, through no fault of his own, to obtain an opinion from the commission before the action was taken; and

(c) Took action that was not contrary to a prior opinion issued by the commission to the public officer or employee.

7. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

8. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees.

9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final decision for the purposes of judicial review.

10. In determining for the purposes of this section whether a person submitted an accusation or information in bad faith or with a vexatious purpose, the commission may consider various factors, including, without limitation:

(a) When the accusation or information was filed with or provided to the commission;

(b) Whether and, if applicable, in what manner the person who submitted the accusation or information publicly disseminated the accusation or information before the commission determined whether there was just and sufficient cause to render an opinion in the matter;

(c) Whether the accusation or information sets forth alleged facts or details that are misleading or deceptive; and

(d) Whether the accusation or information or the conduct of the person who submitted the accusation or information:

(1) Would be perceived as annoying or harassing by a reasonable person; or

(2) Demonstrates conscious disregard for the process and procedures established by the commission.

Sec. 16. NRS 294A.385 is hereby repealed.".

Amend the bill as a whole by deleting the text of repealed sections and adding the text of NRS 294A.385.

Amend the title of the bill to read as follows:

"AN ACT relating to elections; describing the categories of expenses that must be included in certain reports of expenses and expenditures; revising various provisions governing the forms for reporting campaign contributions, expenses and expenditures; limiting the prohibition against causing to be published certain false statements of fact made during a political campaign to certain false statements of fact made about a candidate; requiring the commission on ethics to make certain specific findings before the commission may determine that a person has violated the prohibition against

causing to be published certain false statements of fact about a candidate; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting:

"Repeals certain provisions related to" and inserting:

"Makes various changes concerning".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 130.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

The following Senate amendment was read:

Amendment No. 1124.

Amend section 1, page 2, line 8, by deleting:

"*expenses related to the campaign.*" and inserting "*expenses.*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 130.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 521 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 192, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Buckley.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Segerblom and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 192.

GENERAL FILE AND THIRD READING

Assembly Bill No. 368.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1194.

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

A school district that has more than 150,000 pupils enrolled shall develop and adopt a policy concerning the renovation or reconstruction of older buildings for schools or related facilities. As part of the policy, consideration must be given to the relative advantages and disadvantages of the renovation or reconstruction of older buildings for schools or related facilities as compared to the design, construction or purchase of new buildings for schools or related facilities. The policy must include, without limitation, guidelines for use by the board of trustees in determining whether older buildings should be renovated or reconstructed or whether new buildings to replace those older buildings should be constructed or purchased.

Sec. 3. 1. The legislature hereby finds and declares that:

(a) The deterioration of school facilities has become a grave concern in this state;

(b) The local governments in the various portions of the state are currently faced with unique financial problems resulting from a variety of situations because in some local governments the population is rapidly increasing whereas in others the population is generally declining;

(c) Some local governments are still attempting to rehabilitate schools that were built around the turn of the last century and others cannot build new schools quickly enough to meet the needs of the children in the district; and

(d) Because of the unique variety of problems facing the local governments of this state a general law cannot be made applicable to ensure that children in more densely populated urban areas are provided with a safe environment which encourages learning.

2. The board of trustees of the Clark County School District shall establish a pilot program to replace schools. The school district may use an amount not to exceed $15 million from the proceeds of the bonds issued pursuant to subsection 3 or 4 of NRS 350.020 to:

(a) Evaluate older schools within the district to determine the need for renovation or reconstruction of those schools in furtherance of section 2 of this act; and

(b) Reconstruct one existing elementary school designated by the board of trustees from among the three schools analyzed in 1998 by the board of trustees in the study entitled "Rehab vs. Replacement Study/Phase Analysis." The board of trustees, upon designating the school to be reconstructed, shall with all deliberate speed commence the reconstruction of the designated school with a planned completion date of July 1, 2001.

3. The purpose of this section is to provide authority to expend the proceeds of the bonds issued pursuant to subsection 3 or 4 of NRS 350.020

for reconstruction that is additional to and does not replace, repeal or limit any existing authority to so expend such proceeds.

4. On or before February 1, 2001, the Clark County School District shall submit to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada legislature an interim report regarding the pilot program to replace schools. The report must include, without limitation, the progress of the effort to evaluate the older schools conducted pursuant to paragraph (a) of subsection 2 of this section and the progress of the reconstruction of the designated elementary school.".

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring that the annual audit of certain school districts include an audit of expenditures relating to the design, construction, acquisition and renovation of school facilities and grounds; requiring certain school districts to develop and adopt a policy to renovate or reconstruct certain school facilities; requiring a certain school district to establish a pilot program for replacing schools; authorizing the use of certain proceeds of bonds for the pilot program; requiring the submission of an interim report concerning the progress of the pilot program; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires annual audit of certain expenditures by certain school districts and development of policy to renovate or reconstruct certain school facilities by certain school districts. (BDR 31-179)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblymen Nolan, Freeman, Anderson, Hettrick, Collins, Tiffany, Carpenter, Giunchigliani, Price, Beers, Chowning, Manendo and Arberry.

Assemblymen Arberry, Williams and Goldwater moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 170.

Roll call on Assembly Bill No. 170:

YEAS—30.

NAYS—Anderson, Angle, Brower, Claborn, Collins, Freeman, Goldwater, Ohrenschall, Thomas, Tiffany, Von Tobel—11.

EXCUSED—Evans.

Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 287:
YEAS—38.
NAYS—Dini, Marvel—2.
NOT VOTING—Chowning.
EXCUSED—Evans.
Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 454.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Assembly Bill No. 454:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 519.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 519:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 595.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 595:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Assembly Bill No. 595 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 622.
Bill read third time.
Remarks by Assemblyman Claborn.
Roll call on Assembly Bill No. 622:

YEAS—34.
NAYS—Cegavske, Claborn, Freeman, Hettrick, Koivisto, Parnell, Von Tobel—7.
EXCUSED—Evans.

Assembly Bill No. 622 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 679.

Bill read third time.

Remarks by Assemblywomen Giunchigliani and Tiffany.

Roll call on Assembly Bill No. 679:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Assembly Bill No. 679 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 685.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Assemblyman Arberry moved that Assembly Bill No. 685 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 689.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 689:

YEAS—37.
NAYS—Claborn, Freeman, Marvel, Parnell—4.
EXCUSED—Evans.

Assembly Bill No. 689 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 691.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 691:

YEAS—41.
NAYS—None.
EXCUSED—Evans.

Assembly Bill No. 691 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 693.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 693:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Evans.

Assembly Bill No. 693 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 694.

Bill read third time.

Remarks by Assemblymen de Braga, Collins and Beers.

Roll call on Assembly Bill No. 694:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 694 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 8.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 8:

YEAS—33.

NAYS—Buckley, Carpenter, Gibbons, Goldwater, Gustavson, Parnell, Perkins, Thomas—8.

EXCUSED—Evans.

Senate Bill No. 8 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 71 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 363.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 363:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 363 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 511:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 72.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 72:
YEAS—38.
NAYS—Gibbons, Tiffany—2.
NOT VOTING—Arberry.
EXCUSED—Evans.
Assembly Bill No. 72 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 481.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Nolan.
Roll call on Senate Bill No. 481:
YEAS—40.
NAYS—Giunchigliani.
EXCUSED—Evans.
Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 485.
Bill read third time.
Remarks by Assemblymen Giunchigliani, Anderson and Price.
Roll call on Senate Bill No. 485:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 280.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 280:

YEAS—38.
NAYS—Angle, Gibbons, Gustavson—3.
EXCUSED—Evans.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 305:
YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 401.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 401:
YEAS—41.
NAYS—None.
EXCUSED—Evans.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblymen Beers and Giunchigliani.

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I wanted to note that there will be a letter of intent clarifying that the meetings would be an open, public meeting rather than just the "may" which is in there. Rather than taking drafting time, this will be accommodated through the letter. Also, through testimony, the issue regarding employees is addressed. It was urged they include faculty and students in the study as well. I just wanted to note that for the record.

Roll call on Senate Bill No. 443:
YEAS—40.
NAYS—Parnell.
EXCUSED—Evans.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 469:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Remarks by Assemblymen Beers and Giunchigliani.

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

Just as a letter of notation, this one will also have a letter of intent.

Roll call on Senate Bill No. 504:

YEAS—39.

NAYS—Angle, Gustavson—2.

EXCUSED—Evans.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 22.

Resolution read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Joint Resolution No. 22:

YEAS—40.

NAYS—None.

NOT VOTING—Goldwater.

EXCUSED—Evans.

Senate Joint Resolution No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 15, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA12, which is attached to and hereby made a part of this report.

ELLEN M. KOIVISTO
CHRIS GIUNCHIGLIANI
BARBARA K. CEGAVSKE
Assembly Conference Committee

MAURICE WASHINGTON
VALERIE WIENER
MARK E. AMODEI
Senate Conference Committee

Conference Amendment No. CA12.

Amend sec. 5.5, page 7, line 30, by deleting "*392.130,*" and inserting: "*392.130 and only if he has completed course-work requirements,*".

Amend sec. 14, page 14, line 32, by deleting:

"for 30 days." and inserting:

"for *at least* 30 days [.] *but not more than 6 months.*".

Amend sec. 14, page 15, line 9, by deleting:

"for 60 days." and inserting:

"for *at least* 60 days [.] *but not more than 1 year.*".

Assemblywoman Koivisto moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 15.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 59, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

KATHYRN A. MCCLAIN	MAURICE WASHINGTON
JERRY D. CLABORN	LAWRENCE E. JACOBSEN
DONALD G. GUSTAVSON	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 59.

Remarks by Assemblywoman McClain.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 238, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

SHEILA LESLIE	MARK E. AMODEI
DAWN GIBBONS	VALERIE WIENER
KATHYRN A. MCCLAIN	BERNICE MATHEWS
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 238.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Buckley, Gibbons and Koivisto as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 238.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 289, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

CHRIS GIUNCHIGLIANI	WILLIAM R. O'DONNELL
LYNN C. HETTRICK	LAWRENCE E. JACOBSEN
RICHARD D. PERKINS	JOSEPH M. NEAL, JR.
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 289.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 615, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA8, which is attached to and hereby made a part of this report.

SHEILA LESLIE	WILLIAM R. O'DONNELL
KATHYRN A. MCCLAIN	JON C. PORTER
KATHY A. VON TOBEL	JOSEPH M. NEAL, JR.
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA8.

Amend sec. 3, page 2, line 31, after "*25*" by inserting "*working*".

Amend sec. 6, page 4, line 31, after "3." by inserting:

"The name of a candidate *for partisan office* for a minor political party other than a candidate for the office of President or Vice President of the United States must be placed on the ballot for the general election if the party has filed:

(a) A certificate of existence;

(b) A list of candidates *for partisan office* containing the name of the candidate pursuant to the provisions of NRS 293.1725 with the secretary of state; and

(c) Not earlier than the first Monday in May preceding the general election and not later than 5 p.m. on the third Monday in May, a petition on behalf of the candidate with the secretary of state containing not less than:

(1) Two hundred fifty signatures of registered voters if the candidate is to be nominated for a statewide office; or

(2) One hundred signatures of registered voters if the candidate is to be nominated for any office except a statewide office.

A minor political party that places names of one or more candidates *for partisan office* on the ballot pursuant to this subsection may also place the

names of one or more candidates *for partisan office* on the ballot pursuant to subsection 2.

4.".

Amend sec. 6, page 4, line 33, by deleting "4." and inserting "5.".

Amend sec. 6, page 4, line 34, after "2" by inserting:

"or paragraph (c) of subsection 3".

Amend sec. 7, page 4, line 37, by deleting:

"paragraph (c) of subsection 2" and inserting:

"subsection 2 or 3".

Amend sec. 7, page 4, by deleting line 40 and inserting:

"(a) Bear the name of the minor political party and, if applicable, the candidate and office to which the candidate is to be nominated.".

Amend sec. 7, page 5, line 2, by deleting "presence; and" and inserting "presence.".

Amend sec. 7, page 5, by deleting lines 3 through 10 and inserting:

"(c) Bear the name of a county and be ~~[verified by]~~ *submitted to* the county clerk of that county *for verification* in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, *not later than 25 working days* before *the last day to file* the petition . ~~[is filed with the secretary of state pursuant to subsection 2 or 3 of NRS 293.1715.]~~ A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition.".

Amend sec. 7, page 5, line 11, by deleting "document" and inserting "petition".

Amend sec. 7, page 5, line 15, by deleting "this section" and inserting "subsection 3".

Amend sec. 7, page 5, line 16, after "county" by inserting "that is".

Amend sec. 8, page 5, line 19, by deleting "which" and inserting "that".

Amend sec. 8, page 5, line 22, by deleting "or".

Amend sec. 8, page 5, line 24, by deleting "293.1715," and inserting:

"293.1715; or

(c) Whose candidates are entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715,".

Amend sec. 8, page 5, line 27, by deleting:

"the last Friday in June." and inserting:

"5 p.m. on the third Monday in May.".

Amend sec. 8, page 5, line 29, after "acknowledgments." by inserting:

"The secretary of state shall strike from the list each candidate who is not entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715 if

the minor political party is not entitled to place candidates on the ballot pursuant to subsection 2 of NRS 293.1715.".

Amend sec. 8, page 5, line 39, by deleting:

"the first Wednesday in July." and inserting:

"5 p.m. on the third Monday in May.".

Amend sec. 8, page 5, line 42, by deleting "otherwise".

Amend sec. 8, pages 5 and 6, by deleting line 43 on page 5 and line 1 on page 6, and inserting:

"on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the secretary of state a certificate of nomination for".

Amend sec. 9, page 6, line 10, by deleting "293.171." and inserting:

"293.171 to 293.174, inclusive.".

Amend sec. 13, page 7, line 25, after "*25*" by inserting "*working*".

Amend sec. 13, page 7, line 28, after "(b)" by inserting:

"Either of the following:

(1)".

Amend sec. 13, page 7, between lines 31 and 32, by inserting:

"(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.".

Amend sec. 13, page 7, line 38, by deleting "which" and inserting "that".

Amend sec. 13, page 7, by deleting lines 39 through 43 and inserting:

"must be ~~[verified by]~~ *submitted to* that county clerk *for verification* in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, *not later than 25 working days* before the *last day to file the* petition ~~[is filed]~~ pursuant to subsection 4. Each ~~[signer]~~ *person who signs the petition* shall add to his signature the address".

Amend sec. 13, page 8, by deleting line 12 and inserting:

"Monday in May.".

Amend sec. 13, page 8, lines 21 and 22, by deleting:

"Tuesday in August." and inserting:

"Monday in May.".

Amend sec. 13, page 8, line 23, by deleting:

"Tuesday in August." and inserting:

"Monday in May.".

Amend sec. 13, page 8, lines 32 and 33, by deleting:

"of the first Wednesday in July." and inserting:

"on the third Monday in May.".

Amend sec. 34, page 18, line 40, after "*25*" by inserting "*working*".

Amend sec. 41, page 24, line 23, after "documents." by inserting:

"The seats for city councilmen must be designated by the numbers one through four , which ~~[number]~~ *numbers* must correspond with the wards the candidates for city councilmen will seek to represent . *A candidate for* the office of city councilman shall include in his declaration of candidacy the

number of the ward which he seeks to represent. Each candidate for city council must be designated as a candidate for the city council seat that corresponds with the ward that he seeks to represent.".

Amend sec. 41, page 24, lines 25 and 26, by deleting:
"five or more candidates for the office of councilman," and inserting:
"for a particular city council seat,".

Amend sec. 41, page 24, line 29, by deleting:
"subsections 4 and 5," and inserting "subsection 4,".

Amend sec. 41, page 24, line 30, by deleting "mayor and" and inserting "mayor,".

Amend sec. 41, page 24, lines 31 and 32, by deleting:
"the names of the four candidates for city councilman" and inserting:
"each city council seat".

Amend sec. 41, page 24, line 34, by deleting "mayor or" and inserting "mayor,".

Amend sec. 41, page 24, line 35, before "receives" by inserting:
"or a city council seat".

Amend sec. 41, pages 24 and 25, by deleting lines 38 through 42 on page 24 and lines 1 through 6 on page 25.

Amend the bill as a whole by adding a new section designated sec. 44, following sec. 43, to read as follows:

"Sec. 44. Sections 6 to 9, inclusive, 13 and 41 of this act become effective at 12:01 a.m. on October 1, 1999.".

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 615.

Remarks by Assemblywoman Leslie.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 432 be re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 698—AN ACT relating to retirement; requiring the Legislative Commission to conduct an interim study of the pension plan for certain justices and judges; authorizing an expenditure by the Public Employees' Retirement System to assist in carrying out the study; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 381 and appointed Senators O'Donnell, Washington and Care as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 381.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 423 and appointed Senators Townsend, O'Connell and Shaffer as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 423.

Also, I have the honor to inform your honorable body that the Senate on this day refused to adopt the report of the first Conference Committee concerning Assembly Bill No. 289 and appointed Senators Rawson, Mathews and Coffin as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 289.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 477, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA3, which is attached to and hereby made a part of this report.

BERNARD ANDERSON
JOHN W. MARVEL
VIVIAN L. FREEMAN
Assembly Conference Committee

JOSEPH M. NEAL, JR.
RANDOLPH J. TOWNSEND
MAURICE WASHINGTON
Senate Conference Committee

Conference Amendment No. CA3.

Amend section 1, page 2, line 19, after "3." by inserting:

"All decisions, and any deliberations leading to those decisions, that are made by any body, including, without limitation, the Reno/Sparks Convention and Visitors Authority, the Truckee Meadows Tourism Facility and Revitalization Steering Committee and the Sparks Tourism and Marketing Committee, concerning the expenditure, commitment or other use of money derived from the proceeds of the tax imposed pursuant to this section must be made at a public meeting that complies with the provisions of chapter 241 of NRS, whether or not the body is determined to be a public body to which that chapter is applicable.

4.".

Amend sec. 7, page 7, line 26, by deleting "*on the*" and inserting "*on a*".

Amend sec. 7, page 7, line 27, by deleting:

"*having the lowest cost,*".

Amend sec. 8, page 7, line 32, by deleting "This" and inserting "1. This".

Amend sec. 8, page 7, between lines 35 and 36, by inserting:

"2. Section 7 of this act expires by limitation on June 30, 2001.".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 477.

Remarks by Assemblyman Anderson.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:57 p.m.

ASSEMBLY IN SESSION

At 5:04 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 697; Senate Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 38, 324, 673, 687; Senate Bill No. 550.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 466.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 59.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 527.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 466.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 550.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 617, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA4, which is attached to and hereby made a part of this report.

GREG BROWER
SHEILA LESLIE
MARK A. MANENDO
Assembly Conference Committee

VALERIE WIENER
TERRY CARE
MAURICE WASHINGTON
Senate Conference Committee

Conference Amendment No. CA4.

Amend sec. 3, page 3, by deleting lines 29 through 35 and inserting:

"*(a) His arrearages for nonpayment of the child support or spousal support ordered by a court total $10,000 or more and have accrued over any period since the date that a court first ordered the defendant to provide for such support; or*

(b) It is a second or subsequent violation of subsection 1 or an offense committed in another jurisdiction that, if committed in this state, would be a violation of subsection 1, and his arrearages for nonpayment of the child support or spousal support ordered by a court total $5,000 or more and have accrued over any period since the date that a court first ordered the defendant to provide for such support.".

Assemblyman Brower moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 617.

Remarks by Assemblyman Brower.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 521 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 368 returned from the printer be placed on the General File.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 697 and Senate Bill No. 236 considered engrossed, declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that Assembly Bill No. 697 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 521.

Bill read third time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 1203.

Amend the bill as a whole by deleting sec. 13 and adding:

"Sec. 13. (Deleted by amendment.)".

Amend sec. 15, page 10, line 19, by deleting "$900,000" and inserting "$500,000".

Amend sec. 15, page 10, line 20, by deleting "$900,000" and inserting "$500,000".

Amend sec. 17, page 11, after line 4, by inserting:

"4. This act expires by limitation on July 1, 2001.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 368.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 368:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 236.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 236:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:15 p.m.

ASSEMBLY IN SESSION

At 5:44 p.m.

Mr. Speaker presiding.

All present except Assemblyman Price, who was excused.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 521 returned from the printer be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 697.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 697:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Price—2.

Assembly Bill No. 697 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 521:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that all bill and joint resolutions passed this legislative day be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 635.

The following Senate amendment was read:

Amendment No. 1002.

Amend sec. 21, page 5, line 6, by deleting "*679B.287*" and inserting: "*679B.230 to 679B.287, inclusive,*".

Amend sec. 31, page 9, line 14, by deleting "*679B.287*" and inserting: "*679B.230 to 679B.287, inclusive,*".

Amend sec. 32, page 9, line 16, after "Sec. 32." by inserting "*1.*".

Amend sec. 32, page 9, line 19, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 32, page 9, line 20, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 32, page 9, line 21, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 32, page 9, line 23, by deleting "*(c)*" and inserting "*(3)*".

Amend sec. 32, page 9, line 26, by deleting "*(d)*" and inserting "*(4)*".

Amend sec. 32, page 9, line 27, by deleting "*(e)*" and inserting "*(5)*".

Amend sec. 32, page 9, line 29, by deleting "*(f)*" and inserting "*(6)*".

Amend sec. 32, page 9, line 31, by deleting "*(g)*" and inserting "*(7)*".

Amend sec. 32, page 9, line 35, by deleting "*(h)*" and inserting "*(8)*".

Amend sec. 32, page 9, line 36, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 32, page 9, between lines 37 and 38, by inserting:

"*2. The provisions of NRS 679B.310 to 679B.370, inclusive, apply to hearings conducted pursuant to this section.*".

Amend sec. 34, page 10, by deleting lines 21 and 22 and inserting: "*compliance with NRS 681A.140 to 681A.240, inclusive.*".

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 635.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Buckley moved that the Assembly do not recede from its action on Senate Bill No. 417, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Goldwater and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 417.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 380, Amendments Nos. 833, 1162; Assembly Bill No. 480, Amendment No. 1191, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 193, 269, 323, 342, 686; Assembly Joint Resolutions Nos. 22, 24; Assembly Concurrent Resolutions Nos. 23, 60, 73; Senate Joint Resolution No. 12 of the 69th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Webber, Brandy Souza, Stephanie Line and Denton Gehr.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to William Fitzgerald.

On request of Assemblywoman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Bowers, Neel Dhingra, Jennifer Duvall, Emiley Ginn, Steven Jessop, Jennifer Parker, Chrystal Shearer, Dani Smith, Brandy Souza, Matthew Whiting, Jung Woo, Courtney Bnarnet, Nicole Barton, Echo Battye, Katrina Brown, Michael Ganschow Green, Danielle Gravelle, Cynthia Hernandez, Amber Long, SamuelPeters, Scott Reimers, Kimberly Sorum, Christiana Sprenger, Valerie Bischoff, Jeremy Capurro, Nicole Clardy, Jessica Erling, Aaron Fierce, Travis Jensen, Kyleigh Kneller, Nicole Werdahl, Crissta Wetzel, Ashlee Bacon, Andrew Blicharz, Cynthia Crow, Katy Hanson, Cynthia Heard, Samantha Horning, Heather Myers, Krista Salazar, Holly Schuster, Danylle Springer, Jennifer Thomas, Suzanne Gresham/Green, Sarah Hicks, Stephanie Line, Joseph Sears, Krystal Stieger, Aaron Tatar, Kari Barnes, Irene Mejia-Reyes, Warren Stokes, Tara Tieri, Matthew Webber, Chawna Wipf, Denton Gehr, Stephanie Hartmann, Patricia Gehr and Ken Henry.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Cooper Bennett, Phillip Betteridge, Heather Boni, Taylor Criddle, Heather Eastwood, Laura Estrada, Kenny Keeler, Laura Howick, Linda Galvin, Harold Gudmundsen, Josh Halen, Andrew Higbee, Nathalie Lara, Ricardo Montes, Sarah Morton, Alexis Martinez, Jacob Peterson, Misha Ray, Elizabeth Robinson, LaShauna Godorick-Ross, Brett Snyder, Amanda Stephen, Logan Thomason, Kalyn Whitmore, Aaron Wirthlin, Gary Brown, Katie Brown, Sean Brown, Kelby Casale, Chris Cassady, Wil Cooney, Sara Garner, Meg Gast, Maria Guteriez, Terryn Herrera, Chantel Jarrett, Eric Kerr, Sasha Locke, Julie Morales, Casey Nelson, Meghan O'Brien, Megan Odum, Sophia Rivera, Justin Smartt, Eric Vance, Melissa Waterson, Alex Wayson, Lucas Alexander, Jilliann Cox, Kristin Crnkovich, Citlalli Diaz, Marco Diaz, Efren Gallarzo, Anthony Guercio, Cristal Herrera, Daisian Hunt, Sarah Jensen, Nerissa Kittilson, Amelia Mackinnon, John Mansanti, Kyle Missouri, Marden Ochoa, Jessell

Owens, Kylie Owsley, Deanna Regalado, Fernando Rodriguiez, Erika Ruiz, Cory Sample, Mark Torres, Derek Verner, Katherine Zeiner, Amber Padilla, Ivan Perez, Noe Rosas, Chelsea Stagner, Gina Stersic, Deymos Taraffa, Kelsi Walling, Nick Autrey, Erick Bravo, Steven DeNeef, Stacey Goodale, Eric Hardinger, Jon-Paul Humphreys, Chelsey Kent, Adrienne Lee, Matt Lott, Matt Lyle, Justine Marsing, Roxanne Ray, Zak Richardson, Danielle Roman, Joe Torres, Michelle Veneskey, Adam Willis, Marco Zuniga, Cheryl Upshaw, Billy Garfield, Coltin Burgess, Russ Garner, Jeannie Brown, Connie O'Brien, Tina Kerr, Shelly Cooney, Tonya Kittilson, Margie Mansanti, Winnona Mackinnon, David Coley, Diana Dorman, Maria Flores, Amanda Heuett, Rhianna Hunt, Shannon Jonas, Kelsey Mann, Johnny Mora, Jessica Morton, Tori Nicholson, Debie Alexancer, Amy Nicholson, Brenda Formby, David Stagner, Ann Wolicki, John Brooks, Sheri Snyder, Johnna Anderson, Jill Thomason, Barbara Witterman, Debbie Nait, Bengamin Wulfert and Veronica Pulido.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Duckworth, Michelle Fleming, Felicia Groso, Tedi Izzi, Ashley Lord Maffei, Katerina Rakow, Stevi Tatham, Dawneva Lundy, Sarah White, Valerie Levario, Mitch Bonaldi, Bryan Enochs, Micah Hand, Tony Mariskanish, Paul Pearson, Daylan Rhea, Daniel Staggs, Mike Vacchina, Curtis Kiernam, Betty Gardner, Markus Adams, Eduardo Baller, Anthony Corda, Travis Dittenber, Drew Good, Micah Trainor, Alex Wing, Tyler Wing, Cody James, Sarah Crockett, Jessica Founts, Hanna Fritz, Kassandra Miller, Amanda Osborne, Gina Pfaffenberger, Jayne Sawyer, Kathy Rothchild, Jared Dempsey, Shawn Easton, Adam Haney, James Kronenberg, Joey Machado, Augie Mangione, David Newton, Frankie Urbani, Brittany Bevers, Kayla Couch, Shantell Davis, Cari Holmes, Ashley Howell, Jenny Lushina, Krista Olsen, Rachael Remington, Rachael Robinson, Siera Trotter, Jusmayne Ward and Debbie Mariskanish.

On request of Assemblywoman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to John Kubiak and Mary Kubiak.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, May 29, 1999, at 9:30 a.m.

Motion carried.

Assembly adjourned at 6:23 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), May 29, 1999

Assembly called to order at 10:20 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Reverend Elaine Ludlum Morgan.

Heavenly Father, in You we live and move and have our being. We humbly pray that You will guide and govern each Assembly person through Your Holy Spirit that in all the decisions and actions to be taken by the Assembly the members will not forget You but will remember that they are ever walking and working in Your sight. In Your Holy Name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Lee moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 205, 696, Senate Bill No. 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 551, 553.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1156 to Senate Bill No. 37; Assembly Amendment No. 1144 to Senate Bill No. 288; Assembly Amendments Nos. 871, 1143 to Senate Bill No. 404.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 408, Senate Amendment No. 1011, and requests a conference, and appointed Senators Rhoads, O'Connell and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Jacobsen and Coffin as a first Conference Committee concerning Senate Bill No. 167.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Schneider and Carlton as a first Conference Committee concerning Senate Bill No. 451.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 615.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 322.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 381 and appointed Senators O'Donnell, Washington and Care as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 381.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 423 and appointed Senators Townsend, O'Connell and Shaffer as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 423.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 500.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 519.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 699—AN ACT relating to projects of capital improvement; providing for the issuance of general obligation bonds of the state; requiring the repayment for certain projects by certain state agencies; authorizing certain expenditures by the State Public Works Board; levying a property tax to support the consolidated bond interest and redemption fund; making appropriations; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 551.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 553.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Von Tobel and Segerblom as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 408.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 71 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 318, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA16, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	ANN O'CONNELL
GENE SEGERBLOM	JOSEPH M. NEAL, JR.
JOHN J. LEE	JON C. PORTER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA16.

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

"Section 1. NRS 244.1505 is hereby amended to read as follows:

244.1505 1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. The board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) Stolen or embezzled property for which the county treasurer has obtained an order authorizing him to donate the property pursuant to subsection 6 of NRS 179.165,

to a nonprofit organization created for religious, charitable or educational purposes ~~[.]~~ *or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.*

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes *and a donation to a governmental entity*

pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.".

Amend the bill as a whole by deleting sections 3 through 5, renumbering sec. 6 as sec. 3 and adding a new section designated sec. 4, following sec. 6, to read as follows:

"Sec. 4. Section 5 of Senate Bill No. 139 of this session is hereby amended to read as follows:

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a city may expend money for any purpose that will provide a substantial benefit to the inhabitants of the city. The governing body may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose.

2. The governing body of a city or its authorized representative may donate commodities, supplies, materials and equipment that the governing body determines have reached the end of their useful lives to a nonprofit organization created for religious, charitable or educational purposes ~~[.]~~ *or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the city.*

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes *and a donation to a governmental entity pursuant to this section* must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations on the expenditure of the grant or the use of the donated property.

4. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.".

Amend the bill as a whole by renumbering sec. 7 as sec. 5.

Amend the title of the bill to read as follows:

"AN ACT relating to local government; authorizing a local government to donate certain personal property to a governmental entity for certain purposes; revising the provisions governing the conveyance of certain property owned by a local government to a nonprofit organization for use as affordable housing; and providing other matters properly relating thereto.".

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 318.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 322, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA15, which is attached to and hereby made a part of this report.

DAVID E. GOLDWATER	JON C. PORTER
GENE SEGERBLOM	MIKE MCGINNESS
BOB BEERS	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA15.

Amend section 1, page 1, line 2, by deleting "7," and inserting "8,".

Amend the bill as a whole by deleting sec. 9, renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. *1. A time share must not be advertised or offered for resale within this state until the advertisement or offering is approved by the division.*

2. Each advertisement must contain the processing number assigned to it by the division.

3. Each application for the approval of advertising must include:

(a) The form and content of advertising to be used;

(b) The nature of the offer of gifts or other free benefits to be extended; and

(c) The nature of promotional meetings involving any person or act described in NRS 119A.300.

4. The division shall render a decision upon an application for the approval of advertising or an offer for resale within 30 days after the date the application is filed.".

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 322.

Remarks by Assemblyman Goldwater.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 500, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA10, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	ANN O'CONNELL
P. M. "ROY" NEIGHBORS	JON C. PORTER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA10.

Amend the bill as a whole by deleting sec. 10.5 and adding:

"Sec. 10.5. (Deleted by amendment.)".

Amend sec. 12, page 2, line 32, by deleting "*state controller*" and inserting:

"*director of the department of administration*".

Amend sec. 13, page 2, lines 37 and 38, by deleting "*state controller*" and inserting:

"*director of the department of administration*".

Amend sec. 23, page 8, by deleting lines 1 through 8, and inserting:

"Sec. 23. *1. If an agency determines that it is impossible or impractical to collect a debt, the agency may request the state board of examiners to designate the debt as a bad debt. The state board of examiners, by an affirmative vote of the majority of the members of the board, may designate the debt as a bad debt if the board is satisfied that the collection of the debt is impossible or impractical.*

2. Upon the designation of a debt as a bad debt pursuant to this section, the state board of examiners shall immediately notify the state controller thereof. Upon receiving the notification, the state controller shall direct the removal of the debt from the records and books or account of the agency to which the debt is owed or the State of Nevada, as appropriate. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the agency or the State of Nevada, as appropriate.".

Amend sec. 23, page 8, line 9, by deleting "*2.*" and inserting "*3.*".

Amend sec. 25, page 9, by deleting lines 3 through 5 and inserting:

"(b) Upon approval of the attorney general, direct the cancellation of any accounts or money due the state.

(c) Except as otherwise provided in subsection 3, withhold from the".

Amend sec. 25, page 9, line 9, by deleting "~~[(c)]~~ *(b)*" and inserting "(c)".

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 500.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 519, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in conference Amendment No. CA7, which is attached to and hereby made a part of this report.

KATHYRN A. MCCLAIN
ELLEN M. KOIVISTO
KATHY A. VON TOBEL
Assembly Conference Committee

MARK E. AMODEI
VALERIE WIENER
MAURICE WASHINGTON
Senate Conference Committee

Conference Amendment No. CA7.

Amend sec. 4, page 4, after line 21, by inserting:

"*17. In accordance with applicable regulations of the board, a registered pharmacist who:*

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

The board shall prepare an annual report concerning immunizations administered by pharmacists that includes, without limitation, the number of immunizations which were administered by pharmacists during the previous year, any problems or complaints reported to the board concerning immunizations administered by pharmacists and any other information that the board determines would be useful in determining whether pharmacists should continue to administer immunizations in this state. The report must be available for public inspection during regular business hours at the office of the board.".

Amend the title of the bill, second line, after "drugs;" by inserting:

"requiring the state board of pharmacy to prepare an annual report concerning immunizations administered by pharmacists;".

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 519.

Remarks by Assemblywoman McClain.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the reading of the history of all Bills and Joint Resolutions on the Second Reading File and the General File be dispensed with for this legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 380.

The following Senate amendment was read:

Amendment No. 833.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 6 through 8 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. Chapter 478, Statutes of Nevada 1983, at page 1269, is hereby amended by adding thereto a new section to be designated as sec. 2.6, immediately following sec. 2.5, to read as follows:

Sec. 2.6. *The state board of examiners shall, at one time or from time to time over a 5-year period beginning with the effective date of Assembly Bill No. 380 of the 70th session of the Nevada Legislature, issue general obligation bonds of the State of Nevada to provide the state's contribution to the Newlands Project Water Rights Fund established by Assembly Bill No. 380 of the 70th session of the Nevada Legislature, in a total face amount of not more than $4,000,000. Bonds issued pursuant to this section are necessary for the protection and preservation of the state's natural resources.*

Sec. 5. Section 1 of chapter 478, Statutes of Nevada 1983, as amended by section 7 of chapter 785, Statutes of Nevada 1989, at page 1866, is hereby amended to read as follows:

Section 1. The director of the state department of conservation and natural resources shall participate, on behalf of the state, in negotiations with agencies of the Federal Government and other appropriate agencies or organizations concerning projects to conserve, distribute and allocate water associated with the Truckee River, the Carson River, the Lahontan Valley Wetlands and the Newlands Federal Reclamation Project. The projects may include projects for the purchase or lease of water rights, land or interests in land and any water rights appurtenant thereto, or projects to mitigate losses to natural resources. The governor, on behalf of the State of Nevada, may enter into an agreement or agreements which define the rights, powers, duties and obligations of the state, the Federal Government and any other appropriate agency or organization with respect to those projects, but the state's share of the costs associated with those projects must not exceed ~~[$8,000,000,]~~

$12,000,000, and providing that not more than ~~[$4,000,000]~~ *$8,000,000* of that amount may be used for the purchase or lease of water rights or interests in land and any water rights appurtenant thereto ~~[.]~~ *, and further providing that not more than $4,000,000 of that amount may be used as the state's contribution to the Newlands Project Water Rights Fund established by Assembly Bill No. 380 of the 70th session of the Nevada Legislature.*".

Amend sec. 4, page 4, by deleting lines 11 and 12 and inserting:

"the fund may only be used:

(a) For the support of the program established pursuant to subsection 4; and

(b) To provide for the payment of an amount to offset revenue from operation and maintenance charges lost as a result of water rights retired and abandoned pursuant to the program.

3. The District may accept gifts and grants for".

Amend sec. 4, page 4, line 21, by deleting "3." and inserting "4.".

Amend sec. 4, page 4, line 31, by deleting "only".

Amend sec. 4, page 4, by deleting line 37, and inserting:

"(d) Retain reasonable fees for the administration or operation of the program;".

Amend sec. 4, page 4, line 38, after "(e)" by inserting:

"To the extent that legal and administrative challenges in existence on April 1, 1999, result in a final determination that all or any portion of a surface water right appurtenant to land in the Newlands Reclamation Project has been forfeited or abandoned:

(1) Pay to the party who procured that final determination an amount equal to the amount that would have been paid to acquire the water right pursuant to the program; and

(2) Consider the forfeited or abandoned water right as having been acquired pursuant to the program; and

(f)".

Amend sec. 6, page 5, line 5, by deleting "Section 4" and inserting "Section 6".

Amend the title of the bill, seventh line, after "period;" by inserting:

"increasing the amount of bonds that may be issued for the purchase or lease of water rights or interests in land and any water rights appurtenant thereto; limiting certain uses of the proceeds of those bonds;".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 380.

Remarks by Assemblyman de Braga.

Motion carried.

The following Senate amendment was read:

Amendment No. 1162.

Amend the bill as a whole by deleting sections 4 and 5, renumbering sec. 6 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. There is hereby appropriated from the state general fund to the Newlands Project Water Rights Fund, created by section 5 of this act, the sum of $3,300,000 as the state's contribution to the fund for the protection and preservation of the natural resources of this state. All interest generated from this appropriation accrues to the benefit of the Newlands Project Water Rights Fund.

2. The Carson Water Subconservancy District shall not commit for expenditure any amount of the appropriation made by subsection 1 until the District determines that:

(a) There is and will continue to be substantial compliance with the "Joint Testimony of Truckee-Carson Irrigation District, Pyramid Lake Paiute Tribe of Indians, City of Fallon, Churchill County and Sierra Pacific Power Company," dated by the parties thereto on May 6, 1999, and submitted to a hearing of the Senate Standing Committee on Finance on May 24, 1999; and

(b) The City of Fallon and Churchill County have withdrawn all administrative protests and have sought to dismiss all legal actions initiated by the city and county, respectively, relating to applications for changes in the point of diversion, place of use or manner of use of water rights pending before the State Engineer on the effective date of this act as required by that joint testimony.

3. The Carson Water Subconservancy District shall not commit for expenditure during the next biennium more than $1,600,000 of the appropriation made by subsection 1.

4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2004, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 6, to read as follows:

"Sec. 6. The 71st regular session of the Nevada Legislature shall review the manner in which the appropriation made by section 4 of this act has been expended and determine whether there has been substantial compliance with the "Joint Testimony of Truckee-Carson Irrigation District, Pyramid Lake Paiute Tribe of Indians, City of Fallon, Churchill County and Sierra Pacific Power Company," dated by the parties thereto on May 6, 1999, and submitted to a hearing of the Senate Standing Committee on Finance on May 24, 1999.".

Amend sec. 8, page 6, line 19, by deleting "6" and inserting "5".

Amend the title of the bill by deleting the seventh through eleventh lines and inserting:

"within a certain period; establishing the Newlands Project Water Rights Fund and a related program for the acquisition of certain surface water rights; making an appropriation; and providing other matters".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 380.

Remarks by Assemblyman de Braga.
Motion carried.
Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that for the balance of the session, that all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and joint resolutions reported out of committee without amendments declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Perkins.
Motion carried unanimously.

Assemblyman Perkins moved that for the balance of the session, all bills and joint resolutions reported out of committee with amendments be immediately placed on the appropriate reading file.

Motion carried.

Assemblyman Perkins moved that for the balance of the session, all rules be suspended and that all bills and joint resolutions passed be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Perkins moved that Standing Rule No. 92, which pertains to notices of bills, topics and public hearing, be suspended.

Remarks by Assemblyman Perkins.
Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 205.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 1208.
Amend section 1, page 1, line 2, by deleting "$5,000,000" and inserting "$3,500,000".
Amend sec. 2, page 1, lines 8 and 9, by deleting:
"the project is completed" and inserting:
"June 30, 2003,".
Amend sec. 3, page 1, line 11, by deleting:
"upon passage and approval." and inserting:
"on July 1, 1999.".
Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 696.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1207.

Amend sec. 2, page 1, line 19, by deleting "contract" and inserting:
"contract, including, without limitation, an interlocal agreement,".

Amend sec. 2, page 2, line 1, after "a" by inserting:
"juvenile or adult".

Amend sec. 4, page 3, line 6, by deleting "the department:" and inserting "this state:".

Amend sec. 4, page 3, by deleting line 9 and inserting:
"state if the Southern Nevada Correctional Center is being used as an adult facility and the district attorney will prosecute the prisoner for the escape from lawful custody or other behavior pursuant to the law of this state if the Southern Nevada Correctional Center is being used as a juvenile facility.".

Amend sec. 4, page 3, line 11, after "conviction," by inserting:
"adjudication of delinquency,".

Amend sec. 4, page 3, line 13, after "sentencing" by inserting "or committing".

Amend sec. 4, page 3, line 37, after "section." by inserting:
"If the Southern Nevada Correctional Center is being used as a juvenile facility, the director may issue a written order for the return of the prisoner to the Southern Nevada Correctional Center. All peace officers shall execute such an order in the same manner as provided for the execution of criminal process.".

Amend sec. 4, page 4, line 30, after "of" by inserting "liability".

Amend sec. 4, page 4, lines 31 and 32, by deleting:
"that provides coverage for civil liability and civil rights liability".

Amend sec. 5, page 4, line 42, by deleting "contract:" and inserting "contract while:".

Amend sec. 5, page 5, by deleting lines 1 and 2 and inserting:

"1. Supervising a prisoner, at any location, if the prisoner is a prisoner from the Southern Nevada Correctional Center.".

Amend sec. 6, page 5, line 7, by deleting "2," and inserting "3,".

Amend sec. 6, page 5, line 8, after "Center" by inserting:
"as an adult facility".

Amend sec. 6, page 5, line 13, after "2." by inserting:
"While a contract for the lease of the Southern Nevada Correctional Center as a juvenile facility is in effect, a prisoner at the Southern Nevada Correctional Center shall be deemed a prisoner of this state, and the Southern Nevada Correctional Center shall be deemed a facility or institution of this state, for the purposes of chapter 62 of NRS.

3.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1198.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. There is hereby appropriated from the state highway fund to the Department of Motor Vehicles and Public Safety the sum of $10,800 for additional expenses for the registration of motor vehicles. This appropriation is supplemental to the appropriations made by section 27 of chapter 244, Statutes of Nevada 1997, at page 860, and section 1 of Senate Bill No. 517 of this session.".

Amend the title of the bill, fifth line, after "technologies;" by inserting: "making a supplemental appropriation to the Department for additional expenses for the registration of motor vehicles;".

Amend the summary of the bill to read as follows:

"SUMMARY—Extends reversion date of prior appropriation to Department of Motor Vehicles and Public Safety for completion of Phase II of Implementation Plan for Business Process Re-Engineering Project and makes appropriations for implementation of Project Genesis Phase II and related enabling technologies and for additional expenses for registration of motor vehicles. (BDR S-1471)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 544.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1199.

Amend sec. 11.5, page 7, line 1, by deleting "*Three*" and inserting "*Six*".

Amend sec. 11.5, page 7, line 4, by deleting "*Twenty-one*" and inserting "*Twenty-four*".

Amend sec. 11.5, page 7, line 8, after "*contribution*" by inserting: "*plus allowable administrative fees*".

Amend sec. 12.5, page 7, line 21, by deleting "*shall*" and inserting "*may*".

Amend sec. 18, page 11, line 22, by deleting "*an*" and inserting "*a professional*".

Amend sec. 29, page 19, line 5, by deleting "689B.600," and inserting "689B.590,".

Amend sec. 37, page 24, line 25, by after "(h)" by inserting:

"The division of health care financing and policy of the department of human resources.

(i)".

Amend sec. 37, page 24, line 26, by deleting "(i)" and inserting "(j)".

Amend the bill as a whole by adding a new section designated sec. 48.5, following sec. 48, to read as follows:

"Sec. 48.5. On or before February 5, 2001, the board of the public employees' benefits program created pursuant to NRS 287.041 shall submit a copy of the regulations adopted by the board pursuant to section 12.5 of this act to the 71st session of the Nevada Legislature.".

Amend sec. 49, page 30, by deleting line 34 and inserting:

"2. Sections 1 to 12, inclusive, 13 to 28, inclusive, 30 to 40, inclusive, 42, 48.5 and 50 of this act".

Amend sec. 49, page 30, line 36, after "3." by inserting:

"Section 29 of this act becomes effective at 12:01 a.m. on July 1, 1999.

4.".

Amend sec. 49, page 30, line 37, by deleting "January" and inserting "July".

Amend sec. 49, page 30, line 39, by deleting "4." and inserting "5.".

Amend sec. 49, page 30, line 40, by deleting "5." and inserting "6.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:47 a.m.

ASSEMBLY IN SESSION

At 1:58 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 700—AN ACT relating to education; renaming the fund for class-size reduction as the fund for school improvement; making appropriations to the state distributive school account for purposes relating to

class-size reduction; making supplemental appropriations to the fund for class-size reduction to cover certain shortfalls in revenue; requiring the transfer of money from the fund for school improvement to provide scholarships for students pursuing degrees in teaching; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 167.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 369.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 391.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 634, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA23, which is attached to and hereby made a part of this report.

DAVID R. PARKS
DAVID E. GOLDWATER
MERLE A. BERMAN
Assembly Conference Committee

RANDOLPH J. TOWNSEND
MARK E. AMODEI
MAGGIE CARLTON
Senate Conference Committee

Conference Amendment No. CA23.

Amend sec. 19, page 8, line 17, by deleting "may" and inserting "shall".

Amend sec. 19, page 8, line 23, by deleting "may" and inserting "shall".

Amend sec. 19, page 8, line 30, by deleting:

"limit, if any," and inserting "limit".

Amend sec. 19, page 8, by deleting line 32 and inserting:

"~~[and any other factors that the board determines are necessary to assess or project the future solvency of the contractor.]~~ *and section 9 of this act.*".

Amend sec. 19, page 8, line 33, after "3." by inserting:

"A licensed contractor may request that the board increase the monetary limit on his license, either on a permanent basis or for a single construction project. A request submitted to the board pursuant to this subsection must be in writing on a form prescribed by the board and accompanied by such supporting documentation as the board may require. If a request submitted

pursuant to this section is for a single construction project, the request must be submitted to the board at least 2 working days before the date on which the licensed contractor intends to submit his bid for the project.

4.".

Amend the bill as a whole by deleting sec. 22 and adding:

"Sec. 22. (Deleted by amendment.)".

Amend sec. 24, page 12, line 17, after "license" by inserting:

"or a licensed contractor".

Amend sec. 24, page 12, line 18, by deleting "~~[shall]~~ *must*" and inserting "must".

Amend sec. 24, page 12, line 19, after "applicant" by inserting:

"or licensed contractor,".

Amend sec. 24, page 12, line 20, by deleting "thereof" and inserting "thereof,".

Amend sec. 24, page 12, by deleting lines 21 and 22 and inserting:

"~~[1.]~~ *(a)* Committed any act which would be grounds for the denial, suspension or revocation of a".

Amend sec. 24, page 12, line 25, by deleting "*nolo contendere,*" and inserting "nolo contendere,".

Amend sec. 24, page 12, line 26, by deleting "~~[felony~~" and inserting "~~[misdemeanor, felony~~".

Amend sec. 24, page 12, line 31, after "revoked" by inserting "or suspended".

Amend sec. 24, page 12, line 32, after "granting" by inserting "or renewal".

Amend sec. 25, page 13, by deleting lines 34 and 35 and inserting:

"the bond or deposit. No action may be commenced on".

Amend sec. 25, page 13, by deleting lines 37 through 42 and inserting:

"action is based. If an action is commenced on the bond, the surety that executed the bond shall notify the board of the action within 30 days after the date that:

(a) The surety is served with a complaint and summons; or

(b) The action is commenced,

whichever occurs first.".

Amend sec. 25, page 14, by deleting line 16 and inserting:

"all claimants upon the bond or deposit. If an action for interpleader is commenced, the surety or the board must serve each known claimant and publish notice".

Amend sec. 25, page 14, line 19, by deleting:

"~~[or the board]~~".

Amend sec. 25, page 14, line 20, by deleting:

"~~[attorney's fees and]~~".

Amend sec. 25, page 14, by deleting lines 21 and 22 and inserting:

"the bond. The board is entitled to deduct its costs of the action, including attorney's fees and publication, from the deposit.".

Amend the bill as a whole by deleting sec. 25.5 and adding:

"Sec. 25.5. (Deleted by amendment.)".

Amend sec. 28, page 17, by deleting line 20 and inserting:

"~~[6. Except as otherwise provided in section 3 of Senate Bill No. 32 of this session, the board shall not take any disciplinary action pursuant to this~~".

Amend sec. 28, page 17, by deleting line 24 and inserting:

"~~40.695, inclusive, and sections 2 to 6, inclusive, of this act, unless the disciplinary action is necessary to protect the~~".

Amend the bill as a whole by renumbering sec. 39 as sec. 40 and adding a new section designated sec. 39, following sec. 38, to read as follows:

"Sec. 39. Sections 18, 19 and 20 of Assembly Bill No. 636 of this session are hereby amended to read as follows:

Sec. 18. NRS 624.283 is hereby amended to read as follows:

624.283 1. Each license issued under the provisions of this chapter expires 1 year after the date on which it is issued, except that the board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. A license may be renewed by submitting to the board:

(a) An application for renewal;

(b) The statement required pursuant to NRS 624.268 if the holder of the license is a natural person; ~~[and]~~

(c) The fee for renewal fixed by the board ~~[.]~~ *; and*

(d) Any assessment required pursuant to section 9 of this act if the holder of the license is a residential contractor as defined in section 7 of this act.

3. The board may require a licensee to demonstrate his financial responsibility at any time through the submission of:

(a) A financial statement that is prepared by an independent certified public accountant; and

(b) If the licensee performs residential construction, such additional documentation as the board deems appropriate.

4. If a license is automatically suspended pursuant to subsection 1, the licensee may have his license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the board, if he is otherwise in good standing and there are no complaints pending against him. If he is otherwise not in good standing or there is a complaint pending, the board shall require him to provide a current financial statement prepared by an independent certified public accountant or establish other conditions for reinstatement. If the licensee is a natural person, his application for renewal must be accompanied by the statement required pursuant to NRS 624.268. A license which is not reinstated within 6 months after it is automatically suspended may be canceled by the board, and a new license may be issued only upon application for an original contractor's license.

Sec. 19. NRS 624.300 is hereby amended to read as follows:

624.300 1. Except as otherwise provided in subsection 3, the board may:

(a) Suspend or revoke licenses already issued;

(b) Refuse renewals of licenses;

(c) Impose limits on the field, scope and monetary limit of the license;

(d) Impose an administrative fine of not more than $10,000;

(e) *Order a licensee to repay to the account established pursuant to section 9 of this act, any amount paid out of the account pursuant to section 13 of this act as a result of an act or omission of that licensee;*

(f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:

(1) Perform the corrective work himself;

(2) Hire and pay another licensee to perform the corrective work; or

(3) Pay to the owner of the construction project a specified sum to correct the condition; or

~~[(f)]~~ *(g)* Reprimand or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee,

if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the board suspends or revokes the license of a contractor for failure to establish financial responsibility, the board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the board, not to exceed 12 months, be separately covered by a bond or bonds approved by the board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. If a licensee violates the provisions of NRS 624.3014 or subsection 3 of NRS 624.3015, the board may impose an administrative fine of not more than $20,000.

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

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

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

7. If discipline is imposed pursuant to this section, including any discipline imposed pursuant to a stipulated settlement, the costs of the

proceeding, including investigative costs and attorney's fees, may be recovered by the board.

Sec. 20. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor.

2. A conviction of a violation of section 12 of *Assembly Bill No. 634 of* this ~~[act]~~ *session* or a felony or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.245 or 108.246.

5. Failure to comply with NRS 597.713, 597.716 or 597.719 or any regulations of the board governing contracts for the construction of residential pools and spas.

6. Failure to comply with NRS 624.321.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to section 9 of this act.".

Amend the bill as a whole by adding a new section designated sec. 41, following sec. 39, to read as follows:

"Sec. 41. This act becomes effective at 12:01 a.m. on October 1, 1999.".

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 634.

Remarks by Assemblyman Parks.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 166, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

ELLEN M. KOIVISTO	MIKE MCGINNESS
SHARRON E. ANGLE	JON C. PORTER
GENIE OHRENSCHALL	DINA TITUS
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Koivisto moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 166.

Remarks by Assemblywoman Koivisto.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Brower and Leslie as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 166.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Joint Resolution No. 1, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the resolution be further amended as set forth in Conference Amendment No. CA21, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	LAWRENCE E. JACOBSEN
DAWN GIBBONS	BOB COFFIN
P. M. "ROY" NEIGHBORS	MIKE MCGINNESS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA21.

Amend the resolution, page 1, line 13, after "for" by inserting: "25 years or".

Amend the resolution, page 2, between lines 23 and 24, by inserting:

"WHEREAS, The operations and activities conducted on the Nellis Air Force Range must be monitored and reviewed periodically to determine whether those operations and activities are necessary, and to consider the possibility of authorizing other uses of the public land within the range by residents of this state; and".

Amend the resolution, page 2, line 38, by deleting "and".

Amend the resolution, page 3, line 1, after "of the" by inserting "public".

Amend the resolution, page 3, line 2, after "state;" by inserting:

"4. Congress reviews the indefinite withdrawal every 15 years without requiring the preparation of an Environmental Impact Statement; and

5. Congress does not authorize high-level radioactive waste to be stored temporarily or permanently at any location within the Nellis Air Force Range;".

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Joint Resolution No. 1.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 167, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

MARCIA DE BRAGA	MIKE MCGINNESS
GENIE OHRENSCHALL	LAWRENCE E. JACOBSEN
JOHN C. CARPENTER	BOB COFFIN
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman de Braga moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 167.

Remarks by Assemblyman de Braga.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 369, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA11, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	ANN O'CONNELL
SANDRA J. TIFFANY	TERRY CARE
BONNIE L. PARNELL	JON C. PORTER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA11.

Amend sec. 3, page 2, line 26, by deleting "*if*" and inserting "*unless*".

Amend sec. 3, page 2, by deleting line 28 and inserting:

"*made public; or*".

Amend sec. 3, page 2, lines 29 and 30, by deleting:

"*the sole purpose of*" and inserting:

"*a purpose other than*".

Amend the bill as a whole by renumbering sections 11 and 12 as sections 12 and 13 and adding a new section designated sec. 11, following sec. 10, to read as follows:

"Sec. 11. Section 50 of Senate Bill No. 39 of this session is hereby amended to read as follows:

Sec. 50. NRS 349.630 is hereby amended to read as follows:

349.630 The director shall adopt regulations to carry out the provisions of NRS 349.400 to 349.670, inclusive, and sections 2 and 3 of ~~[this act,]~~ *Senate Bill No. 369 of this session,* including, without limitation, regulations for:

1. Investment and reinvestment of the proceeds from the sale of bonds, including, but not limited to:

(a) Bonds or other obligations of the United States of America.

(b) Bonds or other obligations, the payment of the principal and interest of which is unconditionally guaranteed by the United States of America.

(c) Obligations issued or guaranteed as to principal and interest by any agency or person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(d) Obligations issued or guaranteed by any state of the United States of America, or any political subdivision of any state.

(e) Prime commercial paper.

(f) Prime finance company paper.

(g) Bankers' acceptances drawn on and accepted by commercial banks.

(h) Repurchase agreements fully secured by obligations issued or guaranteed as to principal and interest by the United States of America or by any person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(i) Certificates of deposit issued by *credit unions or* commercial banks, including banks domiciled outside *of* the United States of America.

(j) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

2. Receiving, holding and disbursing of proceeds of the sale of bonds by one or more banks , *credit unions* or trust companies located within or out of this state.".

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 369.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 381, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

GENIE OHRENSCHALL	LAWRENCE E. JACOBSEN
KATHYRN A. MCCLAIN	MARK E. AMODEI
JOHN C. CARPENTER	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Ohrenschall moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 381.

Remarks by Assemblywoman Ohrenschall.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Parnell and Cegavske as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 381.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 391, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA9, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE
SANDRA J. TIFFANY
WENDELL P. WILLIAMS
Assembly Conference Committee

ANN O'CONNELL
JON C. PORTER
TERRY CARE
Senate Conference Committee

Conference Amendment No. CA9.

Amend section 1, page 1, line 2, by deleting "12.5," and inserting "12,".

Amend the bill as a whole by deleting sections 3 and 3.5 and adding:

"Secs. 3 and 3.5. (Deleted by amendment.)".

Amend sec. 4, page 2, by deleting lines 5 through 10 and inserting:

"Sec. 4. *"Infrastructure" or "public facilities" means water, sanitary sewer, storm sewer, street, parks, fire, police and flood protection.*".

Amend the bill as a whole by deleting sec. 6.5 and adding:

"Sec. 6.5. (Deleted by amendment.)".

Amend sec. 9, page 3, by deleting line 7 and inserting:

"Sec. 9. *The provisions of sections 11 and 12 of this act, sections 1 to 12, inclusive, of Assembly Bill No. 493 of this session and sections 3 and 4 of Senate Bill No. 394 of this session apply*".

Amend the bill as a whole by deleting sec. 10 and adding:

"Sec. 10. (Deleted by amendment.)".

Amend sec. 11, page 4, line 7, after "*the*" by inserting "*regional planning*".

Amend sec. 11, page 4, line 21, after "*the*" by inserting "*regional planning*".

Amend the bill as a whole by deleting sec. 12.5 and adding:

"Sec. 12.5. (Deleted by amendment.)".

Amend sec. 13, page 5, line 6, by deleting "*12.5,*" and inserting "*12,*".

Amend sec. 13.3, page 5, by deleting line 22 and inserting:

"*(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with:*

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.".

Amend sec. 13.3, page 6, by deleting lines 11 and 12 and inserting "*governing body.*"

Amend sec. 13.3, page 6, by deleting lines 17 and 18 and inserting:

"*ordinances. The requirements of this*".

Amend sec. 13.3, page 6, line 26, by deleting "*require*" and inserting:

"*refuse to issue*".

Amend sec. 13.3, page 6, by deleting line 27 and inserting:

"*use permit to a residential facility for groups that meets local public health and safety standards.*".

Amend sec. 13.3, page 6, by deleting lines 32 through 34.

Amend sec. 13.3, page 6, line 35, by deleting "*(b)*" and inserting "*(a)*".

Amend sec. 13.3, page 6, line 37, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 13.3, page 6, line 42, by deleting "*(d)*" and inserting "*(c)*".

Amend the bill as a whole by deleting sec. 13.7 and adding:

"Sec. 13.7. (Deleted by amendment.)".

Amend sec. 14, page 9, line 4, after "*(m)*" by inserting:

"School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

~~[(m)]~~ *(n)*".

Amend sec. 14, page 9, line 7, by deleting "~~[(m)]~~ *(n)*" and inserting "~~[(n)]~~ *(o)*".

Amend sec. 14, page 9, line 9, by deleting "~~[(n)]~~ *(o)*" and inserting "~~[(o)]~~ *(p)*".

Amend sec. 14, page 9, line 14, by deleting "~~[(o)]~~ *(p)*" and inserting "~~[(p)]~~ *(q)*".

Amend sec. 14, page 9, line 17, by deleting "~~[(p)]~~ *(q)*" and inserting "~~[(q)]~~ *(r)*".

Amend the bill as a whole by deleting sections 14.3 and 14.7 and adding:

"Secs. 14.3 and 14.7. (Deleted by amendment.)".

Amend sec. 15, page 10, by deleting lines 39 and 40 and inserting:

"2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:".

Amend sec. 15, page 11, between lines 24 and 25, by inserting:

"4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.".

Amend the bill as a whole by deleting sections 16 through 22 and adding:

"Secs. 16-22. (Deleted by amendment.)".

Amend the bill as a whole by renumbering sec. 23 as sec. 36 and adding new sections designated sections 23 through 35, following sec. 22, to read as follows:

"Sec. 23. Section 1 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 12, inclusive, of this act.

Sec. 24. Section 5 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Sec. 5. 1. The regional planning coalition shall develop a comprehensive regional policy plan for the balanced economic, social, physical, environmental and fiscal development and orderly management of the growth of the region for a period of at least 20 years. The comprehensive regional policy plan must contain recommendations of policy to carry out each part of the plan.

2. In developing the plan, the coalition:

(a) May consult with other entities that are interested or involved in regional planning within the county.

(b) Shall ensure that the comprehensive regional policy plan includes goals, policies, maps and other documents relating to:

(1) Conservation, including, without limitation, policies relating to the use and protection of natural resources.

(2) Population, including, without limitation, ~~[a projection of]~~ *standardized projections for* population growth in the region.

(3) Land use and development, including, without limitation, a map of land use plans that have been adopted by local governmental entities within the region.

(4) Transportation.

(5) ~~[Public]~~ *The efficient provision of public* facilities and services ~~[.]~~ *, including, without limitation, roads, water and sewer service and police and fire protection, mass transit, libraries and parks.*

(6) Air quality.

(7) Strategies to promote and encourage:

(I) The interspersion of new housing and businesses in established neighborhoods; and

(II) Development in areas in which public services are available.

3. The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition:

(a) Carried by the affirmative votes of not less than two-thirds of its total membership; and

(b) Ratified by the board of county commissioners of the county and the city council of each city that jointly established the regional planning coalition pursuant to section ~~[4 of this act.]~~ *3 of Senate Bill No. 394 of this session as amended by section 33 of this act.*

Sec. 25. Section 6 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Sec. 6. 1. The regional planning coalition shall study and develop methods to provide incentives for the interspersion of new housing and businesses in established neighborhoods, including, without limitation, the:

(a) Creation of an expedited process for granting necessary permits for a development that features such interspersion; and

(b) Imposition of a fee for the extension of infrastructure to encourage such interspersion.

2. As used in this section, "infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, *libraries,* community centers, *police and fire protection,* sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 26. Section 7 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Sec. 7. 1. The regional planning coalition may:

(a) Coordinate sources of information;

(b) Recommend measures to increase the efficiency of governmental entities and services;

(c) Make recommendations regarding the disposal of federal land;

(d) Establish methods for resolving issues related to *annexation,* boundaries and other matters that arise between jurisdictions;

(e) ~~[Review:]~~ *At least every 2 years, review:*

(1) Master plans, facilities plans and other similar plans, and amendments thereto, adopted by a governing body, regional agency, state agency or public utility that is located in whole or in part within the region; and

(2) The annual plan for capital improvements that is prepared by each local government in the region pursuant to NRS 278.0226;

(f) Develop and recommend, to the extent practicable, standardized classifications for land use for the region;

(g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance;

(h) Review, consider and make recommendations regarding applications submitted to agencies of the Federal Government and applications for federal assistance for federally-assisted programs or projects; and

(i) Designate allowable future land uses for each part of the county, including, without limitation, the identification of each category of land use in which the construction and operation of a public school is permissible. The identification of a category of land use in which the construction and operation of a public school is permissible must be carried out in consultation with the county school district and include a determination of whether there is sufficient land in the proximity of a residential development to meet projected needs for public schools.

2. The regional planning coalition shall establish a definition for the term "project of regional significance." In establishing the definition, the regional planning coalition shall consider:

(a) Existing definitions of the term within the Nevada Revised Statutes; and

(b) That a project may have regional significance for several reasons, including, without limitation, the potential impact that the project may have on historic, archaeological, cultural, scenic and natural resources, public facilities and public services within the region.

Sec. 27. Section 8 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Sec. 8. Each governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall, ~~[not more than once]~~ *at least* every 2 years, submit to the regional planning coalition for its review all master plans, facilities plans and other similar plans of the governing body, regional agency, state agency or public utility.

Sec. 28. Section 11 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Sec. 11. *The regional planning coalition may employ persons or contract for services necessary to carry out:*

1. The provisions of sections 5 to 12, inclusive, of this act; and

2. Other responsibilities set forth in the cooperative agreement pursuant to which the regional planning coalition was established pursuant to section 3 of Senate Bill No. 394 of this session as amended by section 33 of this act.

Sec. 29. Section 12 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Sec. 12. 1. ~~[Not more than once]~~ *At least* every 2 years, the regional planning coalition shall review the master plans, facilities plans and other similar plans that it receives pursuant to section 8 of this act, and determine whether those plans are in substantial conformance with the comprehensive regional policy plan.

2. If the regional planning coalition determines that a plan reviewed pursuant to subsection 1 is not in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall return the plan to the submitting entity accompanied by recommendations regarding the manner in which the submitting entity may bring the plan into substantial conformance with the comprehensive regional policy plan.

3. Within 90 days after the date on which a submitting entity receives the plan and recommendations from the regional planning coalition pursuant to subsection 2, the submitting entity shall provide to the regional planning coalition a written response setting forth the:

(a) Manner in which the submitting entity changed the plan to be in substantial conformance with the comprehensive regional policy plan; or

(b) Reasons of the submitting entity for not bringing the plan into substantial conformance.

4. If the regional planning coalition determines that all the plans that a city or county is required to submit pursuant to section 8 of this act are in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall issue to the city or county a certificate or other indicia of that determination. Upon receipt of such a certificate or other indicia, the city or county, until the next time the regional planning coalition reviews the plans of the city or county pursuant to subsection 1, is entitled to establish its own policies and procedures with respect to regional planning, to the extent that those policies and procedures do not conflict with federal or state law.

Sec. 30. Assembly Bill No. 493 of this session is hereby amended by adding thereto a new section designated section 12.5, following sec. 12, to read as follows:

Sec. 12.5. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 3 to 12, inclusive, of this act* unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 31. Section 13 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Sec. 13. Each governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall, on or before May 1, 2000, submit to the regional planning coalition for its review all existing master plans, facilities plans and other similar plans of the governing body, regional agency, state agency or public utility. As used in this section, "regional planning coalition" has the meaning ascribed to it in section 2 of Senate Bill No. 394 of this session.

Sec. 32. Section 14 of Assembly Bill No. 493 of this session is hereby amended to read as follows:

Sec. 14. The regional planning coalition:

1. Shall:

(a) On or before March 1, 2001:

(1) Adopt a comprehensive regional policy plan in accordance with section 5 of this act. Before approving the plan, the regional planning coalition shall hold public hearings on the proposed plan in the cities and unincorporated areas within the county.

(2) In cooperation with local governmental entities within the county, develop guidelines to determine whether master plans, facilities plans and other similar plans established by those entities would conform with the comprehensive regional policy plan.

(b) On or before July 1, 2001, establish a preliminary definition for the term "project of regional significance." In establishing the definition, the regional planning commission shall consider the factors set forth in paragraphs (a) and (b) of subsection 2 of section 7 of this act.

(c) On or before July 1, 2002, review the master plans, facilities plans and other similar plans that it receives pursuant to section 8 of this act, and determine whether those plans are in conformance with the comprehensive regional policy plan.

2. May, on or before February 1, 2001, submit three requests for proposed legislation to the legislature if the regional planning coalition determines that the proposed legislation is necessary to:

(a) Ensure the adequacy and consistency of activities within the region that are related to regional planning; or

(b) Enable local governmental entities within the region to carry out their authority to govern in a more efficient manner.

3. As used in this section, "regional planning coalition" has the meaning ascribed to it in section 2 of Senate Bill No. 394 of this session.

Sec. 33. Section 3 of Senate Bill No. 394 of this session is hereby amended to read as follows:

Sec. 3. In a county whose population is 400,000 or more, the board of county commissioners and the city council of each of at least the three largest cities in the county shall establish a regional planning coalition by cooperative agreement pursuant to chapter 277 of NRS. ~~[The regional planning coalition may:~~

~~1. Develop policies for the region, including, without limitation, the promotion of orderly development, coordinated land use planning and the efficient provision of services to urban areas, including, without limitation, roads, water and sewer service and police and fire protection, mass transit, libraries and parks;~~

~~2. Coordinate sources of information;~~

~~3. Establish standardized projections for population;~~

~~4. Recommend measures to increase the efficiency of governmental entities and services;~~

~~5. Make recommendations regarding the disposal of federal land;~~

~~6. Establish methods for resolving disputes regarding annexation and other matters that arise between jurisdictions; and~~

~~7. Not more than once every 2 years, review:~~

~~(a) Master plans adopted by the governing body of the county and each city; and~~

~~(b) The annual plan for capital improvements prepared by the governing body of each local government in the county pursuant to NRS 278.0226.]~~

Sec. 34. Section 4 of Senate Bill No. 394 of this session is hereby amended to read as follows:

Sec. 4. 1. ~~[In a county whose population is 400,000 or more, the]~~ *The* regional planning coalition shall cooperate with the local air pollution control board and the regional transportation commission in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) ~~[Establish]~~ *In addition to the comprehensive regional policy plan required by section 5 of Assembly Bill No. 493 of this session as amended by section 24 of Senate Bill No. 391 of this session, establish* and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, the regional planning coalition shall:

(a) Consult with the local air pollution control board and the regional transportation commission; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the local air pollution control board and the regional transportation commission; and

(2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.

3. If the program for control of air pollution established and administered by the local air pollution control board includes measures for the control of traffic or transportation, the regional planning coalition shall consider recommending the use of alternative land use designations, densities and design standards to meet local and regional needs with respect to transportation.

4. Not more than once every 2 years, the regional planning coalition shall:

(a) Prepare a report that summarizes the policies related to land use, transportation and air quality which it has adopted and which the local air pollution control board and the regional transportation commission have adopted; and

(b) Submit a copy of the report to the:

(1) County clerk of the appropriate county;

(2) Division of environmental protection of the state department of conservation and natural resources;

(3) Division of state lands of the state department of conservation and natural resources; and

(4) Department of transportation.

5. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

(b) "Regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 373 of NRS.

Sec. 35. Sections 2 and 4 of Assembly Bill No. 493 of this session are hereby repealed.".

Amend sec. 23, pages 22 and 23, by deleting lines 27 through 40 on page 22 and line 1 on page 23, and inserting:

"Sec. 36. 1. This section and sections 1 to 13, inclusive, and 14 of this act become effective on October 1, 1999.

2. Sections 15 and 33 of this act become effective at 12:01 a.m. on October 1, 1999.

3. Sections 23, 28 and 35 of this act become effective on December 31, 1999.

4. Section 30 of this act becomes effective on January 1, 2000.

5. Sections 24 to 27, inclusive, 29, 31 and 32 of this act become effective at 12:01 a.m. on January 1, 2000.

6. Section 13.3 of this act becomes effective on July 1, 2000.

7. Section 34 of this act becomes effective at 12:01 a.m. on July 1, 2001.".

Amend sec. 23, page 23, line 2, by deleting "7." and inserting "8.".

Amend the title of the bill to read as follows:

"AN ACT relating to land use planning; providing for the establishment of provisions to preserve the rural character and density of certain areas in larger counties; providing for a governing body to establish an analysis of the cost to construct infrastructure in certain areas; authorizing the governing body to enter into agreements to carry out the plan for the development of infrastructure in certain areas; revising the limitation on local control over the location of housing for persons with disabilities; requiring the health division of the department of human resources to maintain a registry of residential facilities for groups; and providing other matters properly relating thereto.".

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 391.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 423, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

CHRIS GIUNCHIGLIANI
DAVID R. PARKS
DENNIS NOLAN
Assembly Conference Committee

MAGGIE CARLTON
DEAN A. RHOADS
MARK E. AMODEI
Senate Conference Committee

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 423.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Lee, Goldwater and Humke as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 423.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 376, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA20, which is attached to and hereby made a part of this report.

TOM COLLINS
MARCIA DE BRAGA
DOUGLAS A. BACHE
Assembly Conference Committee

MAURICE WASHINGTON
VALERIE WIENER
MICHAEL A. SCHNEIDER
Senate Conference Committee

Conference Amendment No. CA20.

Amend section 1, page 2, by deleting lines 31 and 32 and inserting:

"*of NRS, may contract with the sheriff of that county for the provision of police services in the public*".

Amend the title of the bill by deleting the fifth line and inserting:

"to contract with the county sheriff for police services; providing for".

Assemblyman Collins moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 376.

Remarks by Assemblyman Collins.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 70, 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended, and that Assembly Bill Nos. 205, 696 and Senate Bill No. 279 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that Senate Bill No. 544 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblymen Neighbors, Von Tobel and Segerblom.

Roll call on Assembly Bill No. 205:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 696.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 696:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 696 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 70:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 165.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 165:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 279.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Senate Bill No. 279:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 432.
Bill read third time.
Remarks by Assemblywoman Chowning.
Roll call on Senate Bill No. 432:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 544.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Senate Bill No. 544:
YEAS—40.
NAYS—Goldwater.
EXCUSED—Evans.
Senate Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 12.
The following Senate amendment was read:
Amendment No 751.
Amend section 1, page 1, line 1, by deleting "233" and inserting "233B".
Amend sec. 2, page 2, line 3, after "*a*" by inserting "*written*".

Amend sec. 2, page 2, line 29, by deleting "*general*".

Amend sec. 2, page 2, line 33, by deleting "*interest; or*" and inserting "*interest;*".

Amend sec. 2, page 2, line 38, by deleting "*484.781.*" and inserting: "*484.781; or*

(o) The classification of wildlife or the designation of seasons for hunting, fishing or trapping by regulation of the board of wildlife commissioners pursuant to the provisions of Title 45 of NRS.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 12.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 445, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, Koivisto and Brower as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 445.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 285.

The following Senate amendment was read:

Amendment No 1159.

Amend section 1, page 2, line 37, after "2." by inserting:

"Money to carry out the program in an amount not to exceed $3,200,000 must be provided for the period between the fiscal year beginning on July 1, 1999 and the fiscal year ending on June 30, 2001, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than $3,200,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this subsection must be deposited in the fund to protect the Lake Tahoe Basin created pursuant to section 2 of this act and, except as otherwise provided in this subsection, must be used as follows:

(a) Sand Harbor Visitor/Administrative Center BMPs	$1,000,000
(b) North Canyon Hiking Trail	15,000
(c) Sand Harbor Erosion Control	100,000
(d) Upland Wildlife Habitat Enhancement	66,000

(e) North Canyon Old Growth Habitat Restoration	130,000
(f) Forest Restoration - Phase I	1,500,000
(g) Sand Harbor-Memorial Point Trail	56,000
(h) Hidden Beach Rehabilitation, BMPs	106,000
(i) Sugar Pine Old Growth Habitat Restoration	75,000
(j) Project contingency	152,000

If an amount authorized pursuant to this subsection is insufficient to allow the completion of the project for which it is authorized, the Interim Finance Committee, upon the request of the Division of State Lands of the State Department of Conservation and Natural Resources, may increase the amount authorized for the project and offset the increase by reducing the amount authorized for another project or projects pursuant to this subsection by the amount of the increase. The Division of State Lands may use money authorized pursuant to this subsection for a project other than a project listed in this subsection if the Interim Finance Committee approves such a use in writing before the Division engages in the project. The Division of State Lands may allocate money pursuant to paragraph (j) without the prior approval of the Interim Finance Committee.

3.".

Amend section 1, page 2, line 38, by deleting "$56,400,000 must" and inserting "$53,200,000 may".

Amend section 1, page 2, line 39, by deleting "1999," and inserting "2001,".

Amend section 1, page 2, line 41, by deleting "$56,400,000." and inserting "$53,200,000.".

Amend section 1, page 3, line 1, by deleting "The" and inserting:

"With the prior approval of the Legislature or the Interim Finance Committee, the".

Amend section 1, page 3, by deleting line 5, and inserting:

"4. The amount of bonds authorized by subsection 3 must be reduced by".

Amend section 1, page 3, line 12, by deleting "4." and inserting "5.".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 285.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 104, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Cegavske, Chowning and Parnell as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 104.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Chowning moved that the Assembly do not recede from its action on Senate Bill No. 302, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Collins, Claborn and Gustavson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 302.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:39 p.m.

ASSEMBLY IN SESSION

At 6:31 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 699, 700; Senate Bill No. 551, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 598, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 386, 454, 690, 695.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 64, Amendment No. 1197; Assembly Bill No. 189, Amendment No. 1202; Assembly Bill No. 220, Amendment No. 1192; Assembly Bill No. 684, Amendment No. 1195, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 13, 46, 53; Senate Concurrent Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1150 to Senate Bill No. 438.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Joint Resolution No. 5 of the 69th Session, Senate Amendment No. 1093, and requests a conference, and appointed Senators O'Donnell, Porter and Neal as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Porter and O'Donnell as a first Conference Committee concerning Senate Bill No. 478.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 238 and appointed Senators Washington, Townsend and Schneider as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 238.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 318.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 617.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 360.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 330.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1213.

Amend section 1, page 2, line 19, by deleting "2003," and inserting "2004,".

Amend sec. 2, page 2, line 22, by deleting:

"upon passage and approval." and inserting:

"on July 1, 2000.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 598.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 828.

Amend section 1, pages 1 and 2, by deleting lines 13 through 16 on page 1 and lines 1 through 32 on page 2, and inserting:

"2. All plans and specifications for the construction of public buildings and facilities *owned* by the ~~[state]~~ *State of Nevada* or by a political subdivision ~~[, district, authority, board or public corporation or entity of the state]~~ *thereof must,* after July 1, 1973, ~~[must]~~ provide facilities and features for the physically handicapped so that buildings which are normally used by the public are constructed with entrance ramps, toilet facilities, drinking fountains, doors and public telephones accessible to and usable by the physically handicapped. ~~[Such]~~ *In addition, all plans and specifications for the construction or alteration of public buildings and facilities owned by the State of Nevada or a political subdivision thereof must comply with the applicable requirements of the:*

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

The requirements of paragraph (a) of this subsection are not satisfied if the plans and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. The State of Nevada and each political subdivision thereof shall, in the design, construction and alteration of public buildings and facilities comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

The requirements of paragraph (a) of this subsection are not satisfied if the State of Nevada or a political subdivision thereof complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

4. The state public works board shall verify that all public buildings and facilities ~~[must]~~ *owned by the State of Nevada* conform with the ~~[Minimum Federal Guidelines and Requirements for Accessible Design, as issued by the United States Architectural and Transportation Barriers Compliance Board in the Federal Register of January 16, 1981.]~~ *requirements of this section. Each political subdivision shall verify that all public buildings and facilities owned by the political subdivision conform with the requirements of this section.*".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 278.610 is hereby amended to read as follows:

278.610 1. ~~[Except as otherwise provided in subsection 3, after]~~ *After* the establishment of the position of building inspector and the filling of the position as provided in NRS 278.570, it is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure within the territory covered by the building code or zoning regulations without obtaining a building permit from the building inspector.

2. The building inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully ~~[conform]~~ *:*

(a) Conform to all building code and zoning regulations then in effect.

(b) If applicable, comply with the provisions of NRS 393.110.

3. ~~[The provisions of subsection 1 do not apply to a school district to which the state public works board has delegated its powers and duties under NRS 393.110.~~

~~4.]~~ A building inspector shall not issue a building permit to a person acting for another unless the applicant proves to the satisfaction of the building inspector that he is licensed as a contractor for that work pursuant to the provisions of NRS 624.230 to 624.320, inclusive.".

Amend sec. 2, page 3, by deleting lines 1 through 25 and inserting:

"specifications to the state public works board, whose written approval thereof must be obtained before any further consideration by the state board. The state public works board shall ~~[ensure]~~ *verify* that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990 , ~~[(]~~ 42 U.S.C. §§ 12101 ~~[to 12213, inclusive).]~~ *et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for*

Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. The state public works board may charge and collect and the state board may pay a reasonable fee for the costs incurred by the state public works board in approving the standard plans, designs and specifications submitted.".

Amend sec. 3, pages 3 through 5, by deleting lines 27 through 43 on page 3, lines 1 through 42 on page 4 and lines 1 through 10 on page 5, and inserting:

"393.110 1. *Each school district shall, in the design, construction and alteration of school buildings and facilities comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.*

2. Except as otherwise provided in subsection ~~[2.]~~ *3:*

(a) Unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of a school district shall submit plans, designs and specifications therefor to and obtain the written approval of the plans, designs and specifications by the state public works board. *The state public works board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable.* The state public works board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the state public works board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.

(b) Before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of a school district shall submit plans, designs and specifications therefor to and obtain the written approval of the plans, designs and specifications by the state public works board. *The state public works board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable.* The state public works board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the

payment of any costs incurred by the state public works board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.

The state public works board shall ~~[ensure]~~ *verify* that all plans, designs and specifications that it reviews pursuant to this section comply with all applicable requirements of the Americans with Disabilities Act of 1990 , ~~[(]~~ 42 U.S.C. §§ 12101 ~~[to 12213, inclusive).~~

~~2. Upon the request of a board of trustees of a school district, or its designated representative, the]~~ *et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.*

3. The state public works board may ~~[waive the requirements specified in subsection 1 and delegate its powers and duties thereunder to the district.~~

~~3.~~ ~~]~~ *enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to subsection 2.* If the state public works board ~~[waives the requirements of subsection 1 and delegates its powers and duties thereunder to a school district,]~~ *enters into such an agreement,* the *board of trustees of the* school district shall submit a copy of its ~~[final]~~ plans, designs and specifications for any project to which ~~[that section]~~ *subsection 2* applies to the building ~~[and planning department of the appropriate city or county before completion]~~ *department before commencement* of the project ~~[.]~~ *for the approval of the building department. The building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable to verify that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications. A permit for construction must not be issued without the approval of the building department pursuant to this subsection. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.*

4. No contract for any of the purposes specified in subsection 1 made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.".

Amend the title of the bill to read as follows:

"AN ACT relating to public works; requiring governmental entities to comply with certain federal requirements in the design, construction and alteration of public buildings and facilities; requiring the state public works board and local building departments to verify that public buildings and facilities conform with the federal requirements; revising provisions governing the development and review of plans for the construction and alteration of school buildings; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 699.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 699:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 699 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 700.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 700:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 700 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 551.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 551:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 109, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA18, which is attached to and hereby made a part of this report.

BARBARA E. BUCKLEY
DAVID R. PARKS
LYNN C. HETTRICK
Assembly Conference Committee

JON C. PORTER
RANDOLPH J. TOWNSEND
RAYMOND C. SHAFFER
Senate Conference Committee

Conference Amendment No. CA18.

Amend the bill as a whole by deleting sections 1 through 9, renumbering section 10 as sec. 2, and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An informal merchant shall not offer for sale or knowingly allow the sale of any new product that he knows or reasonably should have known is stolen, has been recalled by the manufacturer, has been adulterated, has not been maintained at the proper temperature, has an expiration date that has passed, has been discarded by the manufacturer or a retailer, is an inferior product if he does not clearly indicate such inferiority, or has any other defect that makes the product ineffective for the use for which it is purchased or that makes the product below the quality expected by the consumer.

2. An informal merchant who violates the provisions of subsection 1 shall be punished:

(a) If the sale of the product does not cause substantial bodily harm to another person, for a gross misdemeanor.

(b) If the sale of the product causes substantial bodily harm to another person, for a category C felony as provided in NRS 193.130.

3. Upon request of a peace officer, an informal merchant shall provide reliable evidence of the legal acquisition of a new product that the merchant is offering for sale. If it is determined that the product was stolen and the informal merchant fails to provide such evidence, an inference is created that the informal merchant knew or should have known that the product was stolen.

4. As used in this section:

(a) "Informal market" means:

(1) A gathering at which:

(I) Two or more persons offer personal property for sale or exchange;

(II) A fee is charged for the sale or exchange of personal property; or

(III) A fee is charged for admission to the area in which personal property is offered for sale or exchange; or

(2) A place at which personal property is offered or displayed for sale or exchange on more than six occasions in a period of 12 months, whether held in a building, under cover or in the open air.

(b) "Informal merchant" means a person who does not have an established retail store in the county and who transports an inventory of goods to an informal market and displays the goods for sale, offers them for sale at retail or sells them at retail.

(c) "New product" means any tangible good which has never been used or which is in its original, unopened package or container.

(d) "Stolen" means taken unlawfully from or without the permission of the owner, whether or not the person who took the item is or has been prosecuted or convicted for the taking of the item.".

Amend sec. 10, page 4, by deleting lines 42 and 43 and inserting:

"(2) A bank, credit union or savings and loan institution whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.".

Amend the bill as a whole by adding new sections designated sections 3 through 10, following sec. 10, to read as follows:

"Sec. 3. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. *"Used book dealer" means a person who engages in the business of buying and selling used books.*

Sec. 5. *1. A county may require a person who engages in business as a used book dealer within the county and any employee of the used book dealer who is authorized to purchase books on behalf of the used book dealer to hold a valid work card issued by the sheriff of the county.*

2. The sheriff of a county shall issue a work card to a used book dealer or an employee of a used book dealer who complies with the requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed each year.

3. If the sheriff of a county requires an applicant for a work card to submit a set of his fingerprints with his application, the sheriff may submit the fingerprints to the central repository for Nevada records of criminal history and to the Federal Bureau of Investigation to determine the criminal history of the applicant.

Sec. 6. *1. A used book dealer shall maintain a book at his place of business in which he shall enter:*

(a) A description of each transaction involving the purchase of used books; and

(b) The full name, address, driver's license number and general physical description of the person from whom the used book is purchased.

2. A used book dealer and an employee of a used book dealer shall not erase, mutilate or change the book maintained pursuant to subsection 1 in any way and the used book dealer shall make the book available for inspection by a law enforcement officer or other county or municipal officer upon request.

3. A used book dealer who violates the provisions of this section is guilty of a misdemeanor.

Sec. 7. *A person who is described in subsection 2 of NRS 647.018:*

1. Shall comply with the provisions of NRS 647.110, 647.120 and 647.130; and

2. Is subject to the provisions of NRS 647.140 and 647.145.

Sec. 8. NRS 647.010 is hereby amended to read as follows:

647.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 647.011 to 647.018, inclusive, *and section 4 of this act,* have the meanings ascribed to them in those sections.

Sec. 9. NRS 647.016 is hereby amended to read as follows:

647.016 "Junk dealer" means every person, firm or corporation engaged in the business of purchasing or selling hides or junk ~~[.]~~ *, other than used books.*

Sec. 10. NRS 647.018 is hereby amended to read as follows:

647.018 *1.* "Secondhand dealer" means any person engaged in whole or in part in the business of buying and selling metal junk, melted metals or secondhand personal property, *other than used books,* including, without limitation, antiques and collectibles.

2. The term does not include a person who engages in the business of buying or selling secondhand firearms or any antique parts, accessories or other equipment relating to those firearms if:

(a) The person engages in that business at a show that:

(1) Is held at:

(I) A convention facility which is owned or operated by and located on the premises of a resort hotel; or

(II) A recreational facility which is owned or operated by a county fair and recreation board; and

(2) Is conducted for not more than 7 days during any 6-month period; and

(b) The person has been issued a license as a manufacturer, importer, dealer or collector pursuant to the provisions of 18 U.S.C. § 923.".

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to trade practices; prohibiting an informal merchant from selling new products that have certain defects; authorizing counties to require used book dealers and certain employees of used book dealers to obtain work cards; requiring used book dealers to document certain information related to their business; removing used book dealers from the definition of "junk dealer" and "secondhand dealer"; revising the definition of "secondhand dealer" to exclude certain persons who engage in the business of buying or selling secondhand firearms under certain circumstances; providing penalties; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 109.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 477, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

MARK A. MANENDO	MICHAEL A. SCHNEIDER
DAVID R. PARKS	LAWRENCE E. JACOBSEN
LYNN C. HETTRICK	DEAN A. RHOADS
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 477.

Remarks by Assemblyman Manendo.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 16, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA6, which is attached to and hereby made a part of this report.

GENE SEGERBLOM	ANN O'CONNELL
CHRIS GIUNCHIGLIANI	DEAN A. RHOADS
BOB BEERS	MICHAEL A. SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA6.

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

"*(b) "Genetic test" means a test that uses deoxyribonucleic acid extracted from the cells of a person, or a diagnostic test that uses another substance extracted or otherwise obtained from the body of a person, which determines the presence of an*".

Amend section 1, page 2, between lines 7 and 8 by inserting:

"*The term does not include a test to determine the presence of alcohol or a controlled substance in the system of the person tested.*".

Assemblywoman Segerblom moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 16.

Remarks by Assemblywoman Segerblom.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 360, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA14, which is attached to and hereby made a part of this report.

DENNIS NOLAN	JON C. PORTER
	TERRY CARE
JERRY D. CLABORN	DINA TITUS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA14.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sections 5 and 6 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not knowingly direct light emitted from a laser pointer at a uniformed peace officer, security guard, traffic officer, fireman, emergency medical attendant or ambulance driver or attendant.

2. A person who violates the provisions of this section is guilty of a gross misdemeanor.

3. As used in this section:

(a) "Emergency medical attendant" has the meaning ascribed to it in NRS 41.139.

(b) "Laser pointer" means any device that emits light amplified by the stimulated emission of radiation that is visible to the human eye. The term includes, without limitation, a laser scope intended for use with a firearm.

(c) "Security guard" has the meaning ascribed to it in NRS 648.016.".

Amend the bill as a whole by renumbering sections 7 and 8 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 6, to read as follows:

"Sec. 4. Section 8 of Assembly Bill No. 542 of this session is hereby amended to read as follows:

Sec. 8. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. A person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in subsection 6, order him to pay tuition for an educational course on the abuse of alcohol and controlled

substances approved by the department and complete the course within the time specified in the order, and the court shall notify the department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of work for the community while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379; and

(3) Fine him not less than $400 nor more than $1,000.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court:

(1) Shall sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3768, inclusive, or 5.0755 to 5.078, inclusive;

(2) Shall fine him not less than $750 nor more than $1,000;

(3) Shall order him to perform not less than 100 hours, but not more than 200 hours, of work for the community while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379, unless the court finds that extenuating circumstances exist; and

(4) May order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) For a third or subsequent offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A person convicted of violating the provisions of NRS 484.379 must not be released on probation, and a sentence imposed for violating those

provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 483.560 or 485.330 *or section 3 of this act* must run consecutively.

6. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) or (b) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the department within the time specified in the order,

and the court shall notify the department if the person fails to complete the assigned course within the specified time.

7. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

8. As used in this section, unless the context otherwise requires, "offense" means a violation of NRS 484.379 or 484.3795 or a homicide resulting from the driving of a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction that prohibits the same or similar conduct.".

Amend sec. 8, page 5, line 28, by deleting "6" and inserting "3".

Assemblyman Anderson moved that the Assembly do not adopt the report of the first Conference Committee concerning Senate Bill No. 360, that a second conference be requested, and that Mr. Speaker appoint a second Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Manendo, Carpenter and Collins as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 360.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:57 p.m.

ASSEMBLY IN SESSION

At 7:22 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 184, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 597, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1218.

Amend section 1, page 1, line 2, by deleting "2" and inserting "1.3".

Amend the bill as a whole by adding new sections designated sections 1.3 through 1.7, following section 1, to read as follows:

"Sec. 1.3. *As used in sections 1.3 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5 and 1.7 of this act have the meanings ascribed to them in those sections.*

Sec. 1.5. *"Division" means the division of parole and probation of the department of motor vehicles and public safety.*

Sec. 1.7. *"Program of treatment" means a program of treatment for the abuse of alcohol or drugs that is supervised by a judge.*".

Amend sec. 2, page 1, by deleting lines 6 and 7 and inserting:

"*director shall, after consulting with the division, refer the offender*".

Amend sec. 2, page 1, by deleting lines 9 and 10 and inserting:

"*participate successfully in and benefit from a program of treatment and:*".

Amend sec. 2, page 2, by deleting line 2 and inserting:

"*judge in the judicial district to which the offender would be assigned pursuant to section 10 of this act will*".

Amend sec. 2, page 2, by deleting lines 6 through 10 and inserting:

"*participation in a program of treatment, including, without limitation, costs for room and board, and to meet any existing obligation for restitution to any victim of his crime, or a judge in the judicial district to which the offender would be assigned will assist the offender to ensure that the offender*".

Amend sec. 2, page 2, by deleting lines 20 through 23 and inserting:

"*offender should be assigned to the custody of the division to be assigned to participate in a program of treatment, the director shall assign the offender to the custody of the division to be assigned to participate in a program of treatment for a minimum of 1 year, but not longer than the remainder of his sentence.*".

Amend sec. 2, page 2, line 25, by deleting "*a court*" and inserting "*the division*".

Amend sec. 2, page 2, line 26, after "*section.*" by inserting:

"*The standards must be approved by the board and reviewed by the interim finance committee.*".

Amend sec. 2, page 2, by deleting lines 37 through 40 and inserting:

"*(d) Has been convicted of more than one felony in this state or any offense in another state that would be a felony if committed in this state, unless each felony or offense which the offender has been convicted of arose out of the same act, transaction or occurrence;*".

Amend sec. 2, page 3, by deleting lines 4 through 10 and inserting:

"*is not eligible for assignment to the custody of the division pursuant to this section to be assigned to participate in a program of treatment.*

4. The director shall adopt regulations requiring offenders who are assigned to the custody of the division pursuant to this section to reimburse a court, the division and the department for any costs incurred pursuant to sections 1.3 to 5, inclusive, and 10 of this act. The regulations must be approved by the board and reviewed by the interim finance committee.

5. A court to which an offender has been assigned pursuant to section 10 of this act may return the offender to the custody of the department at any time.

6. If an offender assigned to the custody of the division pursuant to this section violates any of the terms or conditions imposed by a court to which the offender has been assigned pursuant to section 10 of this act and".

Amend sec. 2, page 3, by deleting line 18 and inserting:

"*7. The assignment of an offender to the custody of the division pursuant*".

Amend sec. 2, page 3, line 27, by deleting "*7.*" and inserting "*8.*".

Amend sec. 2, page 3, line 28, by deleting "*a court*" and inserting "*the division*".

Amend sec. 2, page 3, by deleting lines 29 and 30 and inserting:

"*an assignment, and it is not intended that the provisions of sections 1.3 to 5, inclusive, or section 10 of this act create any right or interest in*".

Amend sec. 2, page 3, line 34, by deleting "*8.*" and inserting "*9.*".

Amend sec. 2, page 3, by deleting lines 35 and 36 and inserting:

"*custody of the division pursuant to this section to be assigned to participate in a program of treatment during each biennium.*".

Amend sec. 3, pages 3 and 4, by deleting lines 37 through 43 on page 3 and lines 1 through 4 on page 4, and inserting:

"Sec. 3. *1. A court that operates a program of treatment to which an offender is assigned pursuant to section 10 of this act shall submit a claim to the department for the cost of the offender to participate in the program of treatment at the rate of $1,500 for the first month that the offender participates in the program and $250 for each month thereafter that the offender participates in the program, pro rata for any month that the offender participates for less than a month, up to the date on which the offender would probably be released from prison, as determined by the director pursuant to section 2 of this act.*

2. For each offender assigned to the custody of the division pursuant to section 2 of this act, the division shall submit a claim to the department for the cost of supervising the participation of the offender in the program at the rate of $100 for each month that the offender participates in the program, pro rata for any month that the offender participates for less than a month, up to the date on which the offender would probably be released from prison, as determined by the director pursuant to section 2 of this act.

3. Except as otherwise provided in subsection 4, claims submitted pursuant to subsections 1 and 2 must be paid in the same manner as other claims against the state are paid, from money appropriated to the department.

4. Funding for the payments made by the department pursuant to this section must be accrued from the savings incurred by the department as the result of assigning offenders to the custody of the division pursuant to section 2 of this act. Such savings must be documented, and the documentation must be reviewed and approved by the director of the department of administration. Upon the recommendation of the governor and after being approved by the interim finance committee, the amount of the savings must be transferred from the purpose for which it was designated to the budget of the director for payment pursuant to this section.".

Amend sec. 4, page 4, by deleting line 6 and inserting "*shall*".

Amend sec. 4, page 4, by deleting lines 9 and 10 and inserting:

"*assigned to the custody of the division to be assigned to participate in a program of treatment.*".

Amend sec. 4, page 4, line 12, by deleting:

"*meet regularly to*".

Amend sec. 4, page 4, by deleting lines 14 through 19 and inserting:

"*be assigned to the custody of the division to be assigned to participate in a program of treatment.*

3. If a majority of the members of the advisory board determine that an offender should be assigned to the custody of the division to be assigned to participate in a program of treatment and the judge of the".

Amend sec. 5, page 4, by deleting lines 26 and 27 and inserting:

"*experience related to a program of treatment;*".

Amend sec. 5, page 4, line 30, by deleting "*A*" and inserting:

"*An attorney regularly assigned to represent offenders who are participating in a program of treatment, or a*".

Amend sec. 6, page 5, line 25, by deleting "*a court*" and inserting:

"*the division of parole and probation of the department of motor vehicles and public safety*".

Amend sec. 7, page 6, line 1, by deleting "*a court*" and inserting:

"*the division of parole and probation of the department of motor vehicles and public safety*".

Amend sec. 8, page 6, line 38, by deleting "*a court*" and inserting:

"*the division of parole and probation of the department of motor vehicles and public safety*".

Amend sec. 9, page 7, line 28, by deleting "*a court*" and inserting:

"*the division of parole and probation of the department of motor vehicles and public safety*".

Amend sec. 9, page 7, lines 33 and 34, by deleting "*a court*" and inserting:

"*the division of parole and probation of the department of motor vehicles and public safety*".

Amend sec. 10, page 8, by deleting lines 1 through 38 and inserting:

"Sec. 10. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

The division of parole and probation of the department of motor vehicles and public safety shall:

1. Supervise each offender who is assigned to the custody of the division pursuant to section 2 of this act; and

2. Assign each offender who is assigned to the custody of the division pursuant to section 2 of this act to participate in a program of treatment for the abuse of alcohol or drugs.".

Amend sec. 11, page 8, by deleting lines 42 and 43 and inserting:

"treatment for the abuse of alcohol or drugs by certain persons that are supervised by a judge in the Second Judicial District. The appropriation must be disbursed as follows:".

Amend sec. 12, page 9, by deleting lines 5 through 7 and inserting:

"State of Nevada the sum of $700,000 for the continuation of its programs of treatment for the abuse of alcohol or drugs by certain persons that are supervised by a judge in the Eighth Judicial District.".

Amend sec. 12, page 9, by deleting line 11 and inserting "District.".

Amend the title of the bill, second line, by deleting "a court" and inserting: "the division of parole and probation of the department of motor vehicles and public safety".

Amend the summary of the bill, first line, by deleting "court" and inserting:
"division of parole and probation of department of motor vehicles and public safety".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 597.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1217.

Amend section 1, page 1, line 2, by deleting "1.5,".

Amend the bill as a whole by deleting sec. 1.5.

Amend sec. 2, page 2, line 9, by deleting:
"*superintendent of public instruction.*" and inserting:
"*director of the department of administration.*".

Amend sec. 2, page 2, line 12, by deleting:
"*superintendent of public instruction*" and inserting:
"*director of the department of administration*".

Amend the bill as a whole by deleting sections 3 through 11, renumbering sec. 12 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. *1. The board of trustees of a school district may apply to the director of the department of administration for a grant of money from the fund created pursuant to section 2 of this act on a form provided by the director of the department of administration. The application must be accompanied by proof that the following emergency conditions exist within the school district:*

(a) The assessed valuation of the taxable property in the county in which the school district is located is declining and all other resources available to the school district for financing capital improvements are diminishing;

(b) The combined ad valorem tax rate of the county is at the limit imposed by NRS 361.453; and

(c) At least:

(1) One building that is located on the grounds of a school within the school district has been condemned;

(2) One of the facilities that is located on the grounds of a school within the school district is unsuitable for use as a result of:

(I) Structural defects;

(II) Barriers to accessibility; or

(III) Hazards to life, health or safety, including, without limitation, environmental hazards and the operation of the facility in an unsafe manner; or

(3) One of the facilities that is located on the grounds of a school within the school district is in such a condition that the cost of renovating the facility would exceed 40 percent of the cost of constructing a new facility.

2. Upon receipt of an application submitted pursuant to subsection 1, the director of the department of administration shall forward the application to the:

(a) Department of taxation to determine whether or not:

(1) The application satisfies the showing of proof required pursuant to paragraphs (a) and (b) of subsection 1; and

(2) The board of county commissioners in the county in which the school district is located has imposed a tax of more than one-eighth of 1 percent pursuant to NRS 377B.100; and

(b) State public works board to determine whether the application satisfies the showing of proof required pursuant to paragraph (c) of subsection 1; and

(c) Department of education for informational purposes.

3. The department of taxation and the state public works board shall submit written statements of their determinations pursuant to subsection 2 regarding an application to the director of the department of administration. Upon receipt of such statements, the director shall submit the application accompanied by the written statements from the department of taxation and state public works board to the state board of examiners for approval.

4. The director of the department of administration shall make grants from the fund created pursuant to section 2 of this act based upon the need of each school district whose application is approved by the state board of examiners.

5. The director of the department of administration shall adopt regulations that prescribe the annual deadline for submission of an application to the director of the department of administration by a school district that desires to receive a grant of money from the fund.".

Amend sec. 12, page 9, by deleting lines 21 through 26 and inserting:

"6. A municipality may issue special or medium-term obligations".

Amend the bill as a whole by deleting sections 13 through 15, renumbering sec. 16 as sec. 13 and adding new sections designated sections 5 through 12, following sec. 12, to read as follows:

"Sec. 5. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 6 and 7 of this act.

Sec. 6. *1. A tax is hereby imposed on all retailers within a county in which:*

(a) The board of county commissioners of the county has not imposed a tax of more than one-eighth of 1 percent pursuant to NRS 377B.100;

(b) The board of trustees of a county school district has applied for a grant from the fund to assist school districts in financing capital improvements pursuant to section 3 of this act; and

(c) The state board of examiners has approved the application by the board of trustees.

2. The rate of the tax imposed by subsection 1 is one-eighth of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county.

Sec. 7. *1. The collection of the tax imposed by section 6 of this act must be commenced on the first day of the first calendar quarter that begins at least 30 days after the last condition in subsection 1 of section 6 of this act is met.*

2. The tax must be collected and distributed in the manner set forth in chapter 374 of NRS.

3. The board of trustees of the school district shall transfer the proceeds of the tax imposed by section 6 of this act from the county school district fund to the fund described in NRS 354.611 which has been established by the board of trustees. The money deposited in the fund described in NRS 354.611 pursuant to this subsection must be accounted for separately in that fund and must only be expended by the board of trustees for the cost of the extraordinary maintenance, extraordinary repair and extraordinary improvement of school facilities within the county.

Sec. 8. Sections 23, 24, 25, 29 and 31 of chapter 516, Statutes of Nevada 1997, at pages 2467, 2468, 2469 and 2470, respectively, are hereby amended to read as follows:

Sec. 23. 1. There is hereby created the state planning commission for the new construction, design, maintenance and repair of school facilities. The membership of the commission consists of *10* members selected as follows:

(a) *Two members* of the *legislature* appointed by the majority leader of the senate, *one of whom must represent a rural area of this state;*

(b) Two members of the *legislature* appointed by the speaker of the assembly, *one of whom must represent a rural area of this state;*

(c) The superintendent of public instruction;

(d) One member *who is employed by a city and has substantial experience in financial matters with respect to cities, appointed by the Nevada League of Cities;*

(e) One member who is employed by a county and has substantial experience in financial matters with respect to counties, appointed by the Nevada Association of Counties;

(f) One member who is employed by a school district and has substantial experience in financial matters with respect to school districts, appointed by the Nevada School Trustees Association;

(g) The director of the department of administration in his capacity as chairman of the state public works board or his designee; and

(h) The executive director of the department of taxation or his designee.

2. The members of the commission shall elect a chairman from among their members.

3. Except during a regular or special session of the legislature, for each day or portion of a day during which a member of the commission who is a legislator attends a meeting of the commission or is otherwise engaged in the work of the commission, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the members of the commission who are legislators must be paid from the legislative fund.

4. For each day or portion of a day during which a member of the commission who is not a legislator attends a meeting of the commission or is otherwise engaged in the work of the commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if the legislature has made an appropriation or otherwise made available money for this purpose.

Sec. 24. 1. The commission shall hold at least four meetings annually and may hold additional meetings at the call of the chairman.

2. The commission *shall:*

(a) Develop a plan pursuant to which each school district in this state may adequately finance the costs of designing and constructing new school facilities and maintaining and repairing existing school facilities in the school district. The plan must provide for the efficient use of resources in the design, construction, maintenance and repair of school facilities.

(b) Review the number of hours required to transport pupils by bus to and from school and the costs associated with that transportation, and compare those costs to the costs that would be incurred to build new school facilities or change the boundaries of the zones within which pupils are transported to certain schools.

3. The board of trustees of each school district shall:

(a) Comply with all requests by the commission for information, including, without limitation, the projections for the enrollment of pupils in a school district for the succeeding 10 years; and

(b) Otherwise cooperate with the commission in carrying out its duties pursuant to this section.

Sec. 25. 1. *The department of education shall provide administrative support to the commission.*

2. In carrying out its duties pursuant to subsection 1, the department of education shall ensure that notice of the meetings of the commission is provided to the director of the legislative counsel bureau for publication with the agendas of scheduled meetings of the legislative committees that are published by the legislative counsel bureau.

Sec. 29. 1. There is hereby appropriated from the state general fund to the state planning commission for the new construction, design, maintenance and repair of school facilities created pursuant to section 23 of this act the sum of *$75,000* for use by the state planning commission for:

(a) The *carrying out of the duties set forth in* section 24 of this act; and

(b) Expenses relating to the operation of the state planning commission.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, *2001,* and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 31. 1. This section and sections 1 to 7, inclusive, 9, 10, 22 to 25, inclusive, and 27 to 30, inclusive, of this act, become effective upon passage and approval. Sections 22 to 25, inclusive, of this act, expire by limitation on June 30, *2001.*

2. Sections 11, 11.5, 13, 14, 14.5, 16, 20 and 21 of this act become effective on August 1, 1997.

3. Sections 8, 12 and 15 of this act become effective on July 1, 1999.

4. Sections 17, 18 and 19 of this act become effective on October 1, 1997.

Sec. 9. Section 2 of Senate Bill No. 501 of this session is hereby amended to read as follows:

Sec. 2. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, *including, without limitation, on the date of a primary municipal election or a primary state election,* if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year.

The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action

by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 60 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality who together with any corporate petitioners own not less than 2 percent in assessed value of the taxable property of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election and assessed values must be determined from the next preceding final assessment roll. An authorized corporate officer may sign such a petition whether or not he is a registered voter. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding

general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.085 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district. If the amount in the reserve account falls below the amount required by this subsection:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by this subsection; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to this subsection.

6. A municipality may issue special or medium-term obligations without an election.

Sec. 10. Section 26 of chapter 516, Statutes of Nevada 1997, at page 2469, and sections 3 and 15 of Senate Bill No. 501 of this session are hereby repealed.

Sec. 11. At the request of the director of the department of administration, the state board of finance shall issue general obligation bonds of the State of Nevada in a face amount not exceeding $16,000,000 pursuant to the State Securities Law. The proceeds of the bonds remaining after the payment of the costs of issuance of the bonds must be deposited in the fund to assist school districts in financing capital improvements, created pursuant to section 2 of this act, and used by the director of the department of administration pursuant to section 3 of this act to make grants to school districts for capital improvements.

Sec. 12. 1. The state controller may advance temporarily from the state general fund, upon the approval of the chief of the budget division of the department of administration, to the fund to assist school districts in financing capital improvements created pursuant to section 2 of this act, until the date on which bonds authorized by section 11 of this act are sold, amounts necessary to facilitate the making of grants to school districts pursuant to section 3 of this act. The state controller shall not advance more than the face amount of the bonds authorized to be issued. The advanced

amounts must be repaid immediately to the state general fund upon the sale of the bonds.

2. The chief of the budget division of the department of administration shall notify the state controller and the fiscal analysis division of the legislative counsel bureau of the approval of an advance from the state general fund to the fund to assist school districts in financing capital improvements pursuant to subsection 1.".

Amend the title of the bill to read as follows:

"AN ACT relating to governmental administration; providing for the revision of provisions governing the construction and financing of school facilities; creating a fund to assist school districts in financing capital improvements in certain circumstances; revising the provisions relating to the period in which the board of trustees of a school district may issue bonds without an election; imposing an additional sales tax to pay the cost of extraordinary maintenance, extraordinary repair and extraordinary improvement of school facilities in certain circumstances; extending the duration and changing the duties of the state planning commission for the new construction, design, maintenance and repair of school facilities; authorizing the issuance of general obligation bonds to assist school districts in financing certain capital improvements; and providing other matters properly relating thereto.".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Price, Mortenson and Berman as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Joint Resolution No. 5 of the 69th Session.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 64.

The following Senate amendment was read:

Amendment No. 1197.

Amend the bill as a whole by adding new sections designated sections 3.3 and 3.5, following sec. 3, to read as follows:

"Sec. 3.3. *"Commercial mortgage loan" means a loan that:*

1. Directly or indirectly, is secured by a lien on commercial property; and

2. Is created with the consent of the owner of the commercial property.

Sec. 3.5. *"Commercial property" means any real property which is located in this state and which is not used for a residential dwelling or dwellings intended for occupancy by four or fewer families.*".

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. *"Institutional investor" means a person who, in the regular course of business, makes commercial mortgage loans of more than $250,000 that are funded exclusively from one or more of the following sources:*

1. The person's cash, corporate capital or warehouse credit lines at a depository financial institution or other sources that are liability items on the person's financial statements.

2. Correspondent contracts between the person and another institutional investor or between the person and a depository financial institution, trust company, profit-sharing or pension trust, installment lender or insurance company.

3. An affiliate's cash, corporate capital or warehouse credit lines at a depository financial institution or other sources that are liability items on the affiliate's financial statements for which the affiliate's assets are pledged. As used in this subsection, "affiliate" means another person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the person who is the institutional investor.".

Amend sec. 8, page 2, by deleting lines 7 through 13 and inserting:

"Sec. 8. *1. "Mortgage company" means any of the following:*

(a) A person who, directly or indirectly:

(1) Holds himself out as being able to:

(I) Buy or sell notes secured by liens on real property; or

(II) Make loans secured by liens on real property using his own money; and

(2) Does not engage in any other act or transaction described in the".

Amend sec. 8, page 2, between lines 16 and 17, by inserting:

"*(b) A person who, directly or indirectly:*

(1) Negotiates, originates or makes or offers to negotiate, originate or make commercial mortgage loans as an agent for or on behalf of an institutional investor; and

(2) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in section 57 of this act, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.".

Amend sec. 41, page 19, by deleting lines 31 through 42 and inserting:

"in the State of Nevada . ~~[, every construction control]~~

2. Except as otherwise provided in subsection 1 and section 40 of this act, as a condition to doing business in ~~[the State of Nevada shall, within 30 days immediately following July 1, 1965, file]~~ *this state, each construction control shall deposit* with the state contractors' board *and keep in full force and effect* a *surety* bond, *in the amount set forth in subsection 4, which is* executed by some corporation authorized to issue surety bonds in this state . ~~[, in a penal sum equal to 1 1/4 times the amount of capital in the business~~

~~but in no event less than $20,000, and such bond must be kept in full force and effect or replaced by a like bond as a condition to continuing to do business as a construction control in the State of Nevada.~~

~~2. The form of the bond required is as follows:~~]

3. The surety bond must be in substantially the following form:".

Amend sec. 41, page 20, between lines 39 and 40, by inserting:

"*4. Each construction control shall initially deposit a surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of section 40 of this act in the amount of $20,000. Not later than 3 months after the initial deposit and annually thereafter, the construction control shall:*

(a) Submit to the state contractors' board a signed and notarized affidavit attesting to the average monthly balance in the trust account maintained by the construction control; and

(b) Deposit a surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of section 40 of this act in the following amount based upon the average monthly balance in the trust account maintained by the construction control:

AVERAGE MONTHLY BALANCE	*AMOUNT OF BOND OR SECURITY REQUIRED*
Less than $2,000,000	*$20,000*
$2,000,000 or more but less than $4,000,000	*40,000*
$4,000,000 or more but less than $6,000,000	*60,000*
$6,000,000 or more but less than $8,000,000	*80,000*
$8,000,000 or more but less than $12,000,000	*120,000*
$12,000,000 or more but less than $20,000,000	*200,000*
$20,000,000 or more	*250,000*".

Amend sec. 42, pages 20 and 21, by deleting lines 42 and 43 on page 20 and lines 1 and 2 on page 21, and inserting:

"645A.031, ~~[at the time of filing an application for a license as an]~~ *as a condition to doing business in this state, each* escrow agency ~~[, the applicant]~~ shall deposit with the commissioner *and keep in full force and effect* a corporate surety bond payable to the State of Nevada, in the amount ~~[of $50,000,]~~ *set forth in subsection 4, which is* executed by a corporate surety satisfactory to the".

Amend sec. 42, page 21, by deleting lines 25 and 26 and inserting:

"~~an escrow agent or agency]~~ and is required to furnish a bond ~~[in the amount of $50,000]~~ *, which is* conditioned as set forth in this bond:".

Amend sec. 42, page 22, between lines 13 and 14, by inserting:

"*4. Each escrow agency shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of NRS 645A.031 in the following amount based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160:*

AVERAGE MONTHLY BALANCE AMOUNT OF BOND OR

SECURITY REQUIRED
$50,000 or less $20,000
More than $50,000 but not more than $250,000 50,000
More than $250,000 but not more than $500,000 100,000
More than $500,000 but not more than $750,000 150,000
More than $750,000 but not more than $1,000,000 200,000
More than $1,000,000 250,000
The commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the escrow agency based upon the expected average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160. After the initial deposit, the commissioner shall, on a semiannual basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the escrow agency based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160.".

Amend sec. 44, page 23, by deleting lines 9 through 20 and inserting:

"pursuant to this chapter in the same office or place of business as ~~[a]~~ *:*

(a) A firm or corporation that is exempt from licensing as a mortgage company pursuant to subsection 6 of section 10 of this act.

(b) A mortgage company if:

~~[(a)]~~ *(1)* The licensee and the mortgage company:

~~[(1)]~~ *(I)* Operate as separate legal entities;

~~[(2)]~~ *(II)* Maintain separate accounts, books and records;

~~[(3)]~~ *(III)* Are subsidiaries of the same parent corporation; and

~~[(4)]~~ *(IV)* Maintain separate licenses; and

~~[(b)]~~ *(2)* The mortgage company is licensed by this state *pursuant to sections 2 to 39, inclusive, of this act* and does not ~~[receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.]~~ *conduct any business as a mortgage broker licensed*".

Amend sec. 46, page 23, line 25, by deleting:

"*or mortgage agent*".

Amend the bill as a whole by adding a new section designated sec. 53.5, following sec. 53, to read as follows:

"Sec. 53.5. *"Financial services license or registration" means any license or registration issued in this state or any other state, district or territory of the United States that authorizes the person who holds the license or registration to engage in any business or activity described in the provisions of this chapter, sections 2 to 39, inclusive, of this act, chapter 604, 645, 645A, 645C or 649 of NRS or Title 55 or 56 of NRS.*".

Amend sec. 55, page 24, line 2, by deleting:

"*or mortgage agent*".

Amend sec. 57, page 24, line 14, by deleting "*any*" and inserting "*a*".

Amend the bill as a whole by adding new sections designated sections 61.3 through 61.7, following sec. 61, to read as follows:

"Sec. 61.3. *1. The advisory council on mortgage investments and mortgage lending is hereby created.*

2. The advisory council consists of five members appointed by the legislative commission from a list of persons provided by the commissioner.

3. The members of the advisory council:

(a) Must be persons who have experience with, an interest in or a knowledge of issues relating to mortgage investments or mortgage lending. Such persons may include, without limitation, investors, public officers and employees, licensees and persons who have engaged in or been involved with any business, profession or occupation relating to mortgage investments or mortgage lending.

(b) Serve terms of 2 years and at the pleasure of the legislative commission.

(c) May be reappointed.

(d) Serve without compensation and may not receive a per diem allowance or travel expenses.

4. Any vacancy in the membership of the advisory council must be filled for the remainder of the unexpired term in the same manner as the original appointment.

5. A member of the advisory council who is an officer or employee of this state or a political subdivision of this state must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the advisory council and perform any work necessary to carry out the duties of the advisory council in the most timely manner practicable. A state agency or political subdivision of this state shall not require an officer or employee who is a member of the advisory council to make up the time he is absent from work to carry out his duties as a member of the advisory council or use annual vacation or compensatory time for the absence.

6. Notwithstanding any other provision of law, a member of the advisory council:

(a) Is not disqualified from public employment or holding a public office because of his membership on the advisory council; and

(b) Does not forfeit his public office or public employment because of his membership on the advisory council.

Sec. 61.5. *1. The members of the advisory council on mortgage investments and mortgage lending shall elect a chairman and a vice chairman from among their membership. The vice chairman shall perform the duties of the chairman during any absence of the chairman.*

2. The advisory council may meet at least once each calendar quarter and at other times on the call of the chairman or a majority of its members.

3. The meetings of the advisory council may be held at any location designated by the chairman or a majority of its members.

4. A majority of the members of the advisory council constitutes a quorum for the transaction of all business.

5. The chairman may appoint subcommittees of the members of the advisory council to consider specific problems relating to mortgage investments or mortgage lending.

Sec. 61.7. *The purpose of the advisory council on mortgage investments and mortgage lending is to:*

1. Consult with, advise and make recommendations to the commissioner in all matters relating to mortgage investments and mortgage lending.

2. Make recommendations to the legislature concerning the enactment of any legislation relating to mortgage investments and mortgage lending.

3. Make recommendations to the legislature and the commissioner concerning educational requirements and other qualifications for persons who are engaged in any business, profession or occupation relating to mortgage investments and mortgage lending.

4. Conduct hearings, conferences and special studies on all matters relating to mortgage investments and mortgage lending.

5. Provide a forum for the consideration and discussion of all matters relating to mortgage investments and mortgage lending.

6. Gather and disseminate information relating to mortgage investments and mortgage lending.

7. Engage in other activities that are designed to promote, improve and protect the reliability and stability of mortgage investments and mortgage lending in this state.".

Amend sec. 62, page 24, line 40, by deleting:

"*Except as otherwise provided in section 78 of this act:*".

Amend sec. 62, page 25, line 19, by deleting:

"*or mortgage agent*".

Amend sec. 62, page 25, line 21, by deleting:

"*broker or mortgage agent,*" and inserting "*broker,*".

Amend sec. 62, page 25, line 22, by deleting:

"*or mortgage agent*".

Amend sec. 63, pages 25 and 26, by deleting lines 39 through 41 on page 25 and lines 1 through 3 on page 26, and inserting:

"Sec. 63. *The commissioner may refuse to issue a license to an applicant if the commissioner has reasonable cause to believe that the applicant or any general partner, officer or director of the applicant has, after October 1, 1999, employed or proposed to employ a person as a mortgage agent or authorized or proposed to authorize a person to be associated with a mortgage broker as a mortgage agent at a time when the applicant or the general partner, officer or director knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:*

1. Had been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or

2. Had a financial services license or registration suspended or revoked within the immediately preceding 10 years.".

Amend the bill as a whole by adding a new section designated sec. 64.5, following sec. 64, to read as follows:

"Sec. 64.5. *The provisions of sections 63 and 64 of this act do not limit the authority of the commissioner to refuse to issue a license to an applicant for any other lawful reason or pursuant to any other provision of law.*".

Amend sec. 66, pages 26 and 27, by deleting lines 25 through 43 on page 26 and lines 1 through 3 on page 27, and inserting:

"Sec. 66. *1. A person shall not act as or provide any of the services of a mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or carrying on the activities of a mortgage agent if the person:*

(a) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or

(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

2. A mortgage agent may not be associated with or employed by more than one mortgage broker at the same time.

3. A mortgage broker shall register with the division each person who will be associated with or employed by the mortgage broker as a mortgage agent. To register a person as a mortgage agent, a mortgage broker must:

(a) Submit to the division a registration form which is provided by the division and which:

(1) States the name, residence address and business address of the person;

(2) Is signed by the person;

(3) Includes a provision by which the person gives his written consent to an investigation of his credit history, criminal history and background; and

(4) Includes any other information or supporting materials required by the regulations adopted by the commissioner. Such information or supporting materials may include, without limitation, a complete set of fingerprints from the person, the social security number of the person and other forms of identification of the person; and

(b) Pay the actual costs and expenses incurred by the division to investigate the credit history, criminal history and background of the person. All money received pursuant to this paragraph must be placed in the investigative account created by NRS 232.545.

4. A mortgage broker shall not employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker as a mortgage agent if the mortgage broker has not registered the person with the division pursuant to subsection 3 or if the person:

(a) Has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or

(b) Has had a financial services license or registration suspended or revoked within the immediately preceding 10 years.

5. If a mortgage agent terminates his association or employment with a mortgage broker for any reason, the mortgage broker shall, not later than the end of the next business day following the date of termination:

(a) Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises him that his termination is being reported to the division; and

(b) Deliver or send by certified mail to the division:

(1) A written statement of the circumstances surrounding the termination; and

(2) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).".

Amend sec. 67, page 27, by deleting lines 6 and 7 and inserting:

"*2. The provisions of this chapter do not prohibit a licensee from:*".

Amend sec. 68, page 27, by deleting lines 18 through 23 and inserting:

"*the licensee shall fully disclose his status as, connection to or relationship with the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer to each investor, and the licensee shall not require, as a condition to an investor acquiring ownership of or a beneficial interest in a loan secured by a lien on real property, that the investor transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer or that the investor authorize the licensee to transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer on behalf of the investor.*".

Amend sec. 68, page 27, by deleting lines 32 through 34 and inserting:

"*chapter; and*

(b) Any general partner, officer or director of such a person.".

Amend sec. 69, pages 27 and 28, by deleting lines 35 through 42 on page 27 and lines 1 through 22 on page 28, and inserting:

"Sec. 69. *1. If a mortgage broker maintains any accounts described in NRS 645B.175, the mortgage broker and his mortgage agents shall not engage in any activity that is authorized pursuant to this chapter, unless the mortgage broker maintains continuously a minimum net worth in the following amount based upon the average monthly balance of the accounts maintained by the mortgage broker pursuant to NRS 645B.175:*

AVERAGE MONTHLY BALANCE	*MINIMUM NET WORTH REQUIRED*
$100,000 or less	*$25,000*
More than $100,000 but not more than $250,000	*50,000*
More than $250,000 but not more than $500,000	*100,000*
More than $500,000 but not more than $1,000,000	*200,000*
More than $1,000,000	*250,000*

The commissioner shall determine the appropriate initial minimum net worth that must be maintained by the mortgage broker pursuant to this section based upon the expected average monthly balance of the accounts maintained by the mortgage broker pursuant to NRS 645B.175. After

determining the initial minimum net worth that must be maintained by the mortgage broker, the commissioner shall, on an annual basis, determine the appropriate minimum net worth that must be maintained by the mortgage broker pursuant to this section based upon the average monthly balance of the accounts maintained by the mortgage broker pursuant to NRS 645B.175.

2. If requested by the commissioner, a mortgage broker who is subject to the provisions of this section and his mortgage agents shall submit to the commissioner or allow the commissioner to examine any documentation or other evidence that is related to determining the net worth of the mortgage broker.

3. The commissioner:".

Amend sec. 72, page 29, line 32, by deleting "*1.*".

Amend sec. 72, pages 29 and 30, by deleting lines 39 through 42 on page 29 and lines 1 through 12 on page 30.

Amend sec. 73, page 30, line 13, after "73." by inserting "*1.*".

Amend sec. 73, page 30, by deleting lines 19 through 39 and inserting:

"*(a) Include in the report that the mortgage broker submits to the commissioner pursuant to subsection 2 of NRS 645B.080 the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2;*

(b) Not later than 15 days after the last day of each such month, mail to the last known address of each investor who owns a beneficial interest in the loan a notice containing the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2; and

(c) Comply with the provisions of this section each month on a continuing basis until:

(1) The debtor or his designee remedies the delinquency in payments and any default; or

(2) The lien securing the loan is extinguished.

2. The commissioner:

(a) Shall adopt regulations prescribing the information relating to delinquencies in payments and defaults that a mortgage broker must include in his report to the commissioner and in the notice mailed to investors pursuant to subsection 1. Such regulations may provide for variations between the information that a mortgage broker must include in his report to the commissioner and the information that a mortgage broker must include in the notice mailed to investors.

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.".

Amend sec. 75, page 31, by deleting lines 17 through 26 and inserting:

"*services for loans in which the investor owns a beneficial interest; and*

(b) The provisions of the power of attorney:

(1) Have been approved by the commissioner;

(2) Expressly prohibit the mortgage broker and his mortgage agents from engaging in any act or transaction that subordinates the priority of a recorded deed of trust unless, before such an act or transaction, the mortgage broker obtains written approval for the subordination from the investor; and

(3) Expressly prohibit the mortgage broker and his mortgage agents from using or releasing any money in which the investor owns a beneficial interest with regard to a specific loan for a purpose that is not directly related to providing services for the loan unless, before any such money is used or released for another purpose, the mortgage broker obtains written approval from the investor to use or release the money for the other purpose.

2. A mortgage broker or mortgage agent shall not act as the attorney in fact or the agent of an investor with respect to the giving of written approval pursuant to paragraph (b) of subsection 1. An investor and a mortgage broker or mortgage agent may not agree to alter or waive the provisions of this section by contract or other agreement. Any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

3. A power of attorney which designates a mortgage broker or".

Amend the bill as a whole by deleting sec. 78 and adding:

"Sec. 78. (Deleted by amendment.)".

Amend sec. 79, page 34, by deleting lines 38 and 39 and inserting:

"*association, the commissioner may take any disciplinary action set*".

Amend sec. 81, page 35, line 10, by deleting:

"*or section 78 of this act*".

Amend sec. 82, page 35, by deleting lines 28 and 29 and inserting:

"*limitation, a violation of any provision of NRS 645B.100 or 645B.120; or*".

Amend sec. 85, page 37, by deleting lines 32 and 33 and inserting:

"6. Except as otherwise provided in this subsection, any firm or corporation:".

Amend sec. 86, page 38, by deleting lines 40 and 41 and inserting:

"*mortgage agent.*".

Amend sec. 86, page 39, line 10, by deleting "*and*" and inserting:

"*and, if applicable,*".

Amend sec. 86, page 39, by deleting lines 17 through 43 and inserting:

"*2. If a mortgage broker will conduct business at one or more branch offices within this state, the mortgage broker must apply for a license for each such branch office.*

3. Except as otherwise provided in this chapter, the commissioner shall issue a license to an applicant as a mortgage ~~[company]~~ *broker* if:".

Amend sec. 86, page 40, line 10, by deleting:

"*or mortgage agent*".

Amend sec. 87, page 40, line 33, by deleting:

"*or mortgage agent*".

Amend sec. 87, page 41, line 1, by deleting:

"*or mortgage agent*".

Amend sec. 88, pages 41 and 42, by deleting lines 19 through 42 on page 41 and lines 1 through 4 on page 42, and inserting:

"645B.025 1. A ~~[licensee]~~ *mortgage broker* shall post each license in a conspicuous place in the office to which it pertains.

2. A ~~[license]~~ *mortgage broker* may not ~~[be transferred or assigned]~~ *transfer or assign a license to another person,* unless the commissioner gives his written approval.".

Amend sec. 89, page 44, by deleting lines 2 through 26 and inserting:

"*6. A person must pay the following fees to apply for or to renew a*".

Amend sec. 89, page 44, line 32, by deleting "*8.*" and inserting "*7.*".

Amend sec. 89, page 44, line 35, by deleting "*9.*" and inserting "*8.*".

Amend sec. 90, page 44, line 41, by deleting "*and*".

Amend sec. 90, page 44, line 42, by deleting "*mortgage agents*".

Amend sec. 90, page 45, line 27, by deleting:

"*and mortgage agents*".

Amend sec. 92, page 46, line 13, by deleting "*and*".

Amend sec. 92, page 46, line 14, by deleting "*mortgage agent*".

Amend sec. 92, page 46, line 15, by deleting:

"*or mortgage agent*".

Amend sec. 92, page 46, line 17, by deleting:

"*or mortgage agent*".

Amend sec. 93, page 46, line 42, by deleting:

"*or mortgage agent*".

Amend sec. 93, page 47, line 2, by deleting:

"*or mortgage agent*".

Amend sec. 93, page 47, line 6, by deleting:

"*or mortgage agent*".

Amend sec. 93, page 47, line 9, by deleting "*or*".

Amend sec. 93, page 47, line 10, by deleting "*mortgage agent*".

Amend sec. 93, page 47, line 15, by deleting:

"*broker or mortgage agent;*" and inserting "*broker;*".

Amend sec. 95, page 48, by deleting lines 4 through 6 and inserting:

"645B.100 1. ~~[The]~~ *For each violation committed by an applicant, whether or not he is*".

Amend sec. 95, page 48, by deleting lines 19 through 22 and inserting:

"*2. For each violation committed by a licensee, the* commissioner may ~~[require a licensee to pay]~~ *impose upon the licensee* an administrative fine of not more than ~~[$500 for each violation he commits or]~~ *$10,000, may* suspend, revoke or place conditions upon his license, or *may* do both, ~~[at any time]~~ if the".

Amend sec. 95, page 49, by deleting lines 27 through 29 and inserting:

"*cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;*

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the licensee as a mortgage agent at a time when the licensee knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude; or

(2) Had a financial services license or registration suspended or revoked within the immediately preceding 10 years; or

(t) Has not conducted verifiable business as a mortgage ~~[company]~~".

Amend sec. 95, pages 49 and 50, by deleting lines 39 through 43 on page 49 and lines 1 through 37 on page 50.

Amend sec. 96, page 50, line 43, by deleting:

"*broker or mortgage agent,*" and inserting "*broker,*".

Amend sec. 96, page 51, line 8, by deleting:

"*or mortgage agent*".

Amend sec. 98, page 51, line 35, by deleting:

"*broker, mortgage agent*" and inserting "*broker*".

Amend sec. 98, page 51, line 37, by deleting:

"*or mortgage agent*".

Amend sec. 98, page 51, line 43, by deleting:

"*or mortgage agent*".

Amend sec. 98, page 52, lines 2 and 3 by deleting:

"*or mortgage broker*".

Amend sec. 98, page 52, line 21, by deleting:

"*broker, mortgage agent*" and inserting "*broker*".

Amend sec. 98, page 52, line 29, by deleting:

"*broker, mortgage agent*" and inserting "*broker*".

Amend sec. 98, page 52, line 32, by deleting:

"*broker, mortgage agent*" and inserting "*broker*".

Amend sec. 101, page 55, by deleting lines 5 and 6 and inserting:

"*the* amount of any advance fee, salary, deposit or money paid to ~~[any mortgage company]~~ *a mortgage broker and his mortgage agents* or *any* other person to obtain a".

Amend sec. 102, page 55, by deleting line 31 and inserting:

"645B.170 1. All money paid to ~~[the mortgage company]~~ *a mortgage broker and his mortgage agents* for".

Amend sec. 102, page 55, line 34, by deleting "~~[a bank]~~" and inserting:

"~~[a bank or credit union]~~".

Amend sec. 104, page 59, lines 6 and 7, by deleting "~~[any bank]~~" and inserting:

"~~[any bank or credit union]~~".

Amend sec. 105, page 59, line 32, by deleting "*subsection 5;*" and inserting "*this section;*".

Amend sec. 105, page 59, after "*3.*" by inserting:

"*In addition to the requirements of subsections 1 and 2, a mortgage broker or mortgage agent shall not accept money from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property, unless the mortgage broker or mortgage agent gives the investor a written form by which the investor may request that the mortgage broker authorize the commissioner to release the mortgage broker's financial statement to the investor. Such a form must be given to the investor for each loan. If the investor, before giving money to the mortgage broker for the loan, requests that the mortgage broker authorize the release of a financial statement pursuant to this subsection, the mortgage broker and his mortgage agents shall not accept money from the investor for that loan until the mortgage broker receives notice from the commissioner that the financial statement has been released to the investor.*

4.".

Amend sec. 105, page 60, line 3, by deleting "*4.*" and inserting "*5.*".

Amend sec. 105, page 60, line 6, by deleting "*5.*" and inserting "*6.*".

Amend sec. 105, page 60, by deleting lines 34 through 37 and inserting:

"*officer or director of the mortgage broker within the preceding 12 months, and the nature of any such disciplinary action;*

(4) Whether the mortgage broker or any general partner, officer or director of the mortgage broker has been convicted".

Amend sec. 105, page 61, line 1, by deleting "*6.*" and inserting "*7.*".

Amend sec. 105, page 61, line 3, by deleting "*subsection 5,*" and inserting "*this section,*".

Amend sec. 105, page 61, by deleting line 12 and inserting:

"*8. In carrying out the provisions of subsection 7, the commissioner*".

Amend sec. 105, page 61, line 22, by deleting "*8.*" and inserting "*9.*".

Amend sec. 105, page 61, line 29, by deleting "*disclosure*".

Amend sec. 108, pages 62 and 63, by deleting lines 28 through 42 on page 62 and lines 1 through 13 on page 63, and inserting:

"645B.189 *1.* Each mortgage ~~[company]~~ *broker* shall submit any proposed advertisement ~~[it]~~ *that the mortgage broker* intends to use *in carrying on his business* to the commissioner for approval. ~~[The commissioner shall, within 5 working days after receiving the advertisement, approve or disapprove its use and notify the company of that decision.]~~

2. In addition to the requirements set forth in this chapter, each".

Amend sec. 108, page 63, between lines 19 and 20, by inserting:

"*3. If a mortgage broker violates any provision of NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices or any federal statute or regulation concerning deceptive advertising or the advertising of interest rates, in addition to any sanction or penalty imposed by state or federal law upon the mortgage broker for the violation, the commissioner may take any disciplinary action set forth in subsection 2 of NRS 645B.100 against the mortgage broker.*".

Amend sec. 113, page 64, line 33, by deleting:

"*or mortgage agent*".

Amend sec. 113, page 64, line 35, by deleting:

"*or mortgage agent*".

Amend sec. 113, page 64, line 36, by deleting:

"*or mortgage agent*".

Amend sec. 118, page 66, line 31, by deleting "bank accounts;" and inserting:

"accounts in banks or credit unions;".

Amend sec. 118, page 67, line 11, by deleting "80.270," and inserting "80.280,".

Amend sec. 120, page 72, line 6, after "*and*" by inserting:

"*the investigation of*".

Amend sec. 120, page 72, by deleting line 13 and inserting:

"and in *investigating persons associated with those institutions;*".

Amend sec. 122, page 73, by deleting lines 21 and 22 and inserting:

"~~[in]~~ *:*

(a) In the order the checks were written;

(b) From the lowest check number to the highest check number; or

(c) In order of ascending amounts, the check for the smallest sum being presented first.".

Amend sec. 125, page 75, by deleting lines 9 through 21 and inserting:

"this chapter in the same office or place of business as ~~[a]~~ *:*

(a) A mortgage broker if:

(1) The licensee and the mortgage broker:

(I) Operate as separate legal entities;

(II) Maintain separate accounts, books and records;

(III) Are subsidiaries of the same parent corporation; and

(IV) Maintain separate licenses; and

(2) The mortgage broker is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

(b) A mortgage company if:

~~[(a)]~~ *(1)* The licensee and the mortgage company:

~~[(1)]~~ *(I)* Operate as separate legal entities;

~~[(2)]~~ *(II)* Maintain separate accounts, books and records;

~~[(3)]~~ *(III)* Are subsidiaries of the same parent corporation; and

~~[(4)]~~ *(IV)* Maintain separate licenses; and

~~[(b)]~~ *(2)* The mortgage company is licensed by this state *pursuant to sections 2 to 39, inclusive, of this act* and *, if the mortgage company is also licensed as a mortgage broker pursuant to chapter 645B of NRS,* does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.".

Amend sec. 127, page 75, by deleting lines 25 through 28 and inserting:

"*Title and except as otherwise provided in subsection 4 and section 128 of this act, as a condition to doing business in this state, each title agent and*

title insurer shall deposit with the commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 3, which is executed by a corporate surety satisfactory to the".

Amend sec. 127, page 76, line 5, by deleting:

"*in the amount of $250,000,*".

Amend sec. 127, page 76, by deleting lines 36 through 41 and inserting:

"*3. Each title agent and title insurer shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of section 128 of this act in an amount that:*

(a) Is not less than $20,000 or 2 percent of the average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250, whichever is greater; and

(b) Is not more than $250,000.

The commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the title agent or title insurer based upon the expected average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250. After the initial deposit, the commissioner shall, on an annual basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the title agent or title insurer based upon the average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250.

4. A title agent or title insurer may offset or reduce the amount of the surety bond or substitute form of security that the title agent or title insurer is required to deposit pursuant to subsection 3 by the amount of any of the following:

(a) Cash or securities deposited with the commissioner in this state pursuant to NRS 680A.140 or 682B.015.".

Amend sec. 127, page 77, by deleting lines 4 through 6 and inserting:

"*(e) Other bonds or policies of insurance maintained by the title agent*".

Amend the bill as a whole by adding a new section designated sec. 130.5, following sec. 130, to read as follows:

"Sec. 130.5. Section 15 of Senate Bill No. 39 of this session is hereby amended to read as follows:

Sec. 15. NRS 80.015 is hereby amended to read as follows:

80.015 1. For the purposes of this chapter, the following activities do not constitute doing business in this state:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the board of directors or stockholders or carrying on other activities concerning internal corporate affairs;

(c) Maintaining ~~[bank accounts;]~~ *accounts in banks or credit unions;*

(d) Maintaining offices or agencies for the transfer, exchange and registration of the corporation's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside of this state through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside of this state and filling them by shipping goods into this state;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of Title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not doing business in this state within the meaning of this section need not qualify or comply with any provision of NRS 80.010 to ~~[80.220,]~~ *80.280,* inclusive, chapter 645A or 645B of NRS or Title 55 or 56 of NRS unless he:

(a) Maintains an office in this state for the transaction of business; or

(b) Solicits or accepts deposits in the state, except pursuant to the provisions of chapter 666 or 666A of NRS.".

Amend the bill as a whole by deleting sec. 132 and adding:

"Sec. 132. (Deleted by amendment.)".

Amend sec. 137, page 80, by deleting lines 8 through 15 and inserting:

"Sec. 137. Notwithstanding the amendatory provisions of section 66 of this act, a mortgage broker may, until July 1, 2000, employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker as a mortgage agent without registering the person with the division of financial institutions of the department of business and industry as a mortgage agent.".

Amend the bill as a whole by renumbering sec. 138 as sec. 139 and adding a new section designated sec. 138, following sec. 137, to read as follows:

"Sec. 138. 1. Notwithstanding the amendatory provisions of section 42 of this act, if, on October 1, 1999, a person holds a valid license as an escrow agency that was issued by the commissioner of financial institutions pursuant to chapter 645A of NRS before October 1, 1999, the person is not required, before July 1, 2000, to deposit a corporate surety bond or a substitute form of security in the amount set forth in the amendatory provisions of section 42 of this act.

2. Notwithstanding the amendatory provisions of section 127 of this act, if, on October 1, 1999, a person holds a valid license or certificate of authority as a title agent or title insurer that was issued by the commissioner of insurance pursuant to Title 57 of NRS before October 1, 1999,
the person is not required, before July 1, 2000, to deposit a corporate surety bond or a substitute form of security in the amount set forth in the amendatory provisions of section 127 of this act.".

Amend sec. 138, page 80, by deleting lines 16 and 17 and inserting:

"Sec. 139. 1. This section and sections 1 to 101, inclusive, 103, 105 to 117, inclusive, 119 to 138, inclusive, of this act become effective upon passage and approval for".

Amend sec. 138, page 80, by deleting line 20 and inserting:

"2. Sections 102, 104 and 118 of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and at 12:01 a.m. on October 1, 1999, for all other purposes.".

Amend the title of the bill to read as follows:

"AN ACT relating to financial transactions; revising the provisions relating to certain loans secured by liens on real property; revising the provisions relating to the licensing and the operation of certain mortgage companies and mortgage brokers; requiring certain mortgage brokers to maintain a minimum net worth; prohibiting various acts by mortgage companies, mortgage brokers and mortgage agents; providing for administrative sanctions and criminal penalties; revising various provisions concerning certain construction controls and escrow agencies; requiring certain construction controls, escrow agencies, title agents and title insurers to maintain a surety bond; revising certain provisions related to the presentation for payment of certain checks; and providing other matters properly relating thereto.".

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 64.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

The following Senate amendment was read:

Amendment No. 1191.

Amend the bill as a whole by adding the following senator as a primary joint sponsor:

Senator McGinness.

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 480.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 189.

The following Senate amendment was read:

Amendment No. 1202.

Amend section 1, page 2, line 15, by deleting "*If the*".

Amend section 1, page 2, between lines 15 and 16, by inserting:

"*4. A*".

Amend section 1, page 2, line 16, after "*employee*" by inserting "*who*".

Amend section 1, page 2, line 17, by deleting "*subsection, he*" and inserting "*section*".

Amend section 1, page 2, line 18, by deleting:

"*during the period during which*" and inserting:

"*after the date of*".

Amend section 1, page 2, line 19, by deleting "*subsection is*" and inserting "*section becomes*".

Amend section 1, page 2, line 20, by deleting "*4.*" and inserting "*5.*".

Amend sec. 9, page 7, line 27, after "position" by inserting:

"*whose occupant is thereby*".

Amend sec. 14, page 11, line 17, by deleting "or remarriage" and inserting "~~[or remarriage]~~".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 189.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 220.

The following Senate amendment was read:

Amendment No. 1192.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. There is hereby created an advisory committee to examine the issue of locating a new 4-year state college in Henderson, Nevada. The advisory committee consists of five members appointed as follows:

(a) One member appointed by the Governor.

(b) One member appointed by the Majority Leader of the Senate.

(c) One member appointed by the Speaker of the Assembly.

(d) Two members appointed by the Board of Regents of the University of Nevada.

2. The term of each member of the advisory committee commences on August 1, 1999, and expires on July 1, 2001.

3. Members of the advisory committee serve without compensation, except that while engaged in the business of the advisory committee, each member is entitled to the per diem allowance and travel expenses provided

for state officers and employees generally, to be paid from the legislative fund.

4. The advisory committee shall meet at least once every 6 months.

5. A vacancy in the membership of the advisory committee must be filled in the same manner as the original appointment.".

Amend section 1, page 1, by deleting line 2 and inserting:

"the advisory committee created pursuant to section 1 of this act the sum of".

Amend sec. 2, page 1, line 5, by deleting:

"Board of Regents" and inserting:

"advisory committee created pursuant to section 1 of this act".

Amend sec. 3, page 2, line 4, by deleting "1" and inserting "2".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to higher education; creating an advisory committee to examine the issue of locating a new 4-year state college in Henderson, Nevada; making an appropriation to the advisory committee for a needs assessment and implementation plan for a 4-year state".

Amend the summary of the bill by deleting the first line and inserting:

"SUMMARY—Makes appropriation to advisory committee".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 220.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 438, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Hettrick and Dini as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 438.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 7:41 p.m.

ASSEMBLY IN SESSION

At 10:00 p.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following letter from Assemblywoman Evans be entered in the Journal:

"Being inducted into the Cowboy Hall of Fame is a most prestigious honor, perhaps one of the highest I shall ever receive.

All of you may not be aware I can ride a pretty mean horse. When all this nonsense is over and done, I plan to come to Elko to go riding with John Carpenter. Everyone will find out just how tall I sit in the saddle. I can hold my own in chasing down those little doggies.

I expect the Assembly to stick together. Don't let the Senate run "rough-shod" on you.

I send love to every one of you. Please get some rest." Jan

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 38, 59, 76, 130, 272, 324, 610, 635, 673, 687; Assembly Concurrent Resolutions Nos. 74, 75, 76, 77; Senate Bills Nos. 8, 37, 236, 280, 283, 288, 305, 308, 368, 401, 404, 443, 469, 504, 545; Senate Joint Resolution No. 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Anja Weiss, Serena Giunchigliani and Richard Giunchigliani.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly A. Daniels-Greenberg.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, May 30, 1999, at 10:30 a.m.

Motion carried.

Assembly adjourned at 10:01 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), May 30, 1999

Assembly called to order at 11:38 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Elder Greg Torres.

Heavenly Father, we come before Thee this beautiful Sunday morning, and thank Thee for the many blessings Thou has blessed us with: including our families, our friends, our health, and this legislative process. Please forgive us for those things that have not been according to Thy will. Please bless the members of this Assembly that they might be strengthened in making decisions, and continue to work for the good of the people of Nevada. Bless our families and friends who are in need of Thy blessings, and especially touch our friend Mrs. Jan Evans with Thy healing and comforting spirit. We pray these things in the Name of Thy Son. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Lee moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 170, 368, 595, 622, 683, 691, 693, 697; Senate Bills Nos. 554, 555.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 353.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 689, Amendment No. 1206, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 988 to Senate Bill No. 80; Assembly Amendment No. 1141 to Senate Bill No. 149; Assembly Amendment No. 1164 to Senate Bill No. 363; Assembly Amendment No. 1121 to Senate Bill No. 485; Assembly Amendment No. 1167 to Senate Bill No. 507; Assembly Amendment No. 1168 to Senate Bill No. 511.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 166 and appointed Senators Rhoads, Washington and Care as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 166.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 376.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 634.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Joint Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 128.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 133.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 451.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 530.

Also, I have the honor to inform your honorable body that the Senate on this day refused to adopt the report of the first Conference Committee concerning Senate Bill No. 478 and appointed Senators Townsend, Schneider and Rawson as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 478.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, McGinness and Shaffer as a first Conference Committee concerning Senate Bill No. 192.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Jacobsen and Shaffer as a first Conference Committee concerning Senate Bill No. 302.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, Amodei and Shaffer as a first Conference Committee concerning Senate Bill No. 417.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 19.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections, Procedures, and Ethics.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 353.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 554.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 555.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 71 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that the reading of the history of all bills be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 330.

Bill read third time.

Remarks by Assemblywomen Leslie and Freeman.

Roll call on Assembly Bill No. 330:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 597.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Goldwater, Freeman, de Braga, Williams, Von Tobel, Humke and Neighbors.

Roll call on Assembly Bill No. 597:

YEAS—38.

NAYS—Angle, Gibbons, Gustavson—3.

EXCUSED—Evans.

Assembly Bill No. 597 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 598.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 598:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 598 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 184.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Tiffany, Carpenter and Anderson.

Roll call on Senate Bill No. 184:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 259.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1211.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 9 as sections 3 through 7.

Amend the bill as a whole by deleting sec. 10 and adding new sections designated sections 8 through 10, following sec. 9, to read as follows:

"Sec. 8. Section 1 of Senate Bill No. 537 of this session is hereby amended to read as follows:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intends to locate or expand a business in this state may apply to the commission on economic development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 364A or 374 of NRS.

2. The commission on economic development shall approve an application for a partial abatement if the commission makes the following determinations:

(a) The business is consistent with:

(1) The state plan for industrial development and diversification that is developed by the commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the state plan.

(b) The applicant has executed an agreement with the commission which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this state for a period specified by the commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection. The agreement must bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this state or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county or city whose population is 50,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this state.

(3) The average hourly wage that will be paid by the new business to its employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county or city whose population is less than 50,000, the business meets at least two of the following requirements:

(1) The business will have 25 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this state.

(3) The average hourly wage that will be paid by the new business to its employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this state in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year.

The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

3. Notwithstanding the provisions of subsection 2, the commission on economic development may:

(a) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e) or (f) of subsection 2;

(b) Make the requirements set forth in paragraph (d), (e) or (f) of subsection 2 more stringent; or

(c) Add additional requirements that a business must meet to qualify for a partial abatement,

if the commission determines that such action is necessary.

4. If a person submits an application to the commission on economic development pursuant to subsection 1, the commission shall provide notice to the governing body of the county and the city or town, if any, in which the person intends to locate or expand a business. The notice required pursuant to this subsection must set forth the date, time and location of the hearing at which the commission will consider the application.

5. If the commission on economic development approves an application for a partial abatement, the commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The department;

(b) The Nevada tax commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the executive director of the commission on economic development, furnish the executive director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

the business shall repay to the department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada tax commission determines that the business has substantially complied with the requirements of this section. ~~[The business is also required to]~~ *Except as otherwise provided in NRS 360.320 and section 2 of Senate Bill No. 362 of this session, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection,* pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.611, 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.611, 354.6113 and 354.6115.

9. The commission on economic development:

(a) Shall adopt regulations ~~[regarding:]~~ *relating to:*

(1) The minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(2) The notice that must be provided pursuant to subsection 4.

(b) May adopt such other regulations as the commission on economic development determines to be necessary to carry out the provisions of this section.

10. The Nevada tax commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada tax commission determines to be necessary to carry out the provisions of this section.

11. An applicant for an abatement who is aggrieved by a final decision of the commission on economic development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9. 1. NRS 364A.153 and 608.325 are hereby repealed.

2. Sections 12, 20 and 39 of Senate Bill No. 362 of this session are hereby repealed.

Sec. 10. 1. This section and subsection 2 of section 9 of this act become effective upon passage and approval.

2. Section 8 of this act becomes effective on July 1, 1999.

3. Sections 1 to 7, inclusive, and subsection 1 of section 9 of this act become effective on October 1, 1999.".

Amend the text of repealed sections by adding the text of sections 12, 20 and 39 of Senate Bill No. 362 of this session.

Amend the title of the bill to read as follows:

"AN ACT relating to business; exempting a business that creates or produces motion pictures from the requirement of obtaining a business license from the department of taxation; increasing the membership of the commission on tourism; revising the provisions concerning legislative appropriations to the commission on economic development for awarding grants to develop certain programs for occupational education; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing licensing of businesses that create or produce motion pictures. (BDR 32-1099)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 698; Senate Bills Nos. 353, 466, 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 698.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 698:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 698 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 466.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 466:
YEAS—41.
NAYS—None.
EXCUSED—Evans.
Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 550.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 550:
YEAS—38.
NAYS—Collins, Giunchigliani, Price—3.
EXCUSED—Evans.
Senate Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:14 p.m.

ASSEMBLY IN SESSION

At 1:13 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 238, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA29, which is attached to and hereby made a part of this report.

BARBARA E. BUCKLEY	MAURICE WASHINGTON
DAWN GIBBONS	RANDOLPH J. TOWNSEND
ELLEN M. KOIVISTO	MICHAEL A. SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA29.
Amend sec. 7, page 2, by deleting lines 18 through 26 and inserting:
"*2. The state board of health shall adopt regulations to carry out the provisions of sections 3 to 9, inclusive, of this act. The regulations must:*

(a) Establish a procedure to inform a patient that his name will be used for research and referrals to related services unless he requests the exclusion of his name from the system; and

(b) Require the exclusion from the system of the name of a patient if the patient or, if the patient is a minor, a parent or legal guardian of the patient has requested in writing to exclude the name of the patient from the system.".

Amend sec. 8, page 3, by deleting lines 1 and 2 and inserting:

"*the patient is a minor, a parent or legal guardian of the patient has requested in writing to exclude the name of the patient from*".

Amend sec. 17, page 8, line 29, after "*therapy*" by inserting:

"*and listed on a transplant list generally recognized in the medical field*".

Amend sec. 18, page 8, line 34, by deleting "458.360," and inserting "458.350,".

Amend sec. 18, page 8, line 38, by deleting "458.360," and inserting "458.350,".

Amend sec. 18, page 8, line 40, by deleting "such" and inserting "that".

Amend sec. 18, page 9, line 1, by deleting "458.360," and inserting "458.350,".

Amend sec. 18, page 9, line 4, by deleting "458.360," and inserting "458.350,".

Amend the bill as whole by renumbering sections 20 through 22 as sections 21 through 23 and adding a new section designated sec. 20, following sec. 19, to read as follows:

"Sec. 20. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person, or a criminal or juvenile proceeding;

2. To determine the parentage or identity of a person pursuant to NRS 56.020;

3. To determine the paternity of a person pursuant to NRS 126.121 or 425.384;

4. Pursuant to an order of a court of competent jurisdiction;

5. By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

6. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

7. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.115 or a provision of federal law;

8. To carry out the provisions of sections 3 to 9, inclusive, of this act; or

~~[8.]~~ *9.* By an agency of criminal justice pursuant to NRS 179A.075.".

Amend sec. 22, page 10, by deleting line 7 and inserting:

"Sec. 23. Sections 10, 13, 18 and 20 of this act become effective at 12:01 a.m."

Assemblywoman Buckley moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 238.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

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

It has agreed to recommend that the amendment of the Senate be concurred in.

BERNARD ANDERSON	MARK JAMES
BARBARA E. BUCKLEY	DINA TITUS
JOHN C. CARPENTER	MAURICE E. WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 267.

Remarks by Assemblyman Anderson.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 408, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA27, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	DEAN A. RHOADS
KATHY A. VON TOBEL	ANN O'CONNELL
BONNIE L. PARNELL	MAGGIE CARLTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA27.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 2.280 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as follows:

Sec. 2.280 Powers of city council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.285, the city council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the city for residents located ~~[either]~~ within or without the city.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the city clerk schedules of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the city has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the city.

(2) No changes may be made in any schedule so filed with the city clerk except upon 30 days' notice to the inhabitants of the city and a public hearing held thereon. Notice of the proposed change or changes must be given by at least two publications in a newspaper published in the city during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the city shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

(d) Provide, by ordinance, for an additional charge to each *business* customer *and for each housing unit* within the city to which water is provided by a utility of up to 25 cents per month. If such a charge is provided for, the city council shall, by ordinance, provide for the expenditure of that money for any purpose relating to the beautification of the city.

2. Any charges due for services, facilities or commodities furnished by the city or by any utility operated by the city pursuant to this section is a lien upon the property to which the service is rendered and must be perfected by filing with the county recorder of Clark County of a statement by the city clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell telecommunications service to the general public.

6. As used in this section:

(a) *"Housing unit" means a:*

(1) Single-family dwelling;

(2) Townhouse, condominium or cooperative apartment;

(3) Unit in a multiple-family dwelling or apartment complex; or

(4) Mobile home.

(b) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

~~[(b)]~~ *(c)* "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.".

Amend sec. 4, page 4, line 3, by deleting "3" and inserting "4".

Amend sec. 4, page 4, by deleting line 5 and inserting:

"2. Sections 1 and 3 of this act become effective on October 1, 1999.".

Amend the title of the bill, fifth line, after "recorder;" by inserting:

"revising the method for calculating the fee charged to a user of water for the beautification of the City of North Las Vegas;".

Amend the summary of the bill, first line, by deleting "water." and inserting:

"water and revises method for calculating certain charge for water.".

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 408.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 669, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

DAVID E. GOLDWATER	ANN O'CONNELL
BERNARD ANDERSON	MICHAEL SCHNEIDER
GREG BROWER	DEAN A. RHOADS
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 669.

Remarks by Assemblyman Goldwater.
Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:19 p.m.

ASSEMBLY IN SESSION

At 2: 31p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that the vote whereby the Conference Committee Report to Assembly Bill No. 669 was adopted be rescinded.
Remarks by Goldwater.
Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 669, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA31, which is attached to and hereby made a part of this report.

DAVID E. GOLDWATER	ANN O'CONNELL
BERNARD ANDERSON	MICHAEL SCHNEIDER
GREG BROWER	DEAN A. RHOADS
Assembly Conference Committee	*Senate Conference Committee*

Conference Committee No. CA31.
Amend sec. 7, page 7, by deleting line: 32 and inserting
"to any taxes paid pursuant to NRS 463.401 before".
Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 669.
Remarks by Assemblyman Goldwater.
Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Goldwater requested that his remarks be entered in the Journal:

It is the agreement of the State Gaming Control Board and the intent of the conference committees that there will be no attempt to assess the casino entertainment tax on credit card service charges that were collected and maintained by persons other than the licensee.

This does not preclude the board from making a deficiency tax determination on credit card service charges collected or retained by the licensee. In the case of such deficiency tax

determination, the licensee may seek a redetermination before the Nevada Gaming Commission that the service charges, as a matter of fact and law, were collected and retained by a third person. Assembly Bill No. 669 would have no bearing on the outcome of this redetermination.

The legislative intent of A.B. No. 669 is as follows:

(1) The casino entertainment tax does not apply to service charges, including those imposed in connection with use of credit cards or debit cards, that are collected and retained by persons other than the licensee.

(2) A.B. No. 669 shall not be used to justify any refund of casino entertainment taxes that have been paid. If the tax has been paid, that is the end of the matter.

(3) A.B. No. 669 shall not be used to justify any deficiency tax assessment by the State Gaming Control Board for periods preceding the effective date of the bill. In other words, the mere fact that a service charge is a credit card service does not support a deficiency tax assessment.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 680, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA26, which is attached to and hereby made a part of this report.

DAVID E. GOLDWATER
GENE SEGERBLOM
LYNN C. HETTRICK
Assembly Conference Committee

DEAN A. RHOADS
RANDOLPH J. TOWNSEND
Senate Conference Committee

Conference Amendment No. CA26.

Amend the bill as a whole by deleting sections 5.2 through 5.8 and inserting:

"Secs. 5.2-5.8. (Deleted by amendment.)".

Amend sec. 23, page 18, line 7, by deleting "~~bank account~~]" and inserting "~~account~~]".

Amend sec. 23, page 18, line 8, by deleting "*in a*" and inserting:
"in a bank , ~~[or]~~ credit union ~~[.]~~ *or other*".

Amend sec. 23, page 18, line 13, by deleting:
"~~[bank in which]~~" and inserting:
"bank , ~~[or]~~ credit union ~~[in which]~~ *or other*".

Amend sec. 23, page 18, line 16, by deleting "~~[all bank~~" and inserting: "~~[all~~".

Amend sec. 33, page 26, by deleting lines 20 through 26 and inserting:

"9. A public health plan as defined in 45 C.F.R. § 146.113, authorized by the Public Health Service Act, ~~[section 2701(c)(1)(I), as amended by Public Law 104-191,]~~ 42 U.S.C. § 300gg(c)(1)(I);

10. A health benefit plan under section 5(e) of the Peace Corps Act, 22 U.S.C. § 2504(e); ~~[or]~~

11. The children's health insurance program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive ~~[.]~~ ;

12. A short-term health insurance policy; or

13. A blanket student accident and health insurance policy.".

Amend sec. 40, pages 30 and 31, by deleting lines 41 through 43 on page 30 and lines 1 through 4 on page 31 and inserting:

"9. A public health plan as defined in 45 C.F.R. § 146.113, authorized by the Public Health Service Act, ~~[section 2701(c)(1)(I), as amended by Public Law 104-191,]~~ 42 U.S.C. § 300gg(c)(1)(I);

10. A health benefit plan under section 5(e) of the Peace Corps Act, 22 U.S.C. § 2504(e); ~~[or]~~

11. The children's health insurance program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive ~~[.]~~ *;*

12. A short-term health insurance policy; or

13. A blanket student accident and health insurance policy.".

Amend sec. 41, page 31, line 8, before "payment" by inserting "the".

Amend sec. 41, page 31, by deleting lines 24 and 25 and inserting:

"issued pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care".

Amend sec. 41, page 31, by deleting lines 37 and 38 and inserting:

"adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.".

Amend sec. 41, page 31, line 39, by deleting "689B.600," and inserting "689B.590,".

Amend sec. 41, page 32, line 5, by deleting "689B.600," and inserting "689B.590,".

Amend sec. 41, page 32, line 9, by deleting:

"*42 U.S.C. § 1395ss,*" and inserting:

"42 U.S.C. § 1395ss,".

Amend sec. 41, page 32, by deleting lines 12 through 14 and inserting:

"the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and".

Amend sec. 48, page 36, by deleting lines 7 through 11 and inserting:

"~~Public Law 104-191;~~] *42 U.S.C. § 300gg(c)(1)(I);*

10. A health benefit plan under section 5(e) of the Peace Corps Act, 22 U.S.C. § 2504(e); ~~[or]~~

11. The children's health insurance program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive ~~[.]~~ *;*

12. A short-term health insurance policy; or

13. A blanket student accident and health insurance policy.".

Amend the bill as a whole by deleting sections 61 and 62 and inserting:

"Secs. 61 and 62. (Deleted by amendment.)".

Amend the bill as a whole by renumbering sections 68 and 69 as sections 69 and 70 and adding a new section designated sec. 68, following sec. 67, to read as follows:

"Sec. 68. Section 38 of Senate Bill No. 37 of this session is hereby amended to read as follows:

Sec. 38. NRS 616B.500 is hereby amended to read as follows:

616B.500 1. An insurer may enter into a contract to have his plan of insurance administered by a third-party administrator.

2. An insurer shall not enter into a contract with any person for the administration of any part of the plan of insurance unless that person maintains an office in this state and has a certificate issued by the commissioner pursuant to section 14 of ~~[this act. The system may, as a part of a contract entered into with an organization for managed care pursuant to NRS 616B.515, require the organization to act as its third-party administrator.]~~ *Assembly Bill No. 680 of this session.*".

Amend sec. 69, page 51, line 23, by deleting "20" and inserting "20, 23".

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 680.

Remarks by Assemblyman Goldwater.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 128, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA19, which is attached to and hereby made a part of this report.

DAVID R. PARKS	RAYMOND C. SHAFFER
CHRIS GIUNCHIGLIANI	MARK E. AMODEI
MERLE A. BERMAN	RANDOLPH J. TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA19.

Amend sec. 2, page 2, line 20, by deleting:

"*in a telephone directory*".

Amend sec. 2, page 3, line 3, by deleting:

"*shall, at its discretion:*" and inserting "*shall:*".

Amend section 3, page 4, by deleting lines 2 and 3 and inserting:

"board summarily suspends the license of the contractor, the board must notify the contractor by certified mail. A hearing must be held within 30 days after the suspension if the contractor submits a written request for a hearing to the board within 20 days after the board summarily suspends his license.".

Amend sec. 4, page 4, by deleting lines 9 through 11 and inserting:

"*service to disconnect the telephone number.*".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1999."

Amend the title of the bill, third line, by deleting "certain".

Amend the summary of the bill, third line, by deleting "certain".

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 128.

Remarks by Assemblyman Parks.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 133, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA17, which is attached to and hereby made a part of this report.

GENE SEGERBLOM
DAVID E. GOLDWATER
BOB BEERS
Assembly Conference Committee

ANN O'CONNELL
DEAN A. RHOADS
RANDOLPH J. TOWNSEND
Senate Conference Committee

Conference Amendment No. CA17.

Amend sec. 6.5, page 3, by deleting line 18 and inserting:

"*5. An owner or*".

Amend sec. 8, page 3, by deleting lines 29 and 30 and inserting:

"*contractor, if the estimated total cost of the construction project is equal to or greater than the threshold amount established by the commissioner pursuant to subsection 3; and*

(b) As a condition".

Amend sec. 8, page 4, between lines 2 and 3, by inserting:

"*3. The commissioner shall establish the threshold amount that the estimated total cost of a construction project must be equal to or greater than before a consolidated insurance program may be established and administered for that project pursuant to this section. The base amount for the threshold must initially be $150,000,000 and thereafter must be an amount equal to $150,000,000 as adjusted by the commissioner on June 30 of each year to reflect the present value of that amount with respect to the construction cost index.*

4. As used in this section:

(a) "Construction cost index" means the construction cost index published by the Engineering News-Record as a measure of inflation.

(b) "Estimated total cost" means the estimated cost to complete all parts of a construction project, including, without limitation, the cost of:

(1) Designing the project;

(2) Acquiring the real property on which the project will be constructed;

(3) Connecting the project to utilities;

(4) Excavating and carrying out underground improvements for the project; and

(5) Acquiring equipment and furnishings for the project.

The term does not include the cost of any fees or charges associated with acquiring the money necessary to complete the project.".

Amend sec. 9, page 4, by deleting sec. 9 and adding:

"Sec. 9. (Deleted by amendment.)".

Amend sec. 14, page 6, by deleting lines 3 and 4 and inserting:

"Sec. 14. *A consolidated insurance program that a private company,*".

Amend sec. 16, page 7, by deleting lines 8 through 16 and inserting:

"*2. A contractor or subcontractor who is engaged in the construction of a project that is covered by a consolidated insurance program shall maintain separate industrial insurance*".

Amend sec. 16, page 7, by deleting lines 22 through 24 and inserting:

"*3. The owner or principal contractor of a construction project shall reimburse*".

Amend sec. 17, page 7, by deleting line 37 and inserting:

"Sec. 17. *If an*".

Amend sec. 22, page 9, line 28, after "inclusive," by inserting "or 617".

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

"Sec. 26.5. Sections 68.8 and 140 of Senate Bill No. 37 of this session are hereby amended to read as follows:

Sec. 68.8. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Through fraud, coercion, duress or undue influence:

(1) Induced a claimant to fail to report an accidental injury or occupational disease;

(2) Persuaded a claimant to settle for an amount which is less than reasonable;

(3) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(4) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(b) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or division has been lifted;

(c) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(d) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Failed to comply with the division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(f) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165; or

(g) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

the administrator shall impose an administrative fine of $1,000 for each initial violation, or a fine of $10,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. ~~[Nothing in]~~ *The provisions of* this section ~~[authorizes]~~ *do not authorize* the administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

The fine imposed may not be greater than $250 for an initial violation, or more than $1,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the administrator within 30 days after the date of the order.

3. If the administrator determines that a violation of any of the provisions of paragraphs (a) to (d), inclusive, of subsection 1 has occurred, the administrator shall order the insurer, organization for managed care, health care provider, third-party administrator or employer to pay to the claimant a benefit penalty in an amount ~~[equal to 50 percent of the compensation due or $10,000, whichever is less. In no event may a benefit penalty be less than $500. The]~~ *that is not less than $5,000 and not greater than $25,000. To determine the amount of the benefit penalty, the administrator shall consider the degree of physical harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c) or (d) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties previously imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer pursuant to this section. If this is the third violation within 5 years for which a benefit penalty has been imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer, the administrator shall also consider the degree of economic harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c) or (d) of subsection 1. Except as otherwise provided in this section, the* benefit penalty is for the benefit of the claimant and must be paid directly to him within 10 days after the date of the administrator's determination. *If the claimant is the injured employee and he dies before the benefit penalty is paid to him, the benefit penalty must be paid to his estate.* Proof of the payment of the benefit penalty must be submitted to the administrator within 10 days after the date of his determination unless an appeal is filed pursuant to NRS 616D.140. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection.

4. In addition to any fine or benefit penalty imposed pursuant to this section, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

5. If:

(a) The administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The fraud control unit for industrial insurance established pursuant to NRS 228.420 notifies the administrator that the unit will not prosecute the person for that violation,

the administrator shall impose an administrative fine of not more than $10,000.

6. Two or more fines of $1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

7. The commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

Sec. 140. 1. This section, section 27, subsection 1 of section 127, and sections 128 and 129 of this act become effective upon passage and approval.

2. *Subsection 1 of section 132 of this act becomes effective on June 1, 1999.*

3. Sections 2, 3, 12.5, 86.1, 86.2, 86.6 to 86.9, inclusive, 96.5, 116, 122, 126.3, 127.5 , *130* and 135 of this act become effective on July 1, 1999.

~~[3.]~~ *4.* Section 86.4 of this act becomes effective on July 1, 1999, only if Assembly Bill No. 660 of this session is enacted by the legislature.

~~[4.]~~ *5.* Sections 20.5, 35, 89, 117 and 139.4 of this act become effective at 12:01 a.m. on July 1, 1999.

~~[5.]~~ *6.* Sections 20, 24, 25, 26 and 96 and ~~[subsection 1 of section 132]~~ of this act become effective on the date the governor issues a proclamation pursuant to subsection 1 of section 129 of this act.

~~[6.]~~ *7.* Sections 29 and 126.5 of this act become effective on the date the governor issues a proclamation pursuant to subsection 1 of section 129 of this act, only if the governor issues the proclamation before October 1, 1999.

~~[7.]~~ *8.* Section 29.5 of this act becomes effective:

(a) At 12:01 a.m. on October 1, 1999, only if the governor issues a proclamation pursuant to subsection 1 of section 129 of this act on October 1, 1999; or

(b) On the date the governor issues a proclamation pursuant to subsection 1 of section 129 of this act, only if the governor issues the proclamation after October 1, 1999.

~~[8.]~~ *9.* Sections 49.5, 52.5, 53.5, 57.2, 57.4, 62.1 to 62.5, inclusive, 68.2 to 68.8, inclusive, 80.5 and 139.2 of this act become effective on January 1, 2000.

~~[9.]~~ *10.* Sections 1, 4 to 12, inclusive, 13 to 19, inclusive, 21, 22, 23, 28, 30 to 34, inclusive, 36 to 49, inclusive, 50, 51, 52, 53, 54 to 57, inclusive, 58 to 62, inclusive, 64 to 68, inclusive, 69 to 80, inclusive, 81 to 86, inclusive, 87, 88, 90 to 95, inclusive, 97 to 115, inclusive, 118 to 121, inclusive, 123 to 126, inclusive, subsection 2 of section 127, ~~[130,]~~ 131, subsection 2 of section 132, 133, 134, 136 to 139, inclusive, and 141 of this act become effective on January 1, 2000, only if, on that date, the manager of the state industrial insurance system transfers the assets of the state industrial insurance system to a domestic mutual insurance company pursuant to section 129 of this act.

~~[10.]~~ *11.* Section 63 of this act becomes effective at 12:01 a.m. on January 1, 2000, only if, on that date, the manager of the state industrial insurance system transfers the assets of the state industrial insurance system to a domestic mutual insurance company pursuant to section 129 of this act.

~~[11.]~~ *12.* Sections 20, 96, 116 and 122 of this act expire by limitation on January 1, 2000, if the manager of the state industrial insurance system transfers the assets of the state industrial insurance system to a domestic mutual insurance company pursuant to section 129 of this act.

~~[12.]~~ *13.* Section 8 of this act expires by limitation on June 30, 2003.

~~[13.]~~ *14.* Section 100 of this act expires by limitation on May 1, 2013.".

Amend sec. 27, page 12, by deleting lines 15 and 16 and inserting:

"Sec. 27. 1. This section and section 26.5 of this act become effective upon passage and approval.

2. Sections 1 to 10, inclusive, and 12 to 26, inclusive, of this act become effective on October 1, 1999.".

Amend sec. 27, page 12, line 17, by deleting "2." and inserting "3.".

Amend sec. 27, page 12, line 18, by deleting "3." and inserting "4.".

Amend the title of the bill by deleting the fifth through eighth lines and inserting:

"authorizing the state industrial".

Assemblywoman Segerblom moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 133.

Remarks by Assemblywoman Segerblom.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Neighbors moved that Senate Bill No. 411 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Neighbors.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 451, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

BARBARA E. BUCKLEY	ANN O'CONNELL
JOHN C. CARPENTER	MICHAEL A. SCHNEIDER
BERNARD ANDERSON	MAGGIE CARLTON
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 451.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 530, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA22, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	ANN O'CONNELL
DAVID E. HUMKE	JON C. PORTER
HARRY MORTENSON	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA22.

Amend the bill as a whole by deleting sections 1 through 16 and adding new sections designated sections 1 through 23, following the enacting clause, to read as follows:

"Section 1. Chapter 271 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 through 11, inclusive, of this act.

Sec. 2. *"Association" means an association described in section 5 of this act.*

Sec. 3. *"Commercial area vitalization project" includes:*

1. The beautification and improvement of the public portions of any area zoned primarily for business or commercial purposes, including, without limitation:

(a) Public restrooms;

(b) Facilities for outdoor lighting and heating;

(c) Decorations;

(d) Fountains;

(e) Landscaping;

(f) Facilities or equipment, or both, to enhance protection of persons and property within the improvement district;

(g) Ramps, sidewalks and plazas; and

(h) Rehabilitation or removal of existing structures; and

2. The improvement of an area zoned primarily for business or commercial purposes by providing promotional activities.

Sec. 4. *"Promotional activity" includes:*

1. Promotion of public events that benefit business or real property in the improvement district.

2. Providing music in any public place within the improvement district.

3. Promotion of tourism within the improvement district.

4. Marketing and economic development, including the recruitment and retention of retail business.

5. Providing services related to security, sanitation, the removal of graffiti, the cleaning of streets and sidewalks and providing other municipal services that are supplemental to those typically provided by the municipality.

6. Any other activity that benefits businesses and real property located in the improvement district.

Sec. 5. *1. A governing body that forms an improvement district for a commercial area vitalization project may contract with a nonprofit association to provide the improvements that are specified in the plans for the commercial area vitalization project. If creation of the commercial improvement district was initiated by petition, the governing body shall contract for that purpose with the association named in the plan for management of the improvement district.*

2. An association with which a governing body contracts pursuant to subsection 1 must be a private nonprofit corporation and must be identified in the plan for management of the improvement district. The association shall maintain liability insurance covering its activities.

3. The contract between the governing body and the association is a contract for professional services and is not subject to the limitations of subsection 1 of NRS 354.626. The terms of the contract may extend:

(a) Beyond the terms of office of members of the governing body; and

(b) For the time necessary to cover the life of improvements and to fulfill financial commitments for equipment, services and related undertakings.

4. The association does not become a political subdivision, local government, public body, governmental agency or entity, establishment of the government, public corporation or quasi-public corporation for any purpose solely on the basis of a contract entered into with a governing body pursuant to subsection 1.

5. A contract executed pursuant to this section must ensure that the type and level of services provided by the municipality at the time of the creation of the improvement district continue after the improvement district is formed.

Sec. 6. *1. A contract executed pursuant to section 5 of this act must specify the approvals required for expenditures and provide for internal controls adequate to protect the assets of the improvement district. The*

contract must provide for audits of the association by the governing body at the discretion of the governing body.

2. If an audit finds a misuse of money or any fraud in the activities of the association, the governing body may take control of any assets of the association related to the improvement district.

Sec. 7. *An association with which a governing body contracts pursuant to section 5 of this act may, at any time, request that the governing body modify a plan or plat with regard to the commercial area vitalization project. Upon the written request of the association, the governing body may modify the plan or plat by ordinance after holding a hearing on the proposed modification pursuant to section 10 of this act. If the proposed modification of a plat expands the territory for assessment, a person who owns or resides within a tract which is located within the territory proposed to be added to the improvement district and which is used exclusively for residential purposes may file a protest pursuant to section 9 of this act at any time before the governing body modifies the plat by ordinance. A petition is not required for a modification made pursuant to this section.*

Sec. 8. *1. The association with which a governing body contracts pursuant to section 5 of this act shall cause to be prepared a report for each fiscal year in which assessments are to be levied and collected.*

2. The report prepared pursuant to subsection 1 must be filed with the city clerk on or before February 1 of the fiscal year immediately preceding the fiscal year to which the report applies and must include:

(a) The name of the improvement district;

(b) The fiscal year to which the report applies;

(c) Any proposed changes to the boundaries of the improvement district for that fiscal year;

(d) The improvements to be provided for that fiscal year;

(e) An estimate of the cost of providing the improvements set forth pursuant to paragraph (d);

(f) The method and basis of levying each assessment to be levied for that fiscal year in sufficient detail to allow each property owner to calculate the amount of the assessment to be levied against his property for that fiscal year;

(g) The amount of any surplus or deficit revenues to be carried over from a preceding fiscal year; and

(h) The amount of any money received by the district from sources other than assessments levied pursuant to this chapter.

Sec. 9. *1. Before a proposed assessment plat for a commercial area vitalization project is adopted by ordinance, a person who owns or resides within a tract which:*

(a) Is located within the proposed improvement district; and

(b) Is used exclusively for residential purposes,

may file with the clerk a written protest to the inclusion of the tract in the assessment plat. The protest must be accompanied by a legal description of the tract.

2. Upon receipt of a protest pursuant to subsection 1, the clerk shall provide a copy of the protest and legal description of the property to the governing body.

3. Before adopting a resolution or ordinance pursuant to NRS 271.325 and before adopting an ordinance that modifies an assessment plat for a commercial area vitalization project to include additional tracts of land, the governing body shall modify the assessment plat for a commercial area vitalization project to exclude any tract for which it received a protest pursuant to this section and which it determines will not benefit from the activities or improvements that are proposed to be provided by the commercial area vitalization project.

Sec. 10. *1. On or before June 30 of each year after the governing body acquires or improves a commercial area vitalization project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed assessment roll assessing an amount not greater than the estimated cost against the benefited property. The assessment must be computed according to frontage or another uniform and quantifiable basis.*

2. The governing body shall hold a public hearing upon the estimate of expenditures and the proposed assessment roll. Notice must be given and the hearing conducted in the manner provided in NRS 271.380 and 271.385. The assessment may not exceed the amount stated in the proposed assessment roll unless a new hearing is held after notice is mailed and published in the manner provided in NRS 271.305 and 271.310.

3. After the public hearing, the governing body shall confirm the assessments, as specified in the proposed assessment roll or as modified, and levy the assessment as provided in NRS 271.390.

4. An improvement district created for a commercial area vitalization project is not entitled to any distribution from the local government tax distribution account.

Sec. 11. *1. The governing body may, by resolution, dissolve an improvement district that is created for the purposes of a commercial area vitalization project if property owners whose property is assessed for a combined total of more than 50 percent of the total amount of the assessments of all the property in the improvement district submit a written petition to the governing body that requests the dissolution of the district within the period prescribed in subsection 2.*

2. The dissolution of an improvement district pursuant to this section may be requested within 30 days after:

(a) The first anniversary of the date the improvement district was created; and

(b) Each subsequent anniversary thereafter.

3. As soon as practicable after the receipt of the written petition of the property owners submitted pursuant to subsection 1, the governing body shall pass a resolution of intention to dissolve the improvement district. The governing body shall give notice of a hearing on the dissolution. The notice must be provided and the hearing must be held pursuant to the requirements set forth in section 10 of this act. If the governing body determines that dissolution of the improvement district is appropriate, it shall dissolve the improvement district by resolution, effective not earlier than the 30th day after the hearing.

4. If there is indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the improvement district, the portion of the assessment necessary to pay the indebtedness remains effective and must be continued in the following years until the debt is paid.

Sec. 12. NRS 271.030 is hereby amended to read as follows:

271.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 271.035 to 271.250, inclusive, *sections 2, 3 and 4 of this act* and section 2 of ~~[this act,]~~ *Assembly Bill No. 95 of this session,* have the meanings ascribed to them in those sections.

Sec. 13. NRS 271.125 is hereby amended to read as follows:

271.125 "Improvement" or "improve" means the extension, widening, lengthening, betterment, alteration, reconstruction, repair or other improvement (or any combination thereof) of facilities, other property, any project, or an interest therein, herein authorized ~~[.]~~ , *including, without limitation, conducting promotional activities within an improvement district created for a commercial area vitalization project.*

Sec. 14. NRS 271.265 is hereby amended to read as follows:

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both, within and without the municipality:

(a) *A commercial area vitalization project;*

(b) A curb and gutter project;

~~[(b)]~~ *(c)* A drainage project;

~~[(c)]~~ *(d)* An offstreet parking project;

~~[(d)]~~ *(e)* An overpass project;

~~[(e)]~~ *(f)* A park project;

~~[(f)]~~ *(g)* A sanitary sewer project;

~~[(g)]~~ *(h)* A security wall;

~~[(h)]~~ *(i)* A sidewalk project;

~~[(i)]~~ *(j)* A storm sewer project;

~~[(j)]~~ *(k)* A street project;

~~[(k)]~~ *(l)* A street beautification project;

~~[(l)]~~ *(m)* A transportation project;

~~[(m)]~~ *(n)* An underpass project;

~~[(n)]~~ *(o)* A water project; and

~~[(o)]~~ *(p)* Any combination of such projects.

2. In addition to the power specified in subsection 1, the governing body of a city having a commission form of government as defined in NRS 267.010, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both, within and without the municipality:

(a) An electrical project;

(b) A telephone project;

(c) A combination of an electrical project and a telephone project;

(d) A combination of an electrical project or a telephone project with any of the projects, or any combination thereof, specified in subsection 1; and

(e) A combination of an electrical project and a telephone project with any of the projects, or any combination thereof, specified in subsection 1.

3. In addition to the power specified in subsections 1 and 2, the governing body of a municipality, on behalf of the municipality and in its name, without an election, may finance an underground conversion project with the approval of each service provider that owns the overhead service facilities to be converted.

Sec. 15. NRS 271.280 is hereby amended to read as follows:

271.280 1. Whenever the governing body is of the opinion that the interest of the municipality requires any project, the governing body, by resolution, shall direct the engineer to prepare, or may, after he has prepared, ratify:

(a) Preliminary plans showing:

(1) A typical section of the contemplated improvement.

(2) The type or types of material, approximate thickness and wideness.

(3) A preliminary estimate of the cost of the project, including incidental costs.

(b) An assessment plat showing:

(1) The area to be assessed.

(2) Except as otherwise provided in section 3 of ~~[this act,]~~ *Assembly Bill No. 95 of this session,* the amount of maximum benefits estimated to be assessed against each tract in the assessment area.

The governing body is not required to employ the services of an appraiser to estimate or to assist the engineer in estimating the benefits to be derived from the project.

2. The resolution or ratification may provide for one or more types of construction, and the engineer shall separately estimate the cost of each type of construction. The estimate may be made in a lump sum or by unit prices, as the engineer determines is most desirable for the improvement complete in place.

3. The resolution or document ratified must describe the project in general terms.

4. The resolution or document ratified must state:

(a) What part or portion of the expense of the project is of special benefit and therefore is to be paid by assessments.

(b) What part, if any, has been or is proposed to be defrayed with money derived from other than the levy of assessments.

(c) The basis by which the cost will be apportioned and assessments levied.

5. If the assessment is not to be made according to front feet, the resolution or document ratified must:

(a) By apt description designate the improvement district, including the tracts to be assessed.

(b) Describe definitely the location of the project.

(c) State that the assessment is to be made upon all the tracts benefited by the project proportionately to the benefits received.

6. If the assessment is to be upon the abutting property upon a frontage basis, it is sufficient for the resolution or document ratified so to state and to define the location of the project to be made.

7. It is not necessary in any case to describe minutely in the resolution or document ratified each particular tract to be assessed, but simply to designate the property, improvement district or the location, so that the various parts to be assessed can be ascertained and determined to be within or without the proposed improvement district.

8. *If the preliminary plans include a commercial area vitalization project, then in addition to the other requirements in this section, before the plans are ratified by the governing body, the plans must include a plan for the management of the proposed improvement district which must include, without limitation:*

(a) The improvements proposed for each year of the first 5 fiscal years of the proposed improvement district;

(b) An estimate of the total amount to be expended on improvements in the first year of operation;

(c) A list of any other special assessments that are currently being levied within the proposed improvement district;

(d) The name of any proposed association; and

(e) Any other matter that the governing body requires to be set forth in the plan.

9. The engineer shall forthwith prepare and file with the clerk:

(a) The preliminary plans; and

(b) The assessment plat.

~~[9.]~~ *10.* Upon the filing of the plans and plat, they must be examined by the governing body. If the plans and plat are found to be satisfactory, the governing body shall make a provisional order by resolution to the effect that the project will be acquired or improved, or both acquired and improved.

Sec. 16. NRS 271.285 is hereby amended to read as follows:

271.285 ~~[Whenever]~~

1. Except as otherwise provided in subsection 2, whenever the owner or owners of lands to be assessed for not less than 90 percent of the entire cost of any project, including all incidental expenses, constituting at least 66 2/3 percent in frontage, in area or other property basis used for the computation of assessments as therein provided, as the case may be, by written petition, initiates the acquisition of any project which the governing body is authorized to initiate, subject to the following limitations:

~~[1. The]~~ *(a) Except as otherwise provided in subsection 7 of NRS 271.325, the* governing body may incorporate such project in any improvement district or districts.

~~[2.]~~ *(b)* The governing body need not proceed with the acquisition of any such project or any part thereof after holding a hearing thereon, pursuant to NRS 271.310, and all provisions thereof thereunto enabling, if the governing body shall determine that it is not for the public interest that the proposed project, or a part thereof, be then ordered to be made.

~~[3.]~~ *(c)* Any particular kind of project, or any material therefor, or any part thereof, need not be acquired or located, as provided in the petition, if the governing body shall determine that such is not for the public interest.

~~[4.]~~ *(d)* The governing body need not take any proceedings or action upon receiving any such petition, if the governing body shall thereupon determine by resolution that the acquisition of the designated project probably is not feasible for a reason or reasons stated in such resolution, and if the resolution requires a cash deposit or a pledge of property in at least an amount or value therein designated and found therein by the governing body probably to be sufficient to defray the expenses and costs incurred by the municipality taken preliminary to and in the attempted acquisition of the project designated in the petition, and if such deposit or pledge is not made with the treasurer within 20 days after one publication in a newspaper of general circulation in the municipality of a notice of the resolution's adoption and of its content in summary form. An additional deposit or pledge may from time to time be similarly so required as a condition precedent to the continuation of action by the municipality. Whenever such deposit or pledge is so made and thereafter the governing body shall determine that such acquisition is not feasible within a reasonable period of time, the governing body may require that all or any portion of the costs theretofore incurred in connection therewith by the municipality after its receipt of the petition shall be defrayed from such deposit or the proceeds of such pledged property in the absence of such defrayment of costs by petitioners or other interested persons within 20 days after the determination by resolution of the amount so to be defrayed and after such published notice thereof.

2. A petition signed by owners of tracts constituting at least one-half of the basis used for computation of assessments is sufficient to initiate procedures for acquiring or improving a commercial area vitalization project. A petition for acquiring or improving a commercial area vitalization

project must be accompanied by a plan describing proposed improvements and a proposed assessment plat when submitted to the governing body.

Sec. 17. NRS 271.290 is hereby amended to read as follows:

271.290 ~~[Upon]~~

1. Except as otherwise expressly provided or necessarily implied in this section or in NRS 271.285, upon the filing of such a petition, the governing body shall proceed in the same manner as is provided for hereby where proceedings are initiated by the governing body . ~~[, except as otherwise expressly provided or necessarily implied in NRS 271.285.]~~

2. Upon the filing of a petition for the acquisition or improvement of a commercial area vitalization project, the governing body shall hold a public hearing on the petition. At least 20 days before the public hearing, the governing body shall:

(a) Mail notice of the hearing to each owner of real property within the proposed improvement district and to each tenant who resides or owns a business located within the proposed improvement district; and

(b) Publish notice of the hearing in a newspaper of general circulation in the municipality,

describing the purpose and general location of the proposed improvement district, and the date, time and place of the proposed public hearing.

3. At the public hearing, any owner of real property or tenant who resides or owns a business located within the proposed district for a commercial area vitalization project may present, orally or in writing, the reasons why he believes that:

(a) The petition does not contain a sufficient number of qualified signatures; or

(b) The finding required by subsection 4 cannot reasonably be made with respect to any part of the proposed improvement district.

4. After consideration of any objections made at the hearing, and of any other information reasonably known to it, the governing body must, as a condition precedent to the initiation of the procedure for acquiring or improving a commercial area vitalization project, find that the public interest will benefit by the provision of the proposed improvements within that part of the municipality. In making this determination, the governing body shall consider the differences it finds between the municipality as a whole and the territory within and adjacent to the proposed improvement district.

Sec. 18. NRS 271.305 is hereby amended to read as follows:

271.305 1. In the provisional order the governing body shall set a time, at least 20 days thereafter, and a place at which the owners of the tracts to be assessed, or any other interested persons, may appear before the governing body and be heard as to the propriety and advisability of acquiring or improving, or acquiring and improving, the project or projects provisionally ordered. If a mobile home park is located on one or more of the tracts to be assessed, the notice must be given to the owner of the tract and each tenant of that mobile home park.

2. Notice must be given:

(a) By publication.

(b) By mail.

(c) By posting.

3. Proof of publication must be by affidavit of the publisher.

4. Proof of mailing and proof of posting must be by affidavit of the engineer, clerk, or any deputy mailing the notice and posting the notice, respectively.

5. Proof of publication, proof of mailing and proof of posting must be maintained in the records of the municipality until all the assessments appertaining to the project have been paid in full, including principal, interest, any penalties, and any collection costs.

6. The notice may be prepared by the engineer and ratified by the governing body, and, except as otherwise provided in subsection 7, must state:

(a) The kind of project proposed.

(b) The estimated cost of the project, and the portion, if any, to be paid from sources other than assessments.

(c) The basis for apportioning the assessments, which assessments must be in proportion to the special benefits derived to each of the several tracts comprising the assessable property and on a front foot, area, zone or other equitable basis.

(d) The number of installments and time in which the assessments will be payable.

(e) The maximum rate of interest on unpaid installments of assessments.

(f) The extent of the improvement district to be assessed, by boundaries or other brief description.

(g) The time and place of the hearing where the governing body will consider all objections to the project.

(h) That all written objections to the project must be filed with the clerk of the municipality at least 3 days before the time set for the hearing.

(i) ~~[That]~~ *If the project is not a commercial area vitalization project, that* pursuant to NRS 271.306, if a majority of the property owners to be assessed for a project proposed by a governing body object in writing within the time stated in paragraph (h), the project must not be acquired or improved unless:

(1) The municipality pays one-half or more of the total cost of the project, other than a park project, with money derived from other than the levy or assessments; or

(2) The project constitutes not more than 2,640 feet, including intersections, remaining unimproved in any street, including an alley, between improvements already made to either side of the same street or between improvements already made to intersecting streets.

(j) That the description of the tracts to be assessed, the maximum amount of benefits estimated to be conferred on each such tract and all proceedings in the premises are on file and can be examined at the office of the clerk.

(k) Unless there will be no substantial change, that a substantial change in certain existing street elevations or grades will result from the project, without necessarily including any statement in detail of the extent or location of any such change.

(l) That a person should object to the formation of the district using the procedure outlined in the notice if his support for the district is based upon a statement or representation concerning the project that is not contained in the language of the notice.

(m) That if a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

(1) He is entitled to be represented by counsel at the hearing;

(2) Any evidence he desires to present on these issues must be presented at the hearing; and

(3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

(n) If the project is a commercial area vitalization project, that:

(1) A person who owns or resides within a tract in the proposed improvement district and which is used exclusively for residential purposes may file a protest to inclusion in the assessment plat pursuant to section 9 of this act; and

(2) Pursuant to NRS 271.306, if written remonstrances by the owners of tracts constituting one-third or more of the basis for the computation of assessments for the commercial area vitalization project are presented to the governing body, the governing body shall not proceed with the commercial area vitalization project.

7. The notice need not state either or both of the exceptions stated in subsection 2 of NRS 271.306 unless either or both of the exceptions are determined by the governing body or the engineer to be relevant to the proposed improvement district to which the notice appertains.

8. All proceedings may be modified or rescinded wholly or in part by resolution adopted by the governing body, or by a document prepared by the engineer and ratified by the governing body, at any time before the passage of the ordinance adopted pursuant to NRS 271.325, creating the improvement district, and authorizing the project.

9. No substantial change in the improvement district, details, preliminary plans or specifications or estimates may be made after the first publication, posting or mailing of notice to property owners, whichever occurs first, except for the deletion of a portion of a project and property from the proposed program and improvement district or any assessment unit.

10. The engineer may make minor changes in time, plans and materials entering into the work at any time before its completion.

11. If the ordinance is for a commercial area vitalization project, notice sent pursuant to this section must be sent by mail to each person who owns real property which is located within the proposed improvement district and

to each tenant who resides or owns a business located within the proposed improvement district.

Sec. 19. NRS 271.306 is hereby amended to read as follows:

271.306 1. Regardless of the basis used for apportioning assessments, the amount apportioned to a wedge or V or any other irregularly shaped tract must be in proportion to the special benefits thereby derived.

2. Except as otherwise provided in ~~[subsection 3,]~~ *subsections 3 and 4,* if, within the time specified in the notice, complaints, protests and objections in writing, that is, all written remonstrances, against acquiring or improving the project proposed by initiation of the governing body are filed with the clerk, signed by the owners of tracts constituting a majority of the frontage, of the area, of the zone, or of the other basis for the computation of assessments, as the case may be, of the tracts to be assessed in the improvement district or in the assessment unit if the improvement district is divided into assessment units, the project therein must not be acquired or improved unless:

(a) The municipality pays one-half or more of the total cost of the project, other than a park project, with money derived from other than the levy of assessments; or

(b) The project constitutes not more than 2,640 feet, including intersections, remaining unimproved in any street, including an alley, between improvements already made to either side of the same street or between improvements already made to intersecting streets. In this case the governing body may on its own motion cause the intervening and unimproved part of the street to be improved. Such improvements will not be stayed or defeated or prevented by written complaints, protests and objections thereto, unless the governing body in its sole discretion, deems such written complaints, protests and objections proper to cause the improvement to be stayed or prevented.

3. Written remonstrances by the owners of tracts constituting 50 percent of the basis for the computation of assessments suffice to preclude the acquisition or improvement of a street beautification project.

4. Written remonstrances by the owners of tracts constituting at least one-third of the basis for the computation of assessments suffice to preclude the acquisition or improvement of a commercial area vitalization project. For the purposes of this subsection, the property of a single owner may not be counted as constituting more than 10 percent of the basis.

Sec. 20. NRS 271.320 is hereby amended to read as follows:

271.320 1. After the hearing ~~[,]~~ *and* after the governing body has ~~[disposed]~~ *:*

(a) Disposed of all complaints, protests and objections, oral and in writing ~~[, and after the governing body has determined that either]~~ *;*

(b) Determined that it is not prevented from proceeding pursuant to subsection 3 or 4 of NRS 271.306; and

(c) Determined that:

(1) Either or both exceptions stated in subsection 2 of NRS 271.306 apply ~~[, or that there]~~ *; or*

(2) There were not filed with the clerk complaints, protests and objections in writing and signed by the owners of tracts constituting a majority of the frontage, of the area, of the zone, or of the other basis for the computation of assessments stated in the notice, of the tracts to be assessed in the improvement district or in the assessment unit, if any,

and the governing body has jurisdiction to proceed, the governing body shall determine whether to proceed with the improvement district, and with each assessment unit, if any, except as otherwise provided in this chapter.

2. If the governing body desires to proceed and desires any modification, by motion or resolution it shall direct the engineer to prepare and present to the governing body:

(a) A revised and detailed estimate of the total cost, including, without limiting the generality of the foregoing, the cost of acquiring or improving each proposed project and of each of the incidental costs. The revised estimate does not constitute a limitation for any purpose.

(b) Full and detailed plans and specifications for each proposed project designed to permit and encourage competition among the bidders, if any project is to be acquired by construction contract.

(c) A revised map and assessment plat showing respectively the location of each project and the tracts to be assessed therefor, not including any area or project not before the governing body at a provisional order hearing.

3. That resolution, a separate resolution, or the ordinance creating the improvement district may combine or divide the proposed project or projects into suitable construction units for the purpose of letting separate and independent contracts, regardless of the extent of any project constituting an assessment unit and regardless of whether a portion or none of the cost of any project is to be defrayed other than by the levy of special assessments. Costs of unrelated projects must be segregated for assessment purposes as provided in this chapter.

Sec. 21. NRS 271.325 is hereby amended to read as follows:

271.325 1. When an accurate estimate of cost, full and detailed plans and specifications and map are prepared, are presented and are satisfactory to the governing body, it shall, by resolution, make a determination that:

(a) Public convenience and necessity require the creation of the district; and

(b) The creation of the district is economically sound and feasible.

This determination may be made part of the ordinance creating the district adopted pursuant to subsection 2 and is conclusive in the absence of fraud or gross abuse of discretion.

2. The governing body may, by ordinance, create the district and order the proposed project to be acquired or improved. This ordinance may be adopted and amended as if an emergency existed.

3. The ordinance must prescribe:

(a) The extent of the improvement district to be assessed, by boundaries or other brief description, and similarly of each assessment unit therein, if any.

(b) The kind and location of each project proposed, without mentioning minor details.

(c) The amount or proportion of the total cost to be defrayed by assessments, the method of levying assessments, the number of installments and the times in which the costs assessed will be payable.

(d) The character and extent of any construction units.

4. The engineer may further revise the cost, plans and specifications and map from time to time for all or any part of any project, and the ordinance may be appropriately amended before letting any construction contract therefor and before any work being done other than by independent contract let by the municipality.

5. The ordinance, as amended if amended, must order the work to be done as provided in this chapter.

6. Upon adoption or amendment of the ordinance, the governing body shall cause to be filed in the office of the county recorder a certified copy of a list of the tracts to be assessed and the amount of maximum benefits estimated to be assessed against each tract in the assessment area, as shown on the assessment plat as revised and approved by the governing body pursuant to NRS 271.320. Neither the failure to record the list as provided in this subsection nor any defect or omission in the list regarding any parcel or parcels to be included within the district affects the validity of any assessment, the lien for the payment thereof or the priority of that lien.

7. The governing body may not adopt an ordinance creating or modifying the boundaries of an improvement district for a commercial area vitalization project if the boundaries of the improvement district overlap an existing improvement district created for a commercial area vitalization project.

Sec. 22. NRS 271.335 is hereby amended to read as follows:

271.335 1. No contract for doing construction work for acquiring or improving the project contemplated may be made or awarded, nor may the governing body incur any expense or liability in relation thereto, except for maps, plats, diagrams, estimates, plans, specifications and notices, until after the hearing upon the provisional order and notice thereof provided for in NRS 271.305 have been given and had.

2. This section does not prevent the governing body from advertising by publication for proposals for doing the work whenever the governing body sees fit, but the contract may not be made or awarded before the time stated in subsection 1.

3. Except as otherwise provided *in subsection 12 and* in NRS 271.800, in the case of construction work done by independent contract for any project, or portion thereof, in any improvement district, the municipality shall request competitive bids, and proceed thereon, pursuant to the provisions of chapter 338 of NRS.

4. The municipality may waive any irregularity in the form of any bid.

5. Any contract may be let on a lump sum or on a unit basis.

6. No contract may be entered into for such work unless the contractor gives an undertaking with a sufficient surety or sureties approved by the governing body and in an amount fixed by it for the faithful performance of the contract and for payment of the contract.

7. Upon default in the performance of any contract, any designated official, as directed by motion of the governing body, may advertise and relet the remainder of the work without further ordinance or resolution and deduct the cost from the original contract price and recover any excess cost by suit on the original bond, or otherwise.

8. All contracts must provide among other things that the person entering into the contract with the municipality will pay for all materials furnished and labor and services rendered for the performance of the contract, and that any person furnishing the materials or rendering the services may maintain an action to recover for them against the obligor in the undertaking as though the person was named therein.

9. A contract or agreement made in violation of the provisions of this section is voidable, and no action may be maintained thereon by any party thereto against the municipality.

10. To the extent the municipality makes any payment thereunder, such a contract or agreement is valid, and any such payment may be included in any cost defrayed by the levy of assessments, unless theretofore the municipality elects to void the contract or agreement in its entirety and to recover any such payment from the party to whom made.

11. The governing body, except as expressly limited in this section, may, in the letting of contracts, impose such conditions upon bidders with regard to bonds and securities, and such guaranties of good and faithful performance and completion of any work and the keeping of the work in repair, and providing for any further matter or thing in connection therewith, as may be considered by the governing body to be advantageous to the municipality and to all interested.

12. The provisions of subsections 3 through 11, inclusive, do not apply to work performed by an association pursuant to a contract entered into pursuant to section 5 of this act.

Sec. 23. Sections 12, 14, 15 and 19 of this act become effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to local improvements; authorizing a municipality to form a local improvement district for a commercial area vitalization project; authorizing a municipality who forms a local improvement district for a commercial area vitalization project to enter into contracts with certain nonprofit associations for certain purposes; authorizing a municipality to dissolve a local improvement district formed for such purposes under certain circumstances; and providing other matter properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes municipality to form local improvement district for commercial area vitalization project. (BDR 21-26)".

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 530.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 192, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

BARBARA E. BUCKLEY	JON C. PORTER
GENE SEGERBLOM	MIKE MCGINNESS
LYNN C. HETTRICK	RAYMOND C. SHAFFER
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 192.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 475, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA13, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE	ANN O'CONNELL
	JON C. PORTER
VIVIAN L. FREEMAN	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. 13.

Amend sec. 4, page 3, by deleting lines 28 and 29 and inserting:

"*appropriate, in accordance with the procedures for bidding that are set forth in:*

(a) The provisions of sections 3 to 11, inclusive, of Assembly Bill No. 298 of this session; or

(b) NRS 338.140 to 338.147, inclusive, if the public body is a local government that elects to award a contract for a public work in accordance with paragraph (b) of subsection 1 of section 2 of Assembly Bill No. 298 of this session.".

Amend sec. 8, page 6, line 6, after "*338.147*" by inserting:

"*or section 11 of Assembly Bill No. 298 of this session*".

Amend sec. 8, page 6, line 36, by deleting "*contract;*" and inserting:

"*contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;*".

Amend sec. 9, page 7, line 10, by deleting:

"*Design or construct*" and inserting "*Construct*".

Amend sec. 9, page 7, line 11, by deleting "*design or*".

Amend sec. 10, pages 7 through 9, by deleting lines 36 through 42 on page 7, lines 1 through 43 on page 8 and lines 1 through 13 on page 9, and inserting:

"*5.* "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government which requests bids for a public work in accordance with paragraph (b) of subsection 1 of section 2 of ~~[this act;]~~ *Assembly Bill No. 298 of this session;* or

(b) Determined by a public body which awarded a contract for a public work pursuant to sections 3 to 11, inclusive, of ~~[this act,]~~ *Assembly Bill No. 298 of this session,* to be qualified to bid on that contract pursuant to section 5 of ~~[this act]~~ *Assembly Bill No. 298 of this session* or was exempt from meeting such qualifications pursuant to section 6 of ~~[this act.~~

~~3.]~~ *Assembly Bill No. 298 of this session.*

6. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

~~[4.]~~ *7.* "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS; or

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS.

~~[5.]~~ *8.* "Prime contractor" means a person who:

(a) Contracts to ~~[complete]~~ *construct* an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own work force to perform all or a part of the construction, repair or reconstruction of the project; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

~~[6.]~~ *9.* "Public body" means the state, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work.

~~[7.]~~ *10.* "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities which are financed in whole or in part by public money;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public funds; and

(10) Any other publicly owned works and property whose cost as a whole exceeds $20,000.

Each separate unit that is a part of a project is included in the cost of the project to determine whether a project meets that threshold.

(b) A building for the University and Community College System of Nevada of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this state or from federal money.

~~[8.]~~ *11. "Specialty contractor" means a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.*

12. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of section 2 of this act.

13. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

~~[9.]~~ *14.* "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman. The term does not include a design professional . ~~[as that term is defined in NRS 338.155.]~~".

Amend sec. 11, pages 9 and 10, by deleting lines 16 through 42 on page 9 and lines 1 through 21 on page 10, and inserting:

"338.1907, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of section 2 of ~~[this act,]~~ *Assembly Bill No. 298 of this session,* or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(c) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.".

Amend sec. 11, page 10, by deleting line 28 and inserting:

"Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993 ~~[.]~~ *; or*".

Amend sec. 12, pages 10 and 11, by deleting lines 33 through 43 on page 10 and lines 1 through 38 on page 11, and inserting:

"338.143 1. Except as otherwise provided in subsection 6, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of section 2 of ~~[this act,]~~ *Assembly Bill No. 298 of this session,* or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(c) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.".

Amend sec. 12, page 12, by deleting lines 2 through 5 and inserting: "Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993.".

Amend the bill as a whole by deleting sections 13 and 13.5 and adding new sections designated sections 13 and 13.5, after sec. 12, to read as follows:

"Sec. 13. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in NRS 338.143 [,] *and sections 2 to 9, inclusive, of this act,* a local government shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 8 or limited by subsection 9, for the purposes of this section, a contractor who:

(a) Has been found to be a responsible and responsive contractor by the local government; and

(b) At the time he submits his bid, provides to the local government a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the state contractors' board pursuant to subsection 3, shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the general contractor has:

(a) Paid:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including,

without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and motor vehicle privilege tax; or

(b) Acquired, by inheritance, gift or transfer through a stock option plan for employees, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3, a general contractor shall be deemed to have paid:

(a) Sales and use taxes and motor vehicle privilege taxes paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor; and

(b) Sales and use taxes paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

5. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the state contractors' board pursuant to subsection 3 shall, at the time for the annual renewal of his contractors' license pursuant to NRS 624.283, submit to the board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 to maintain his eligibility to hold such a certificate.

6. A contractor who fails to submit an affidavit to the board pursuant to subsection 5 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3.

7. If a contractor who applies to the state contractors' board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on

public works for a period of 5 years after the date on which the board becomes aware of the submission of the false information.

8. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than $250,000.

9. ~~[If]~~ *Except as otherwise provided in subsection 2 of section 8 of this act and subsection 2 of section 27 of this act, if* a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

10. The state contractors' board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

11. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the completion of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body at or after the time at which the contractor submitted the bid or proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.

12. If a public body receives a written objection pursuant to subsection 11, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.

Sec. 13.5. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in NRS 338.143 , ~~[and sections 2 to 9, inclusive, of this act,]~~ a local government shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 8 or limited by subsection 9, for the purposes of this section, a contractor who:

(a) Has been found to be a responsible and responsive contractor by the local government; and

(b) At the time he submits his bid, provides to the local government a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the state contractors' board pursuant to subsection 3,

shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the general contractor has:

(a) Paid:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and motor vehicle privilege tax; or

(b) Acquired, by inheritance, gift or transfer through a stock option plan for employees, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3, a general contractor shall be deemed to have paid:

(a) Sales and use taxes and motor vehicle privilege taxes paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor; and

(b) Sales and use taxes paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

5. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the state contractors' board pursuant to subsection 3 shall, at the time for the annual renewal of his contractors' license pursuant to NRS 624.283, submit to the board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 to maintain his eligibility to hold such a certificate.

6. A contractor who fails to submit an affidavit to the board pursuant to subsection 5 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3.

7. If a contractor who applies to the state contractors' board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the board becomes aware of the submission of the false information.

8. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than $250,000.

9. ~~[Except as otherwise provided in subsection 2 of section 8 of this act and subsection 2 of section 27 of this act, if]~~ *If* a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

10. The state contractors' board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

11. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the completion of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body at or after the time at which the contractor submitted the bid or proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.

12. If a public body receives a written objection pursuant to subsection 11, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.".

Amend sec. 27, page 24, lines 26 and 27, by deleting:

"*that arise during construction and are*" and inserting "*as*".

Amend sec. 28, page 25, line 1, by deleting "*Design, construct,*" and inserting "*Construct,*".

Amend sec. 28, page 25, line 2, by deleting "*design or*".

Amend the bill as a whole by adding new sections designated sections 35.2 through 35.8, following sec. 35, to read as follows:

"Sec. 35.2. Section 11 of this act is hereby amended to read as follows:

Sec. 11. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6 and NRS 338.1907, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of section 2 of this act, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local

government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(c) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; *or*

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993 . ~~[; or~~

~~(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to sections 2 to 9, inclusive, of this act.]~~".

Sec. 35.4. Assembly Bill No. 298 of this session is hereby amended by adding thereto new sections designated sections 19.2 through 19.6, following sec. 19, to read as follows:

Sec. 19.2. Section 8 of this act is hereby amended to read as follows:

Sec. 8. 1. Except as otherwise provided in subsection 7 and NRS 338.1906 and 338.1907, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of section 2 of this act, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the state or the local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to section 5 of this act to bid on the contract or must be exempt from meeting such qualifications pursuant to section 6 of this act; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to section 5 of this act, unless the bidder is exempt from meeting such qualifications pursuant to section 6 of this act;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the state or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to

an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the state or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the state or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the state or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; *or*

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993 . ~~[; or~~

~~(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to sections 2 to 9, inclusive, of Senate Bill No. 475 of this session.]~~

Sec. 19.4. Section 8 of this act is hereby amended to read as follows:

Sec. 8. 1. Except as otherwise provided in subsection 7 , ~~[and NRS 338.1906 and 338.1907,]~~ this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of section 2 of this act, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the state or the local government, shall not:

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall

select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to section 5 of this act to bid on the contract or must be exempt from meeting such qualifications pursuant to section 6 of this act; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to section 5 of this act, unless the bidder is exempt from meeting such qualifications pursuant to section 6 of this act;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the state or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the state or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the state or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the state or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993.

Sec. 19.6. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. Except as otherwise provided in section 8 of this act, ~~[and sections 2 to 9, inclusive, of Senate Bill No. 475 of this session,]~~ a public body shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 8 or limited by subsection 9, for the purposes of this section, a contractor who:

(a) Has been determined by the public body to be a qualified bidder pursuant to section 5 of this act or is exempt from meeting such requirements pursuant to section 6 of this act; and

(b) At the time he submits his bid, provides to the public body a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the state contractors' board pursuant to subsection 3,

shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the general contractor has:

(a) Paid:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and motor vehicle privilege tax; or

(b) Acquired, by inheritance, gift or transfer through a stock option plan for employees, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3, a general contractor shall be deemed to have paid:

(a) Sales and use taxes and motor vehicle privilege taxes paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor; and

(b) Sales and use taxes paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

5. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the state contractors' board pursuant to subsection 3 shall, at the time for the annual renewal of his contractors' license pursuant to NRS 624.283, submit to the board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 to maintain his eligibility to hold such a certificate.

6. A contractor who fails to submit an affidavit to the board pursuant to subsection 5 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3.

7. If a contractor who applies to the state contractors' board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the board becomes aware of the submission of the false information.

8. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than $250,000.

9. ~~[Except as otherwise provided in subsection 2 of section 8 of Senate Bill No. 475 of this session, if]~~ *If* a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

10. The state contractors' board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

11. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body at or after the time at which the contractor submitted the bid or proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.

12. If a public body receives a written objection pursuant to subsection 11, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.

Sec. 35.6. Sections 8, 11, 12 and 21 of Assembly Bill No. 298 of this session are hereby amended to read as follows:

Sec. 8. *1. Except as otherwise provided in subsection 7 and NRS 338.1906 and 338.1907, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of section 2 of this act, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the state or the local government, shall not:*

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the

construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to section 5 of this act to bid on the contract or must be exempt from meeting such qualifications pursuant to section 6 of this act; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to section 5 of this act, unless the bidder is exempt from meeting such qualifications pursuant to section 6 of this act;

(b) The bidder is not responsive;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the state or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the state or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the state or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the state or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993; or

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to sections 2 to 9, inclusive, of Senate Bill No. 475 of this session.

Sec. 11. *1. Except as otherwise provided in section 8 of this act and sections 2 to 9, inclusive, of Senate Bill No. 475 of this session, a public body shall award a contract for a public work to the contractor who submits the best bid.*

2. Except as otherwise provided in subsection 8 or limited by subsection 9, for the purposes of this section, a contractor who:

(a) Has been determined by the public body to be a qualified bidder pursuant to section 5 of this act or is exempt from meeting such requirements pursuant to section 6 of this act; and

(b) At the time he submits his bid, provides to the public body a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the state contractors' board pursuant to subsection 3,

shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the general contractor has:

(a) Paid:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and motor vehicle privilege tax; or

(b) Acquired, by inheritance, gift or transfer through a stock option plan for employees, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3, a general contractor shall be deemed to have paid:

(a) Sales and use taxes and motor vehicle privilege taxes paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor; and

(b) Sales and use taxes paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

5. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the state contractors' board pursuant to subsection 3 shall, at the time for the annual renewal of his contractors' license pursuant to NRS 624.283, submit to the board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 to maintain his eligibility to hold such a certificate.

6. A contractor who fails to submit an affidavit to the board pursuant to subsection 5 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3.

7. If a contractor who applies to the state contractors' board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the board becomes aware of the submission of the false information.

8. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than $250,000.

9. Except as otherwise provided in subsection 2 of section 8 of Senate Bill No. 475 of this session, if a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of

subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

10. The state contractors' board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

11. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body at or after the time at which the contractor submitted the bid or proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.

12. If a public body receives a written objection pursuant to subsection 11, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.

Sec. 12. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

2. "Eligible bidder" means a person who was ~~[found]~~ *:*

(a) Found to be a responsible contractor by a ~~[public body]~~ *local government* which awarded a contract for a public work ~~[.]~~ *in accordance with paragraph (b) of subsection 1 of section 2 of this act; or*

(b) Determined by a public body which awarded a contract for a public work pursuant to sections 3 to 11, inclusive, of this act, to be qualified to bid on that contract pursuant to section 5 of this act or was exempt from meeting such qualifications pursuant to section 6 of this act.

3. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes

or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

4. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS; or

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS.

~~[4.]~~ *5.* "Public body" means the state, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work.

~~[5.]~~ *6.* "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities which are financed in whole or in part by public money;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public funds; and

(10) ~~[All]~~ *Any* other publicly owned works and property whose cost as a whole exceeds $20,000. Each separate unit which is a part of a project is included in the cost of the project for the purpose of determining whether a project meets this threshold.

(b) A building for the University and Community College System of Nevada of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by ~~[the]~~ *this* state or *from* federal money.

~~[6.]~~ *7.* "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

~~[7.]~~ *8.* "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman.

Sec. 21. 1. This section and sections 2 to 7, inclusive, 10 to 14, inclusive, 16 to 19, inclusive, and 20 of this act become effective on October 1, 1999.

2. Section 8 of this act becomes effective on October 1, 1999, and expires by limitation on October 1, 2003.

3. Sections 19.2 and 19.6 of this act become effective on October 1, 2003.

4. Sections 15 and 19.4 of this act become effective at 12:01 a.m. on May 1, 2013.

5. Sections 14, 18, 19 and 19.2 of this act expire by limitation on May 1, 2013.

Sec. 35.8. Section 4 of Senate Bill No. 144 of this session is hereby amended to read as follows:

Sec. 4. "Contractor" means ~~[a]~~ *:*

1. A person who:

~~[1.]~~ *(a)* Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS; and

~~[2.]~~ *(b)* Contracts with a public body to provide labor, materials or services for a public work.

2. A design-build team that contracts with a public body to design and construct a public work pursuant to sections 2 to 9, inclusive, of Senate Bill No. 475 of this session.".

Amend sec. 36, page 28, line 34, by deleting "is" and inserting:

"and section 9 of Assembly Bill No. 298 of this session are".

Amend sec. 38, page 29, by deleting lines 33 through 42 and inserting:

"Sec. 38. 1. This section and sections 35.4 and 35.6 of this act become effective on October 1, 1999.

2. Sections 1 to 9, inclusive, 14 to 35, inclusive, 36 and 37 of this act become effective on October 1, 1999, and expire by limitation on October 1, 2003.

3. Sections 10, 13 and 35.8 of this act become effective at 12:01 a.m. on October 1, 1999, and expire by limitation on October 1, 2003.

4. Section 11 of this act becomes effective at 12:01 a.m. on October 1, 1999, and expires by limitation on May 1, 2013.

5. Section 13.5 of this act becomes effective at 12:01 a.m. on October 1, 2003.

6. Section 35.2 of this act becomes effective at 12:01 a.m. on October 1, 2003 and expires by limitation on May 1, 2013.

7. Section 12 of this act becomes effective at 12:02 a.m. on May 1, 2013.".

Amend the bill as a whole by deleting the text of the repealed section and adding the text of repealed sections, following sec. 38, to read as follows:

TEXT OF REPEALED SECTIONS

341.171 Single contract for design and construction of capital improvement: Legislative approval; regulations.

1. The board may, with the approval of the interim finance committee when the legislature is not in regular or special session, or with the approval of the legislature by concurrent resolution when the legislature is in regular or special session, let to a contractor licensed under chapter 624 of NRS a single contract for both the design and construction of a project of capital improvement. The board shall for the purpose prepare a comprehensive sketch plan and narrative of the scope of the work involved in a project.

2. The board shall adopt regulations establishing procedures for:

(a) The determination of the qualifications of contractors to bid for contracts for the design and construction of such projects. The board shall consult with the American Institute of Architects and the Associated General Contractors, or the successor of either if the named organization ceases to exist, before adopting procedures under this paragraph.

(b) The board's approval of designs and architects employed in a project.

(c) The bidding and awarding of contracts for the design and construction of projects based on a final cost of the project which the contractor guarantees will not be exceeded.

(d) The scheduling and controlling of projects.

Section 9 of Assembly Bill No. 298 of this session:

Sec. 9. *1. Except as otherwise provided in subsection 7, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of section 2 of this act, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the state or the local government, shall not:*

(a) Commence such a project for which the estimated cost exceeds $100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Each advertisement for bids must include a provision that sets forth:

(a) The requirement that a contractor must be qualified pursuant to section 5 of this act to bid on the contract or must be exempt from meeting such qualifications pursuant to section 6 of this act; and

(b) The period during which an application to qualify as a bidder on the contract must be submitted.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to section 5 of this act, unless the bidder is exempt from meeting such qualifications pursuant to section 6 of this act;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(d) The public interest would be served by such a rejection.

6. Before the state or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the state or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the state or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the state or the local government expects to save by rejecting the bids and performing the project itself.

7. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947.

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 475.

Remarks by Assemblymen Bache and Collins.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 701—AN ACT relating to public employees; making appropriations from the state general fund and the state highway fund to the State Board of Examiners for increases in the salaries of certain employees of the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 259 returned from the printer be placed on the General File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:52 p.m.

ASSEMBLY IN SESSION

At 4:57 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, and Ethics, to which were referred Senate Concurrent Resolutions Nos. 4, 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 701; Senate Bills Nos. 553, 554, 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 287, 519, 688.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 193.

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1198 to Senate Bill No. 279; Assembly Amendment No. 893 to Senate Bill No. 481.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 873 to Senate Bill No. 544.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1199 to Senate Bill No. 544.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Wiener, Amodei and Townsend as a first Conference Committee concerning Senate Bill No. 104.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Rhoads and Shaffer as a first Conference Committee concerning Senate Bill No. 438.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Schneider, Washington and Townsend as a first Conference Committee concerning Senate Bill No. 445.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 408.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 192.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 302 and appointed Senators O'Donnell, Washington and Wiener as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Senate Bill No. 302.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 438.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 475.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 689.

The following Senate amendment was read:

Amendment No. 1206.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting:

"Sec. 3. *1. The state board of health shall adopt regulations requiring the fluoridation of all water delivered for human consumption in a county whose population is 400,000 or more by a:*

(a) Public water system that serves a population of 100,000 or more; or

(b) Water authority.".

Amend section 1, page 2, by deleting line 2 and inserting:

"*fluoride to be maintained by such a public water system or a water authority, except*".

Amend section 1, page 2, by deleting lines 11 through 13 and inserting:

"*(c) Requirements for the addition of fluoride to the water if the natural concentration of fluorides is lower than the minimum permissible concentration*".

Amend section 1, page 2, by deleting lines 16 and 17 and inserting:
"*exempt a public water system or water authority from the requirement of fluoridation upon the request of the public water system or water authority.*".

Amend section 1, page 2, by deleting lines 20 and 21 and inserting:

"*(a) The wells of a public water system or water authority if:*

(1) The ground water production of the public water system or water authority".

Amend section 1, page 2, line 23, after "*system*" by inserting "*or authority*".

Amend section 1, page 2, line 28, by deleting "*system:*" and inserting:
"*system or water authority:*".

Amend section 1, page 2, line 30, after "*system*" by inserting "*or authority*".

Amend section 1, page 2, line 32, after "*system*" by inserting "*or authority*".

Amend section 1, page 2, line 35, after "*system*" by inserting "*or authority*".

Amend section 1, page 2, line 41, after "*system*" by inserting:
"*or water authority*".

Amend section 1, page 3, by deleting lines 11 and 12 and inserting:

"*6. A public water system or water authority may submit to the health division a claim for payment of the initial costs of the public water system or water authority to*".

Amend section 1, page 3, line 14, after "*system*" by inserting:
"*or water authority*".

Amend section 1, page 3, line 19, after "*system*" by inserting:
"*or water authority*".

Amend section 1, page 3, by deleting lines 22 and 23 and inserting:

"*7. As used in this section:*

(a) "Supplier of water" has the meaning ascribed to it in NRS 445A.845.

(b) "Water authority" has the meaning ascribed to it in NRS 377B.040.".

Amend section 1, page 3, by deleting line 30 and inserting:

"*2. A water authority, as defined pursuant to NRS 377B.040, and any political subdivision that receives all or a part of its water supply from such a water authority in a county whose population is 400,000 or more.*

3. Purveyors of bottled water who label their containers to".

Amend section 1, page 3, line 35, by deleting "*3.*" and inserting "*4.*".

Amend sec. 2, page 4, by deleting lines 12 through 14 and inserting:

"Should the water authority and each public water system in this county that serve a population of 100,000 persons or more continue the fluoridation of the water?".

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sec. 5 as sec. 3.

Amend the title of the bill to read as follows:

"AN ACT relating to water; amending Assembly Bill No. 284 of the 1999 Legislative Session to make the provisions of the bill applicable to water authorities; revising the manner in which the advisory question is stated; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Amends Assembly Bill No. 284 of 1999 Legislative Session. (BDR 40-1760)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 689.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Joint Resolution No. 5 of the 69th Session, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

ROBERT E. PRICE	WILLIAM R. O'DONNELL
HARRY MORTENSON	JON C. PORTER
MERLE A. BERMAN	JOSEPH M. NEAL
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Price moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Joint Resolution No. 5 of the 69th Session.

Remarks by Assemblymen Price and Bache.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 193.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 553.

Bill read third time.

Remarks by Assemblymen Hettrick, Anderson, Giunchigliani, Humke, Freeman, Nolan, Buckley, Arberry, de Braga, Carpenter, Leslie and Beers.

Roll call on Senate Bill No. 553:

YEAS—24.

NAYS—Anderson, Bache, Buckley, Chowning, de Braga, Freeman, Gibbons, Giunchigliani, Koivisto, Leslie, Manendo, McClain, Parks, Parnell, Price, Thomas, Williams—17.

EXCUSED—Evans.

Senate Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 411.

Bill read third time.

Remarks by Assemblymen Goldwater and de Braga.

Roll call on Senate Bill No. 411:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 259.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 259:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 564.

Bill read third time.

Remarks by Assemblyman Thomas.

Roll call on Assembly Bill No. 564:

YEAS—34.

NAYS—Angle, Brower, Cegavske, Gustavson, Hettrick, Marvel, Von Tobel—7.

EXCUSED—Evans.

Assembly Bill No. 564 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 701.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 701:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 701 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 353.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 353:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 554.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 554:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 555.

Bill read third time.

Remarks by Assemblymen Arberry and Giunchigliani.

Potential conflict of interest declared by Assemblymen Giunchigliani, Parnell, Bache and Anderson

Roll call on Senate Bill No. 555:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Concurrent Resolution No. 67 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

Assemblyman Perkins moved that Senate Concurrent Resolutions Nos. 4 and 19 be placed on the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 67.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 1219.

Amend the resolution, page 1, by deleting lines 11 through 24 and inserting:

"CONCURRING, That a task force to conduct a study concerning misdemeanors consisting of:

1. Six voting members appointed as follows:

(a) Two members of the Assembly appointed by the Speaker of the Assembly, one of whom must have served on the Assembly Standing Committee on Judiciary during the immediately preceding session of the Legislature;

(b) Two members of the Senate appointed by the Majority Leader of the Senate, one of whom must have served on the Senate Standing Committee on Judiciary during the immediately preceding session of the Legislature;

(c) One member of the Assembly appointed by the Minority Leader of the Assembly; and

(d) One member of the Senate appointed by the Minority Leader of the Senate.

The chairman of the task force must be selected from among the voting members of the task force by the voting members of the task force.

2. Five nonvoting members appointed by the voting members of the task force as follows:

(a) One member who is an attorney at the Office of the Attorney General;

(b) One member who is an attorney at the Office of the State Public Defender;

(c) One member who is an attorney at any Office of a District Attorney in this state;

(d) One member who is an attorney at any Office of a County Public Defender in this state; and

(e) One member who is a representative of the general public; and be it further".

Amend the resolution, page 2, line 1, by deleting "interim".

Amend the resolution, page 2, line 12, by deleting "subcommittee;" and inserting "task force;".

Amend the resolution, page 2, by deleting lines 13 through 19 and inserting:

"RESOLVED, That the expenses of the task force must be paid from the legislative fund; and be it further

RESOLVED, That any recommended legislation proposed by the task force must be approved by a majority of the members of the task force appointed from the Assembly and a majority of the members of the task force appointed from the Senate; and be it further

RESOLVED, That the task force shall submit a report, including, without limitation, its findings and any recommendations for legislation, on or before September 1, 2000, to the Director of the Legislative Counsel Bureau for distribution to the 71st session of the Nevada Legislature.".

Amend the title of the resolution to read as follows:

"ASSEMBLY CONCURRENT RESOLUTION—Requiring the establishment of a task force to study penalties for misdemeanors.".

Amend the summary of the resolution to read as follows:

"SUMMARY—Requires establishment of task force to study penalties for misdemeanors. (BDR R-1747)".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to Resolution File.

Senate Concurrent Resolution No. 4.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Senate Concurrent Resolution No. 19.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

SECOND READING AND AMENDMENT

Senate Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1222.

Amend section 1, page 2, by deleting lines 23 through 32 and inserting:

"Section 1. 1. Except as otherwise provided in subsection 3, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $3,000,000. The proceeds of the bonds must be allocated to the Division of State Parks of the State Department of Conservation and Natural Resources to assist in the construction of a California Immigrant Trail Interpretive Center in Elko County.

2. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds and must not exceed 2 percent of the face amount of the bonds sold.

3. The State Board of Finance shall not issue the general obligation bonds pursuant to subsection 1 unless on or before June 30, 2003:

(a) The Division of State Parks of the State Department of Conservation and Natural Resources has received commitments of at least:

(1) One million dollars from Elko County;

(2) Two million dollars from the City of Elko; and

(3) Six million dollars from the Federal Government and other available sources of grant money,

for the construction of the California Immigrant Trail Interpretive Center in Elko County; and

(b) The Federal Government has agreed to own and operate the California Immigrant Trail Interpretive Center in Elko County.".

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the preamble of the bill, page 2, by deleting line 14 and inserting:

"other commitments required by subparagraph (3) of paragraph (a) of subsection 3 of section 1 of this act and paragraph (b) of subsection 3 of section 1 of this act; and".

Amend the preamble of the bill, page 2, line 17, after "the" by inserting "other".

Amend the preamble of the bill, page 2, by deleting line 18 and inserting:

"required by subsection 3 of section 1 of this act; now, therefore,".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to state financial administration; authorizing the issuance of general obligation bonds under certain circumstances to assist in the".

Amend the summary of the bill by deleting the first and second lines and inserting:

"SUMMARY—Authorizes issuance of general obligation bonds under certain circumstances to assist in".

Amend the bill as a whole by adding the following assemblyman as a primary joint sponsor: Assemblyman Marvel.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 438, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA30, which is attached to and hereby made a part of this report.

DOUGLAS A. BACHE
LYNN C. HETTRICK
JOSEPH E. DINI, JR.
Assembly Conference Committee

RANDOLPH J. TOWNSEND
DEAN A. RHOADS
RAYMOND C. SHAFFER
Senate Conference Committee

Conference Amendment No. CA30.

Amend sec. 3, page 2, by deleting lines 8 and 9 and inserting:
"*obligations for the purchase of power.*".

Amend sec. 3, page 2, by deleting lines 34 through 42 and inserting:
"*3. The provisions of this section must not be construed to allow the commission, by direct or indirect action, to modify or terminate any obligation for the purchase of power in effect on June 1, 1999.*".

Amend sec. 4, page 3, line 5, by deleting "*may*" and inserting:
"*must be established at and must*".

Amend sec. 5, page 3, line 19, after "*2000,*" by inserting:
"*or such other date that is determined to be in the public interest by the governor pursuant to NRS 704.976,*".

Amend sec. 10, page 7, by deleting lines 5 through 7 and inserting:
"or after ~~[July 1, 1999, or the date on which alternative sellers are authorized to provide potentially competitive services to customers in this state, as appropriate.]~~ *March 1, 2000, or such other date that is determined to be in the public interest by the governor pursuant to NRS 704.976.*".

Amend sec. 12, page 7, by deleting lines 24 and 25 and inserting:
"~~[December 31, 1999,]~~ *March 1, 2000,* unless the *governor, after consultation with the* commission , determines that a different date is necessary to protect the public interest. ~~[If the~~".

Amend sec. 12, page 9, by deleting lines 6 through 11 and inserting:
"~~[8.]~~ *7.* A vertically integrated electric utility shall not provide a potentially competitive service except through an affiliate ~~[:~~
~~(a) On or after December 31, 1999; or~~
~~(b) The date on which the commission determines that the service is potentially competitive,~~
~~whichever is later.]~~ *on or after March 1, 2000, or such other date that is determined to be in the public interest by the governor pursuant to subsection 1.*".

Amend sec. 16, page 12, by deleting lines 25 through 35 and inserting:
"*4. A customer who has obtained generation, aggregation or any other potentially competitive service for at least 30 continuous days from an alternative seller after March 1, 2000, or such other date that is determined to be in the public interest by the governor pursuant to NRS 704.976, may reacquire service from the designated provider of electric service pursuant to tariffs approved by the commission.* The commission shall establish minimum terms and conditions under which electric service must be provided pursuant to this section, including a minimum period during which a customer must be obligated to pay for the electric service from the assigned

provider. The price charged for electric service for a particular group of customers must reflect the incremental cost of serving the group.".

Amend sec. 16, page 12, line 36, by deleting "*5.*" and inserting "~~[4.]~~ *5.*".

Amend sec. 17, page 13, by deleting lines 27 and 28 and inserting:

"2. ~~[The rate that the designated provider of electric service must charge a customer for the provision of electric service pursuant to subsection 1 is the total rate established for that~~".

Amend sec. 17, pages 13 and 14, by deleting lines 40 through 43 on page 13 and lines 1 through 6 on page 14, and inserting:

" ~~4.~~] *3.* A customer who has obtained generation, aggregation or any other potentially competitive service for at least 30 continuous days from an alternative seller ~~[after March 1, 2000, or such other date that is determined to be in the public interest by the governor pursuant to NRS 704.976,]~~ may reacquire service from the designated provider of electric service pursuant to tariffs approved by the commission. The commission shall establish minimum terms and conditions under which electric service must be provided pursuant to this section, including a minimum period during which a customer must be obligated to pay for the electric service from the assigned provider. The price charged for electric service for a particular group of customers must reflect the incremental cost of serving the group.".

Amend sec. 17, page 14, by deleting line 12 and inserting:

"~~[6. Except upon the application of the designated provider to reduce the total rate for any class of customers pursuant to section 4 of this act, the commission shall not initiate or conduct any proceedings to]~~".

Amend sec. 18, page 15, by deleting lines 11 and 12 and inserting:

"2. ~~[For the purposes of this section,]~~ *If* the commission ~~[may impose a procedure]~~ *determines that costs are recoverable pursuant to subsection 1, the commission shall, for the purposes of this section and section 3 of this act, adopt by regulation procedures to provide* for the direct and unavoidable recovery from ratepayers of the".

Amend sec. 18, page 15, line 14, by deleting "procedure" and inserting "~~[procedure]~~ *procedures*".

Amend the bill as a whole by deleting sec. 21 and renumbering sections 22 through 27 as sections 21 through 26.

Amend sec. 22, page 16, line 35, after "2000," by inserting:

"or such other date that is determined to be in the public interest by the governor pursuant to NRS 704.976,".

Amend sec. 23, page 17, by deleting line 1 and inserting:

"Sec. 22. On or before March 1, 2000, or such other date that is determined to be in the public interest by the governor pursuant to NRS 704.976, an alternative seller and a vertically integrated electric".

Amend sec. 23, page 17, line 4, by deleting "2000." and inserting:

"2000, or such other date that is determined to be in the public interest by the governor pursuant to NRS 704.976.".

Amend sec. 24, page 17, line 6, by deleting:

'for electric service" and inserting "with customers".

Amend sec. 25, page 17, line 10, by deleting "July" and inserting "June".

Amend sec. 26, page 17, by deleting line 12 and inserting:

'inclusive, 18 to 22, inclusive, and 26 of this act become effective on".

Amend sec. 26, page 17, line 14, by deleting:

"Section 24 becomes" and inserting:

"Sections 23 and 24 become".

Amend the title of the bill, seventh line, by deleting "extending" and inserting:

"revising the provisions governing".

Assemblyman Bache moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 438.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:03 p.m.

ASSEMBLY IN SESSION

At 10:38 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 205, 696, 699, 700; Senate Bill No. 556.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 64, Senate Amendment No. 1197, and requests a conference, and appointed Senators Townsend, Amodei and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also,I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 689, Senate Amendment No. 1206, and requests a conference, and appointed Senators Rawson, Wiener and Washington as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Assembly Bill No. 238.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Assembly Bill No. 267.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Senate Bill No. 360.

Also, I have the honor to inform your honorable body that the Senate on this day refused to adopt the report of the first Conference Committee concerning Assembly Bill No. 109, and requests a second conference, and appointed Senators O'Connell, Rhoads and Schneider as a second Conference Committee to meet with a like committee of the Assembly for further consideration of Assembly Bill No. 109.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Wiener and James as a second Conference Committee concerning Senate Bill No. 360.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Goldwater, Buckley and Berman as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 64

Mr. Speaker appointed Assemblymen Giunchigliani, Goldwater and Hettrick as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 109.

Mr. Speaker appointed Assemblymen Anderson, Giunchigliani and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 689.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 702—AN ACT relating to the legislature; revising the provisions relating to the compensation and titles of certain legislative employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 556.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Concurrent Resolution No. 67 just reported out of committee be placed on the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 67.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted, as amended.

Assemblyman Perkins moved that Senate Bill No. 329 returned from the printer be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 329

Bill read third time.

Remarks by Assemblymen Marvel and Carpenter.

Roll call on Senate Bill No. 329:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 109, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA35, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI
DAVID E. GOLDWATER
LYNN C. HETTRICK
Assembly Conference Committee

ANN O'CONNELL
DEAN A. RHOADS
MICHAEL A. SCHNEIDER
Senate Conference Committee

Conference Amendment No. CA35.

Amend the bill as a whole by deleting sections 1 through 9, renumbering sec. 10 as sec. 2, and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An informal merchant shall not offer for sale or knowingly allow the sale of any new product that he knows or reasonably should have known is stolen, has been recalled by the manufacturer, has been adulterated, has not been maintained at the proper temperature, has an expiration date that has passed, has been discarded by the manufacturer or a retailer, is an inferior product if he does not clearly indicate such inferiority, or has any other defect that makes the product ineffective for the use for which it is purchased or that makes the product below the quality expected by the consumer.

2. An informal merchant who violates the provisions of subsection 1 shall be punished:

(a) If the sale of the product does not cause substantial bodily harm to another person, for a gross misdemeanor.

(b) If the sale of the product causes substantial bodily harm to another person, for a category C felony as provided in NRS 193.130.

3. Upon request of a peace officer, an informal merchant shall provide reliable evidence of the legal acquisition of a new product that the merchant is offering for sale. If it is determined that the product was stolen and the informal merchant fails to provide such evidence, an inference is created that the informal merchant knew or should have known that the product was stolen.

4. As used in this section:

(a) "Informal market" means:

(1) A gathering at which:

(I) Two or more persons offer personal property for sale or exchange;

(II) A fee is charged for the sale or exchange of personal property; or

(III) A fee is charged for admission to the area in which personal property is offered for sale or exchange; or

(2) A place at which personal property is offered or displayed for sale or exchange on more than six occasions in a period of 12 months,

whether held in a building, under cover or in the open air.

(b) "Informal merchant" means a person who does not have an established retail store in the county and who transports an inventory of goods to an informal market and displays the goods for sale, offers them for sale at retail or sells them at retail.

(c) "New product" means any tangible good which has never been used or which is in its original, unopened package or container.

(d) "Stolen" means taken unlawfully from or without the permission of the owner, whether or not the person who took the item is or has been prosecuted or convicted for the taking of the item.".

Amend sec. 10, page 4, by deleting lines 42 and 43 and inserting:

"(2) A bank, credit union or savings and loan institution whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.".

Amend the bill as a whole by renumbering sec. 11 as sec. 6 and adding new sections designated sections 3 through 5, following sec. 10, to read as follows:

"Sec. 3. Chapter 647 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who is described in subsection 2 of NRS 647.018:

1. Shall comply with the provisions of NRS 647.110, 647.120 and 647.130; and

2. Is subject to the provisions of NRS 647.140 and 647.145.

Sec. 4. NRS 647.016 is hereby amended to read as follows:

647.016 "Junk dealer" means every person, firm or corporation engaged in the business of purchasing or selling hides or junk ~~[.]~~ *, other than used books.*

Sec. 5. NRS 647.018 is hereby amended to read as follows:

647.018 *1.* "Secondhand dealer" means any person engaged in whole or in part in the business of buying and selling metal junk, melted metals or secondhand personal property, *other than used books,* including, without limitation, antiques and collectibles.

2. The term does not include a person who engages in the business of buying or selling secondhand firearms or any antique parts, accessories or other equipment relating to those firearms if:

(a) The person engages in that business at a show that:

(1) Is held at:

(I) A convention facility which is owned or operated by and located on the premises of a resort hotel; or

(II) A recreational facility which is owned or operated by a county fair and recreation board; and

(2) Is conducted for not more than 7 days during any 6-month period; and

(b) The person has been issued a license as a manufacturer, importer, dealer or collector pursuant to the provisions of 18 U.S.C. § 923.".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 11, to read as follows:

"Sec. 7. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the title of the bill to read as follows:

"AN ACT relating to trade practices; prohibiting an informal merchant from selling new products that have certain defects; removing the purchasing and selling of used books from the definition of "junk dealer" and "secondhand dealer"; revising the definition of "secondhand dealer" to exclude certain persons who engage in the business of buying or selling secondhand firearms under certain circumstances; providing a penalty; and providing other matters properly relating thereto."

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 109.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 280, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA24, which is attached to and hereby made a part of this report.

BARBARA E. BUCKLEY
SHEILA LESLIE
MERLE A. BERMAN
Assembly Conference Committee

MARK E. AMODEI
VALERIE WIENER
BERNICE MATHEWS
Senate Conference Committee

Conference Amendment No. CA24.

Amend the bill as a whole by deleting sections 1 through 23 and adding new sections designated sections 1 through 90, following the enacting clause, to read as follows:

"Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. *As used in sections 2 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Aversive intervention" means any of the following actions if the action is used to punish a person with a disability or to eliminate, reduce or discourage maladaptive behavior of a person with a disability:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of corporal punishment;

5. The use of verbal and mental abuse;

6. The use of electric shock;

7. Requiring a person to perform exercise under forced conditions if the:

(a) Person is required to perform the exercise because he exhibited a behavior that is related to his disability;

(b) Exercise is harmful to the health of the person because of his disability; or

(c) Nature of the person's disability prevents him from engaging in the exercise;

8. Any intervention, technique or procedure that deprives a person of the use of one or more of his senses, regardless of the length of the deprivation, including, without limitation, the use of sensory screens; or

9. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:

(a) Food or liquid at a time when it is customarily served; or

(b) Medication.

Sec. 4. *"Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.*

Sec. 5. *"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.*

Sec. 6. *"Electric shock" means the application of electric current to a person's skin or body. The term does not include electroconvulsive therapy.*

Sec. 7. *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.*

Sec. 8. *"Mechanical restraint" means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.*

Sec. 9. *"Person with a disability" means a person who:*

1. Has a physical or mental impairment that substantially limits one or more of the major life activities of the person;

2. Has a record of such an impairment; or

3. Is regarded as having such an impairment.

Sec. 10. *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Sec. 11. *"Verbal and mental abuse" means verbal intimidation or coercion of a person without a redeeming purpose.*

Sec. 12. *A person employed by a facility or any other person shall not use any aversive intervention on a person with a disability who is a client.*

Sec. 13. *Notwithstanding the provisions of sections 14 to 17, inclusive, of this act to the contrary, a facility may use or authorize the use of physical restraint, mechanical restraint or chemical restraint on a person with a disability who is a client if the facility is:*

1. Accredited by a nationally recognized accreditation association or agency; or

2. Certified for participation in the Medicaid or Medicare program,

only to the extent that the accreditation or certification allows the use of such restraint.

Sec. 14. *A person employed by a facility or any other person shall not:*

1. Except as otherwise provided in section 15 of this act, use physical restraint on a person with a disability who is a client.

2. Except as otherwise provided in section 16 of this act, use mechanical restraint on a person with a disability who is a client.

3. Except as otherwise provided in section 17 of this act, use chemical restraint on a person with a disability who is client.

Sec. 15. *1. Except as otherwise provided in subsection 2, physical restraint may be used on a person with a disability who is a client only if:*

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the client so that the client is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a person with a disability who is a client and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the client in completing a task or response if the client does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a client to safety if the client is in danger in his present location; or

(c) Conduct medical examinations or treatments on the client that are necessary.

3. If physical restraint is used on a person with a disability who is a client in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 16. *1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a person with a disability who is a client only if:*

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the client's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the client not later than 1 working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(e) The client is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the facility lessens or discontinues the restraint every 15 minutes to determine whether the client will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the client contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the client and the response of the member of the staff of the facility who applied the mechanical restraint;

(h) A member of the staff of the facility continuously monitors the client during the time that mechanical restraint is used on the client; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the client so that the client is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a person with a disability who is a client and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a client;

(b) Protect a client who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a client; or

(d) Position a client who has physical disabilities in a manner prescribed in the client's plan of services.

3. If mechanical restraint is used on a person with a disability who is a client in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 17. *1. Chemical restraint may only be used on a person with a disability who is a client if:*

(a) The client has been diagnosed as mentally ill, as defined in NRS 433A.115, and is receiving mental health services from a facility;

(b) The chemical restraint is administered to the client while he is under the care of the facility;

(c) An emergency exists that necessitates the use of chemical restraint;

(d) A medical order authorizing the use of chemical restraint is obtained from the client's attending physician or psychiatrist;

(e) The physician or psychiatrist who signed the order required pursuant to paragraph (d) examines the client not later than 1 working day immediately after the administration of the chemical restraint; and

(f) The chemical restraint is administered by a person licensed to administer medication.

2. If chemical restraint is used on a person with a disability who is a client, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 18. *1. Each facility shall develop a program of education for the members of the staff of the facility to provide instruction in positive behavioral interventions and positive behavioral supports that:*

(a) Includes positive methods to modify the environment of clients to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to clients so that clients can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance a client's independence and quality of life;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of clients; and

(e) Offers a process for designing interventions based upon the client that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the client.

2. Each facility shall provide appropriate training for the members of the staff of the facility who are authorized to carry out and monitor physical restraint, mechanical restraint and chemical restraint to ensure that those members of the staff are competent and qualified to carry out the procedures in accordance with sections 2 to 19, inclusive, of this act.

Sec. 19. *1. A facility where a violation of the provisions of sections 2 to 19, inclusive, of this act occurs shall:*

(a) Not later than 24 hours after a violation occurs, or as soon thereafter as the violation is discovered, report the violation to the division; and

(b) Develop, in cooperation with the division, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the facility to prevent future violations.

2. The division shall forward the plan to the director of the department. The director or his designee shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The director or his designee may require appropriate revision of the plan to ensure compliance.

3. If the facility where the violation occurred does not meet the requirements of the plan to the satisfaction of the director or his designee, the department may withhold funding for the facility until the facility meets the requirements of the plan.

Sec. 20. NRS 433.484 is hereby amended to read as follows:

433.484 Each client admitted for evaluation, treatment or training to a facility has the following rights concerning care, treatment and training, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the client by such additional means as prescribed by regulation:

1. To medical, psychosocial and rehabilitative care, treatment and training including prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability. All of that care, treatment and training must be consistent with standards of practice of the respective professions in the community and is subject to the following conditions:

(a) Before instituting a plan of care, treatment or training or carrying out any necessary surgical procedure, express and informed consent must be obtained in writing from:

(1) The client if he is 18 years of age or over or legally emancipated and competent to give that consent, and from his legal guardian, if any;

(2) The parent or guardian of a client under 18 years of age and not legally emancipated; or

(3) The legal guardian of a client of any age who has been adjudicated mentally incompetent;

(b) An informed consent requires that the person whose consent is sought be adequately informed as to:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, benefits and purposes of the procedure; and

(3) Alternative procedures available;

(c) The consent of a client as provided in paragraph (b) may be withdrawn by the client in writing at any time with or without cause;

(d) Even in the absence of express and informed consent, a licensed and qualified physician may render emergency medical care or treatment to any client who has been injured in an accident or who is suffering from an acute illness, disease or condition, if within a reasonable degree of medical certainty, delay in the initiation of emergency medical care or treatment would endanger the health of the client and if the treatment is immediately entered into the client's record of treatment, subject to the provisions of paragraph (e); and

(e) If the proposed emergency medical care or treatment is deemed by the chief medical officer of the facility to be unusual, experimental or generally occurring infrequently in routine medical practice, the chief medical officer shall request consultation from other physicians or practitioners of healing arts who have knowledge of the proposed care or treatment.

2. To be free from ~~[the application of any mechanical restraint, except if prescribed by a physician. If so prescribed, the restraint must be removed whenever the condition justifying its use no longer exists, and any use of a mechanical restraint, together with the reasons therefor, must be made a part of the client's record of treatment.]~~ *abuse, neglect and aversive intervention.*

3. To consent to his transfer from one facility to another, except that the administrator of the division of mental health and developmental services of the department or his designee, or the administrator of the division of child and family services of the department or his designee, may order a transfer to be made whenever conditions concerning care, treatment or training warrant it. If the client in any manner objects to the transfer, the person ordering it must enter the objection and a written justification of the transfer in the client's record of treatment and immediately forward a notice of the objection to the administrator who ordered the transfer, and the commission shall review the transfer pursuant to subsection 3 of NRS 433.534.

4. Other rights concerning care, treatment and training as may be specified by regulation of the commission.

Sec. 21. NRS 433.554 is hereby amended to read as follows:

433.554 1. An employee of a public or private mental health facility or any other person, except a client, who:

(a) Has reason to believe that a client of the division or of a private facility offering mental health services has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by clients unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with clients, unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a client involving the transfer of money or property for personal use or gain at the expense of the client; or

(e) Contrives the escape, elopement or absence of a client,

is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private mental health facility or any other person, except a client, who willfully abuses or neglects a client:

(a) ~~[If no]~~ *For a first violation that does not result in* substantial bodily harm to the client , ~~[results,]~~ is guilty of a gross misdemeanor.

(b) ~~[If]~~ *For a first violation that results in* substantial bodily harm to the client , ~~[results,]~~ is guilty of a category B felony . ~~[and]~~

(c) For a second or subsequent violation, is guilty of a category B felony. A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if he is an officer or employee of the state, he forfeits his office or position.

4. *A conviction pursuant to NRS 433.554 is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to NRS 433.554.*

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a client, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the client;

(2) ~~[Striking the client;~~

~~(3) Verbal intimidation or coercion of the client without a redeeming purpose;~~

~~(4) The use of excessive force when placing the client in physical restraints; and~~

~~(5)]~~ *The use of any type of aversive intervention;*

(3) Except as otherwise provided in section 13 of this act, a violation of section 14 of this act; and

(4) The use of physical , ~~[or]~~ chemical *or mechanical* restraints *or the use of seclusion* in violation of ~~[state or]~~ federal law.

Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Client" includes any person who seeks, on his own or others' initiative, and can benefit from care , treatment and training in a public or private institution or facility offering mental health services. The term ~~[does not include]~~ *includes* a client of the division of child and family services of the department.

(c) "Neglect" means any omission to act which causes injury to a client or which places the client at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the client has consented; and

(2) The policies of the facility for the care and treatment of clients.

Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 22. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each mentally retarded person or person with a related condition admitted to a division facility is entitled to all rights enumerated in *sections 2 to 19, inclusive, of this act and* NRS 433.482 and 433.484.

2. The administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of mentally retarded persons and persons with related conditions. The person designated shall file the regulations with the administrator.

3. Clients' rights specified in NRS 433.482 and 433.484 may be denied only for cause. Any denial of such rights must be entered in the client's treatment record, and notice of the denial must be forwarded to the administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding the denial. A copy of the report must be sent to the administrator and the commission.

5. The commission has such powers and duties with respect to reports of denial of rights as are enumerated in subsection 3 of NRS 433.534.

Sec. 23. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 42, inclusive, of this act.

Sec. 24. *As used in sections 24 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 25 to 33, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 25. *"Aversive intervention" means any of the following actions if the action is used to punish a pupil with a disability or to eliminate, reduce or discourage maladaptive behavior of a pupil with a disability:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of corporal punishment;

5. The use of verbal and mental abuse;

6. The use of electric shock;

7. The administration of chemical restraint to a person;

8. The placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room;

9. Requiring a person to perform exercise under forced conditions if the:

(a) Person is required to perform the exercise because he exhibited a behavior that is related to his disability;

(b) Exercise is harmful to the health of the person because of his disability; or

(c) Nature of the person's disability prevents him from engaging in the exercise; or

10. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:

(a) Food or liquid at a time when it is customarily served; or

(b) Medication.

Sec. 26. *"Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.*

Sec. 27. *"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.*

Sec. 28. *"Electric shock" means the application of electric current to a person's skin or body. The term does not include electroconvulsive therapy.*

Sec. 29. *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.*

Sec. 29.5. *"Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 30. *"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

Sec. 31. *"Mechanical restraint" means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.*

Sec. 32. *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Sec. 33. *"Verbal and mental abuse" means actions or utterances that are intended to cause and actually cause severe emotional distress to a person.*

Sec. 34. *A person employed by the board of trustees of a school district or any other person shall not use any aversive intervention on a pupil with a disability.*

Sec. 35. *A person employed by the board of trustees of a school district or any other person shall not:*

1. Except as otherwise provided in section 36 of this act, use physical restraint on a pupil with a disability.

2. Except as otherwise provided in section 37 of this act, use mechanical restraint on a pupil with a disability.

Sec. 36. *1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:*

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a pupil to safety if the pupil is in danger in his present location; or

(c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees determines that a denial of the pupil's rights has occurred, the board of trustees may submit a report to the department in accordance with section 42 of this act.

Sec. 37. *1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:*

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the pupil's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the pupil as soon as practicable;

(d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician who signed the order;

(f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the school who applied the mechanical restraint;

(h) A member of the staff of the school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of the pupil;

(b) Protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a pupil; or

(d) Position a pupil who has physical disabilities in a manner prescribed in the pupil's individualized education program.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees determines that a denial of the pupil's rights has occurred, the board of trustees may submit a report to the department in accordance with section 42 of this act.

Sec. 38. *1. The department shall develop a model program of education for use by the school districts to train the members of the staff of the schools within the school districts who are identified in the individualized education programs of pupils with disabilities to provide services to those pupils. The model program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:*

(a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance the independence and quality of life for pupils with disabilities;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and

(e) Offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. The board of trustees of each school district shall provide for appropriate training for the members of the staff of the schools within the school district who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with sections 24 to 42, inclusive, of this act.

Sec. 39. *In addition to any penalty prescribed by specific statute, a person who intentionally uses aversive intervention on a pupil with a disability or intentionally violates section 35 of this act, is subject to disciplinary action pursuant to NRS 391.312 or 391.330, or both.*

Sec. 40. *1. A school where a violation of sections 24 to 42, inclusive, of this act occurs shall report the violation to the board of trustees of the school district not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.*

2. The board of trustees of the school district where the violation occurred shall develop, in cooperation with the superintendent of schools of the school district, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the school and the board of trustees to prevent future violations.

3. The superintendent of schools of the school district shall submit the plan to the department. The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance.

4. If the school where the violation occurred does not meet the requirements of the plan to the satisfaction of the department, the department may appoint a licensed administrator to oversee the school to ensure that the

school meets the requirements of the plan. An administrator serves at the pleasure of the superintendent of public instruction and is entitled to receive such compensation as may be set by the superintendent. A school district that contains a school for which an administrator is appointed pursuant to this subsection shall reimburse the department for any expenses incurred by the department pursuant to this subsection.

Sec. 41. *An officer, administrator or employee of a public school shall not retaliate against any person for having:*

1. Reported a violation of sections 24 to 42, inclusive, of this act; or

2. Provided information regarding a violation of sections 24 to 42, inclusive, of this act,

by a public school or a member of the staff of the public school.

Sec. 42. *1. A denial of rights of a pupil with a disability pursuant to sections 24 to 42, inclusive, of this act must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district.*

2. If the board of trustees of a school district receives notice of a denial of rights pursuant to subsection 1, it shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the department.

3. The department:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of pupils with disabilities; and

(c) May act to resolve disputes relating to apparent violations.

Sec. 43. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.520, inclusive ~~[:]~~ *, and sections 24 to 42, inclusive, of this act:*

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 44. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this Title;

(p) Dishonesty; ~~[or]~~

(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015 ~~[.]~~ *; or*

(r) An intentional violation of section 34 or 35 of this act.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

Sec. 45. NRS 391.330 is hereby amended to read as follows:

391.330 The state board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

4. Conviction of a felony or crime involving moral turpitude.

5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the state board, the commission or the superintendent of public instruction, defining

and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.

9. An intentional violation of section 34 or 35 of this act.

Sec. 46. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 47 to 66, inclusive, of this act.

Sec. 47. *As used in sections 47 to 66, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 48 to 57, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 48. *"Aversive intervention" means any of the following actions if the action is used to punish a pupil with a disability or to eliminate, reduce or discourage maladaptive behavior of a pupil with a disability:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of corporal punishment;

5. The use of verbal and mental abuse;

6. The use of electric shock;

7. The administration of chemical restraint to a person;

8. The placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room;

9. Requiring a person to perform exercise under forced conditions if the:

(a) Person is required to perform the exercise because he exhibited a behavior that is related to his disability;

(b) Exercise is harmful to the health of the person because of his disability; or

(c) Nature of the person's disability prevents him from engaging in the exercise; or

10. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:

(a) Food or liquid at a time when it is customarily served; or

(b) Medication.

Sec. 49. *"Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.*

Sec. 50. *"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.*

Sec. 51. *"Electric shock" means the application of electric current to a person's skin or body. The term does not include electroconvulsive therapy.*

Sec. 52. *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.*

Sec. 53. *"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

Sec. 54. *"Mechanical restraint" means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.*

Sec. 55. *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Sec. 56. *"Pupil with a disability" has the meaning ascribed to it in NRS 388.440.*

Sec. 57. *"Verbal and mental abuse" means actions or utterances that are intended to cause and actually cause severe emotional distress to a person.*

Sec. 58. *A person employed by a private school or any other person shall not use any aversive intervention on a pupil with a disability.*

Sec. 59. *A person employed by a private school or any other person shall not:*

1. Except as otherwise provided in section 60 of this act, use physical restraint on a pupil with a disability.

2. Except as otherwise provided in section 61 of this act, use mechanical restraint on a pupil with a disability.

Sec. 60. *1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:*

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a pupil to safety if the pupil is in danger in his present location; or

(c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record not later than 1 working day after the procedure is used. A copy of the report must be provided to the superintendent, the administrator of the private school, the pupil's individualized education program team, if applicable, and the parent or guardian of the pupil. If the administrator of the private school determines that a denial of the pupil's rights has occurred, the administrator shall submit a report to the superintendent in accordance with section 66 of this act.

Sec. 61. *1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:*

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the pupil's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the pupil as soon as practicable after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the private school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician who signed the order;

(f) A member of the staff of the private school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the private school who applied the mechanical restraint;

(h) A member of the staff of the private school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of the pupil;

(b) Protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a pupil; or

(d) Position a pupil who has physical disabilities in a manner prescribed in the pupil's service plan developed pursuant to 34 C.F.R. § 300.455 or the pupil's individualized education program, whichever is appropriate.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record not later than 1 working day after the procedure is used. A copy of the report must be provided to the superintendent, the administrator of the private school, the pupil's individualized education program team, if applicable, and the parent or guardian of the pupil. If the administrator of the private school determines that a denial of the pupil's rights has occurred, the administrator shall submit a report to the superintendent in accordance with section 66 of this act.

4. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 62. *1. If a private school provides instruction to pupils with disabilities, the school shall develop a program of education for the members of the staff of the school who provide services to pupils with disabilities. The program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:*

(a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance the independence and quality of life for pupils with disabilities;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and

(e) Offers a process for deigning interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. If a private school provides instruction to pupils with disabilities, the school shall provide appropriate training for the members of the staff of the school who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with sections 47 to 66, inclusive, of this act.

Sec. 63. *In addition to any penalty prescribed by specific statute, a person who intentionally uses aversive intervention on a pupil with a disability or intentionally violates section 59 of this act, is subject to appropriate disciplinary action by the private school that employs him.*

Sec. 64. *1. A private school where a violation of sections 47 to 66, inclusive, of this act occurs shall report the violation to the superintendent not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.*

2. The private school where a violation occurred shall develop, in cooperation with the superintendent, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the private school to prevent future violations.

3. The superintendent shall submit the plan to the department. The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance.

Sec. 65. *An officer, administrator or employee of a private school shall not retaliate against any person for having:*

1. Reported a violation of sections 47 to 66, inclusive, of this act; or

2. Provided information regarding a violation of sections 47 to 66, inclusive, of this act,

by a private school or a member of the staff of the private school.

Sec. 66. *1. A denial of rights of a pupil with a disability pursuant to sections 47 to 66, inclusive, of this act must be entered in the pupil's cumulative record. Notice of the denial must be provided to the administrator of the private school.*

2. If the administrator of a private school receives notice of a denial of rights pursuant to subsection 1, he shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the superintendent.

3. The superintendent:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of pupils with disabilities; and

(c) May act to resolve disputes relating to apparent violations.

Sec. 67. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 68 to 86, inclusive, of this act.

Sec. 68. *As used in sections 68 to 86, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 69 to 77, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 69. *"Aversive intervention" means any of the following actions if the action is used to punish a person with a disability or to eliminate, reduce or discourage maladaptive behavior of a person with a disability:*

1. The use of noxious odors and tastes;

2. The use of water and other mists or sprays;

3. The use of blasts of air;

4. The use of corporal punishment;

5. The use of verbal and mental abuse;

6. The use of electric shock;

7. Requiring a person to perform exercise under forced conditions if the:

(a) Person is required to perform the exercise because he exhibited a behavior that is related to his disability;

(b) Exercise is harmful to the health of the person because of his disability; or

(c) Nature of the person's disability prevents him from engaging in the exercise;

8. Any intervention, technique or procedure that deprives a person of the use of one or more of his senses, regardless of the length of the deprivation, including, without limitation, the use of sensory screens; or

9. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:

(a) Food or liquid at a time when it is customarily served; or

(b) Medication.

The term does not include the withholding or withdrawal of life-sustaining treatment in accordance with NRS 449.626.

Sec. 69.5. *"Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his impulses.*

Sec. 70. *"Corporal punishment" means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.*

Sec. 71. *"Electric shock" means the application of electric current to a person's skin or body. The term does not include electroconvulsive therapy.*

Sec. 72. *"Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.*

Sec. 73. *"Facility" means a facility licensed pursuant to this chapter that is a psychiatric hospital or a unit of a hospital that is specifically designated to provide care and services to persons with psychiatric or developmental disabilities.*

Sec. 74. *"Mechanical restraint" means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person's movement or hold a person immobile.*

Sec. 75. *"Person with a disability" means a person who:*

1. Has a physical or mental impairment that substantially limits one or more of the major life activities of the person;

2. Has a record of such an impairment; or

3. Is regarded as having such an impairment.

Sec. 76. *"Physical restraint" means the use of physical contact to limit a person's movement or hold a person immobile.*

Sec. 77. *"Verbal and mental abuse" means actions or utterances that are intended to cause and actually cause severe emotional distress to a person.*

Sec. 78. *A person employed by a facility licensed pursuant to this chapter or any other person shall not use any aversive intervention on a person with a disability who is a patient at the facility.*

Sec. 78.5. *Notwithstanding the provisions of sections 79 to 81.5, inclusive, of this act to the contrary, a facility may use or authorize the use of physical restraint, mechanical restraint or chemical restraint on a person with a disability who is a patient if the facility is:*

1. Accredited by a nationally recognized accreditation association or agency; or

2. Certified for participation in the Medicaid or Medicare program,

only to the extent that the accreditation or certification allows the use of such restraint.

Sec. 79. *A person employed by a facility licensed pursuant to this chapter or any other person shall not:*

1. Except as otherwise provided in section 80 of this act, use physical restraint on a person with a disability who is a patient at the facility.

2. Except as otherwise provided in section 81 of this act, use mechanical restraint on a person with a disability who is a patient at the facility.

3. Except as otherwise provided in section 81.5 of this act, use chemical restraint on a person with a disability who is a patient at the facility.

Sec. 80. *1. Except as otherwise provided in subsection 2, physical restraint may be used on a person with a disability who is a patient at a facility only if:*

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the patient so that the patient is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a person with a disability who is a patient at a facility and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the patient in completing a task or response if the patient does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry a patient to safety if the patient is in danger in his present location; or

(c) Conduct medical examinations or treatments on the patient that are necessary.

3. If physical restraint is used on a person with a disability who is a patient at a facility in an emergency, the use of the procedure must be reported as a denial of rights pursuant to section 86 of this act, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 81. *1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a person with a disability who is a patient at a facility only if:*

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the patient's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the patient not later than 1 working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(e) The patient is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the facility lessens or discontinues the restraint every 15 minutes to determine whether the patient will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the patient contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the patient and the response of the member of the staff of the facility who applied the mechanical restraint;

(h) A member of the staff of the facility continuously monitors the patient during the time that mechanical restraint is used on the patient; and

(i) The patient is released from the mechanical restraint as soon as his behavior no longer presents an immediate threat to himself or others.

2. Mechanical restraint may be used on a person with a disability who is a patient at a facility and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a patient;

(b) Protect a patient who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a patient; or

(d) Position a patient who has physical disabilities in a manner prescribed in the patient's plan of treatment.

3. If mechanical restraint is used on a person with a disability who is a patient at a facility in an emergency, the use of the procedure must be reported as a denial of rights pursuant to section 86 of this act, regardless of

whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 81.5. *1. Chemical restraint may only be used on a person with a disability who is a patient at a facility if:*

(a) The patient has been diagnosed as mentally ill, as defined in NRS 433A.115, and is receiving mental health services from a facility;

(b) The chemical restraint is administered to the patient while he is under the care of the facility;

(c) An emergency exists that necessitates the use of chemical restraint;

(d) A medical order authorizing the use of chemical restraint is obtained from the patient's attending physician or psychiatrist;

(e) The physician or psychiatrist who signed the order required pursuant to paragraph (d) examines the patient not later than 1 working day immediately after the administration of the chemical restraint; and

(f) The chemical restraint is administered by a person licensed to administer medication.

2. If chemical restraint is used on a person with a disability who is a patient, the use of the procedure must be reported as a denial of rights pursuant to section 86 of this act, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 82. *1. Each facility shall develop a program of education for the members of the staff of the facility to provide instruction in positive behavioral interventions and positive behavioral supports that:*

(a) Includes positive methods to modify the environment of patients to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(b) Includes methods to teach skills to patients so that patients can replace inappropriate behavior with adaptive behavior;

(c) Includes methods to enhance a patient's independence and quality of life;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of patients; and

(e) Offers a process for designing interventions based upon the patient that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the patient.

2. Each facility shall provide appropriate training for the members of the staff of the facility who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are competent and qualified to carry out the procedures in accordance with sections 68 to 86, inclusive, of this act.

Sec. 83. *1. Unless a more severe penalty is prescribed by specific statute, a person who willfully uses aversive intervention on a person with a disability who is a patient at a facility or, except as otherwise provided in section 78.5 of this act, violates section 79 of this act:*

(a) For a first violation that does not result in substantial bodily harm to the person with a disability, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the person with a disability, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

A person who is convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

2. A person who is convicted pursuant to this section is ineligible for 5 years for employment with a facility.

3. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The health division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted.

Sec. 84. *1. A facility where a violation of the provisions of sections 68 to 86, inclusive, of this act occurs shall report the violation to the health division not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.*

2. A facility where a violation occurred shall develop, in cooperation with the health division, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the facility to prevent future violations.

3. The health division shall forward the plan to the board. The board shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The board may require appropriate revision of the plan to ensure compliance.

4. If the facility where the violation occurred does not meet the requirements of the plan to the satisfaction of the board, the board may direct the agency that administers funding for the facility to withhold state funding for the facility until the facility meets the requirements of the plan.

Sec. 85. *An officer, administrator or employee of a facility licensed pursuant to this chapter shall not retaliate against any person for having:*

1. Reported a violation of sections 68 to 86, inclusive, of this act; or

2. Provided information regarding a violation of sections 68 to 86, inclusive, of this act,

by a facility or a member of the staff of the facility.

Sec. 86. *1. A denial of rights of a person with a disability who is a patient of a facility pursuant to sections 68 to 86, inclusive, of this act must be entered in the patient's record. Notice of the denial must be provided to the administrator of the facility.*

2. If the administrator of a facility receives notice of a denial of rights pursuant to subsection 1, he shall cause a full report to be prepared which

must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the health division.

3. The health division:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of persons with disabilities who are patients at facilities; and

(c) May act to resolve disputes relating to apparent violations.

Sec. 87. NRS 449.730 is hereby amended to read as follows:

449.730 *1.* Every medical facility, facility for the dependent and home for individual residential care shall inform each patient or his legal representative, upon his admission to the facility or home, of the patient's rights as listed in NRS 449.700, 449.710 and 449.720.

2. In addition to the requirements of subsection 1, if a person with a disability is a patient at a facility, as that term is defined in section 73 of this act, the facility shall inform the patient of his rights pursuant to sections 68 to 86, inclusive, of this act.

Sec. 88. NRS 449.850 is hereby amended to read as follows:

449.850 1. The attorney in fact may not consent to:

(a) Commitment or placement of the principal in a facility for treatment of mental illness;

(b) Convulsive treatment;

(c) Psychosurgery;

(d) Sterilization;

(e) Abortion; ~~[or]~~

(f) *Aversive intervention, as that term is defined in section 69 of this act; or*

(g) Any other treatment to which the principal, in the power of attorney, states that the attorney in fact may not consent.

2. The attorney in fact must make decisions concerning the use or nonuse of life sustaining treatment which conform to the known desires of the principal. The principal may make these desires known in the power of attorney.

Sec. 89. The amendatory provisions of this act do not apply to offenses that were committed before October 1, 1999.

Sec. 90. Section 20 of this act becomes effective at 12:01 a.m. on October 1, 1999.".

Amend the preamble of the bill, page 1, by deleting line 6 and inserting: "educational services in this state deserves to receive those".

Amend the preamble of the bill, page 1, line 8, by deleting "is entitled" and inserting "deserves".

Amend the preamble of the bill, page 2, by deleting line 2 and inserting: "educational services in this state deserves a".

Amend the title of the bill to read as follows:

"AN ACT relating to persons with disabilities; prohibiting the use of aversive intervention on persons with disabilities under certain circumstances; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits use of aversive intervention on persons with disabilities under certain circumstances. (BDR 39-286)".

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 280.

Remarks by Assemblymen Buckley, Bache and Giunchigliani.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 302, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Conference Committee, to consist of 3 members, for the further consideration of the measure.

TOM COLLINS	MARK E. AMODEI
JERRY D. CLABORN	LAWRENCE E. JACOBSEN
DONALD G. GUSTAVSON	RAYMOND C. SHAFFER
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Collins moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 302.

Remarks by Assemblyman Collins.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, McClain and Carpenter as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 302.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Conference Committee concerning Senate Bill No. 360, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

MARK A. MANENDO	MIKE MCGINNESS
	VALERIE WIENER
TOM COLLINS	MARK A. JAMES
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Manendo moved that the Assembly adopt the report of the second Conference Committee concerning Senate Bill No. 360.

Remarks by Assemblyman Manendo.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 431, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA25, which is attached to and hereby made a part of this report.

BARBARA E. BUCKLEY	RANDOLPH J. TOWNSEND
CHRIS GIUNCHIGLIANI	DEAN A. RHOADS
DENNIS NOLAN	RAYMOND C. SHAFFER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA25.

Amend sec. 2, page 4, line 15, by deleting "continue" and inserting "cease".

Amend the title of the bill by deleting the second and third lines and inserting:

"to make the provisions of the bill applicable to water authorities; requiring an advisory question concerning the fluoridation of water to be placed on the general election ballot in a county whose population is 400,000 or more; and providing other matters".

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 431.

Remarks by Assemblywoman Buckley.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 689, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA37, which is attached to and hereby made a part of this report.

BERNARD ANDERSON	RAYMOND D. RAWSON
CHRIS GIUNCHIGLIANI	VALERIE WIENER
JOHN C. CARPENTER	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA37.

Amend sec. 2, page 4, line 15, by deleting "continue" and inserting "cease".

Amend the title of the bill by deleting the second and third lines and inserting:

"to make the provisions of the bill applicable to water authorities; requiring an advisory question concerning the fluoridation of water to be placed on the general election ballot in a county whose population is 400,000 or more; and providing other matters".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 689.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Dini, Marvel and Arberry as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 289.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 544, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Dini, Arberry and Perkins as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 544.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 224, 320, 330, 360, 373, 663; Senate Bill No. 557.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 548.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1218 to Senate Bill No. 184.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Joint Resolution No. 5 of the 69th Session.

SENATE CHAMBER, Carson City, May 29, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 679.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 684.

The following Senate amendment was read:

Amendment No 1195.

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

"Section 1. 1. The commission for the preservation of wild horses is hereby authorized to spend no more than $75,000 in the Heil trust fund for wild horses created pursuant to NRS 504.450 to conduct a study of the feasibility of establishing a private foundation to promote the adoption of wild horses and burros by members of the general public.

2. The commission for the preservation of wild horses shall submit a written report of the results of the study to the Director of the Legislative Counsel Bureau for transmission to the 71st session of the Nevada Legislature.".

Amend the title of the bill by deleting the second and third lines and inserting:

"commission to spend a portion of the money in the Heil trust fund for wild horses to conduct a study of the feasibility of establishing a private".

Amend the summary of the bill by deleting the first and second lines and inserting:

"SUMMARY—Authorizes commission for the preservation of wild horses to spend money in Heil trust fund for wild horses to conduct study of".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 684.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 548.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 557.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 189, 220, 285, 380, 386, 454, 480, 527, 690, 695; Assembly Concurrent Resolutions Nos.13, 46, 53; Senate Bills Nos. 70, 80, 149, 165, 242, 322, 363, 432, 477, 485, 500, 507, 511, 519.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Gibbs, Michele Gibbs and John DuFresne.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 31, 1999, at 10:00 a.m.

Motion carried.

Assembly adjourned at 11:25 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), May 31, 1999

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Evans, who was excused.

Prayer by the Chaplain, Lt. John Van Cleef.

Almighty God, who brought forth this nation and its government to be a beacon of democracy for the world, make us mindful that the cost of freedom is high. As the men and women of this Assembly convene this day, the final day, may they embody the highest standards of living established by those who gave their life to preserve our liberty, courage, honor, truth, justice and mercy. Grant them Your strength to accomplish their work today that our democracy might be sustained, and that our freedom might be preserved. This we pray in Your Holy Name.

AMEN

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 702; Senate Bills Nos. 193, 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 166, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA39, which is attached to and hereby made a part of this report.

BERNARD ANDERSON
SHEILA LESLIE
GREG BROWER
Assembly Conference Committee

DEAN A. RHOADS
MAURICE WASHINGTON
TERRY CARE
Senate Conference Committee

Conference Amendment No. CA39.

Amend the bill as a whole by deleting sections 1 through 13 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in ~~[NRS 202.265 and this section, a permittee shall not carry a concealed firearm into:~~

~~(a) Any facility of a law enforcement agency;~~

~~(b) A prison, county or city jail or detention facility;~~

~~(c) A courthouse or courtroom;~~

~~(d) Any facility of a public or private school;~~

~~(e) Any facility of a vocational or technical school, or of the University and Community College System of Nevada;~~

~~(f) Any other building owned or occupied by the Federal Government, the state or a local government; or~~

~~(g) Any other place in which the carrying of a concealed firearm is prohibited by state or federal law.~~

~~2. The provisions of this section do not prohibit a permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing other permittees to carry a concealed firearm in his courtroom.~~

~~3. The provisions of this section are not applicable to an employee of the facility identified in subsection 1 while on the premises of that facility.~~

~~4. The provisions of this section do not apply to a permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this state.~~

~~5. A violation of the provisions of subsection 1 is a misdemeanor.]~~ *subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.*

2. A permittee shall not carry a concealed firearm while he is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while he is on the premises of:

(a) A public building that is located on the property of a public school or the property of the University and Community College System of Nevada, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to paragraph (c) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this state from carrying a concealed firearm while he is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section, "public building" means any building or office space occupied by:

(a) Any component of the University and Community College System of Nevada and used for any purpose related to the system; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 2. The amendatory provisions of this act do not apply to offenses committed before the effective date of this act.

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

Amend the title of the bill to read as follows:

"AN ACT relating to concealed firearms; expanding the locations into which a permittee may carry a concealed firearm; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Expands locations into which permittee may carry concealed firearm. (BDR 15-351)".

Assemblyman Anderson moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 166.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 193 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 556 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that Assembly Concurrent Resolution No. 72 just reported out of committee be placed on the Resolution File.

Motion carried.

Assemblyman Perkins moved that the reading of the history on all bills and joint resolutions on General File be dispensed with for this legislative day.

Motion carried.

Assembly Concurrent Resolution No. 72.

Resolution read third time.

The following amendment was proposed by Assemblymen Giunchigliani, de Braga, Manendo, Anderson, Bache and Williams:

Amendment No. 1224.

Amend the resolution, page 2, line 12, after "to" by inserting "continue to".

Amend the resolution, page 2, line 14, by deleting "studies," and inserting: "studies within the appropriate grade level,".

Amend the resolution, page 2, by deleting lines 17 through 20 and inserting:

"the Gettysburg Address and the Emancipation Proclamation; and be it further

RESOLVED, That the Legislature of the State of Nevada also urges the Council to incorporate into its standards the study of documents and events that reflect the full history of this country and its diverse citizenry, including, without limitation, the Seneca Falls Declaration, "Ain't I A Woman?" by Sojourner Truth, the writings and activities of Susan B. Anthony with respect to women's rights, the Treaty of Guadalupe Hidalgo, the speech entitled "I Have a Dream" by Martin Luther King, Jr., the Monroe Doctrine, the discussions of President Theodore Roosevelt with respect to anti-trust law and the writings and activities of Ralph J. Bunche with respect to the challenge of human relations; and be it further".

Amend the preamble of the resolution, page 2, line 7, after "level;" by inserting:

"and

WHEREAS, Knowledge of documents that have been written and events that have transpired in the two centuries following the founding of this nation are also important to understanding the diverse culture that has evolved in this nation as we approach the 21st century;".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Williams.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

GENERAL FILE AND THIRD READING

Assembly Bill No. 702.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 702:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Assembly Bill No. 702 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 557.

Bill read third time.

Remarks by Assemblymen Leslie, Freeman, Tiffany, Humke, Chowning and Von Tobel.

Roll call on Senate Bill No. 557:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 557 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 703—AN ACT relating to state financial administration; making appropriations for various projects and programs that benefit the residents of this state; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 472, Amendment No. 1221; Assembly Bill No. 694, Amendment No. 1216, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 280.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 431.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 669.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 680.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 104.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 445.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Assembly Bill No. 109.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Senate Bill No. 381.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Concurrent Resolution No. 72 returned from the printer be placed on the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 72.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblymen Williams, Giunchigliani and Anderson.

Resolution adopted, as amended.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 703, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 64, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA38, which is attached to and hereby made a part of this report.

DAVID E. GOLDWATER
BARBARA E. BUCKLEY
MERLE A. BERMAN
Assembly Conference Committee

RANDOLPH J. TOWNSEND
MARK E. AMODEI
MAGGIE CARLTON
Senate Conference Committee

Conference Amendment No. CA38.

Amend sec. 62, page 28, by deleting line 27 and inserting:

"Sec. 62. *Except as otherwise provided in section 78 of this act:*

1. A person who claims an exemption from the provisions".

Amend sec. 75, page 35, line 43, by deleting "*and*".

Amend sec. 75, page 36, line 7, by deleting "*purpose.*" and inserting: "*purpose; and*

(4) Expressly provide that the power of attorney is effective for a period of not more than 6 months unless, before the date on which the period expires, the mortgage broker obtains written approval from the investor to extend the power of attorney for an additional period of not more than 6 months. The mortgage broker may, on a continuing basis, obtain written approval from the investor to extend the power of attorney for one or more consecutive periods of not more than 6 months each, except that the investor may execute only one written approval for an extension during each such 6-month period.".

Amend sec. 75, page 36, between lines 20 and 21, by inserting:

"*4. The provisions of this section do not limit the right of an investor to include provisions in a power of attorney that are more restrictive than the provisions set forth in subsection 1.*".

Amend sec. 78, page 38, by deleting line 3 and inserting:

"Sec. 78. *1. If a person offers or provides any of the services of a mortgage broker or otherwise engages in, carries on or holds himself out as engaging in or carrying on the business of a mortgage broker and, at the time:*

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license; or

(b) The person's license was suspended or revoked pursuant to this chapter,

the commissioner shall impose upon the person an administrative fine of not more than $10,000 for each violation and, if the person has a license, the commissioner shall revoke it.

2. If a person is exempt from the provisions of this chapter pursuant to subsection 6 of NRS 645B.015 and the person, while exempt, maintains, offers to maintain or holds himself out as maintaining any accounts described in subsection 1 of NRS 645B.175 or otherwise engages in, offers to engage in or holds himself out as engaging in any activity that would remove the person from the exemption set forth in subsection 6 of NRS 645B.015, the commissioner shall impose upon the person an administrative fine of not more than $10,000 for each violation and the commissioner shall revoke the person's exemption. If the commissioner revokes an exemption pursuant to this subsection, the person may not again be granted the same or a similar exemption from the provisions of this chapter. The person may apply for a license pursuant to this chapter unless otherwise prohibited by specific statute.

3. If a mortgage broker violates any provision of subsection 1 of NRS 645B.080 and the mortgage broker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the commissioner to do so or within such later time as prescribed by the commissioner, or if the commissioner orders a mortgage broker to provide information, make a report or permit an examination of his books or affairs pursuant to this chapter and the mortgage broker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the commissioner, the commissioner shall:

(a) Impose upon the mortgage broker an administrative fine of not more than $10,000 for each violation;

(b) Suspend or revoke the license of the mortgage broker; and

(c) Conduct a hearing to determine whether the mortgage broker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the commissioner to take possession of the property of the mortgage broker pursuant to NRS 645B.150.".

Amend the bill as a whole by adding a new section designated sec. 78.5, following sec. 78, to read as follows:

"Sec. 78.5. *1. Except as otherwise provided in subsection 2, for each violation that may be committed by a person pursuant to this chapter or the regulations adopted pursuant to this chapter, the commissioner shall adopt regulations:*

(a) Categorizing the violation as a major violation or a minor violation; and

(b) Specifying the disciplinary action that will be taken by the commissioner pursuant to this chapter against a person who commits:

(1) A major violation. The disciplinary action taken by the commissioner for a major violation must include, without limitation, suspension or revocation of the person's license.

(2) More than two minor violations. The commissioner may establish graduated sanctions for a person who commits more than two minor

violations based upon the number, the frequency and the severity of the minor violations and whether the person previously has committed any major violations.

2. The provisions of this section do not apply to a violation for which the commissioner is required to take disciplinary action in accordance with section 78 of this act.".

Amend sec. 79, page 38, line 5, by deleting:

"*may take any*" and inserting:

"*shall take any disciplinary action required pursuant to section 78 of this act and may take any other*".

Amend sec. 85, page 40, line 40, by deleting "subsection," and inserting:

"subsection ~~[,]~~ *and section 78 of this act,*".

Amend sec. 93, page 48, by deleting lines 15 through 40 and inserting:

"645B.090 *1.* Except as otherwise provided *in this section or* by ~~[law,]~~ *specific statute,* all papers, documents, reports and other written instruments filed with the commissioner ~~[under]~~ *pursuant to* this chapter are open to public inspection . ~~[, except that]~~

2. Except as otherwise provided in subsection 3, the commissioner may withhold from public inspection *or refuse to disclose to a person,* for such time as ~~[he]~~ *the commissioner* considers necessary , any information ~~[which]~~ *that,* in his judgment , *would:*

(a) Impede or otherwise interfere with an investigation that is currently pending against a mortgage broker;

(b) Have an undesirable effect on the ~~[public]~~ welfare *of the public* or the welfare of any mortgage ~~[company requires to be so withheld.]~~ *broker or mortgage agent; or*

(c) Give any mortgage broker a competitive advantage over any other mortgage broker.

3. The commissioner shall disclose the following information concerning a mortgage broker to any person who requests it:

(a) The findings and results of any investigation which has been completed during the immediately preceding 5 years against the mortgage broker pursuant to the provisions of this chapter and which has resulted in a finding by the commissioner that the mortgage broker committed a violation of a provision of this chapter, a regulation adopted pursuant to this chapter or an order of the commissioner; and

(b) The nature of any disciplinary action that has been taken during the immediately preceding 5 years against the mortgage broker pursuant to the provisions of this chapter.".

Amend sec. 95, page 49, by deleting line 27 and inserting:

"645B.100 *Except as otherwise provided in section 78 of this act:*

1. ~~[The]~~ *For each violation committed by an applicant,*".

Amend sec. 108, page 63, line 31, after "*1.*" by inserting:

"*Each mortgage broker shall include in each advertisement that the mortgage broker uses in carrying on his business:*

(a) A statement of disclosure in substantially the following form: Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured.

(b) Any other statements of disclosure required pursuant to the regulations adopted by the commissioner or required pursuant to an order of the commissioner entered in accordance with subsections 7 and 8 of NRS 645B.185.

2.".

Amend sec. 108, page 63, line 37, by deleting "*2.*" and inserting "*3.*".

Amend sec. 108, page 64, line 1, by deleting "*3.*" and inserting "*4.*".

Amend sec. 108, page 64, line 8, by deleting "*4.*" and inserting "*5.*".

Amend sec. 139, page 83, after line 3, by inserting:

"4. Section 78.5 of this act expires by limitation on October 1, 2001.".

Assemblyman Goldwater moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 64.

Remarks by Assemblyman Goldwater.

Motion carried.

Mr. Speaker:

The second Conference Committee concerning Assembly Bill No. 289, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

JOSEPH E. DINI, JR.	RAYMOND D. RAWSON
JOHN W. MARVEL	BERNICE MATHEWS
MORSE ARBERRY JR.	BOB COFFIN
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Arberry moved that the Assembly adopt the report of the second Conference Committee concerning Assembly Bill No. 289.

Remarks by Assemblyman Arberry.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 104, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

BARBARA K. CEGAVSKE	VALERIE WIENER
VONNE S. CHOWNING	MARK E. AMODEI
BONNIE L. PARNELL	RANDOLPH J. TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Cegavske moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 104.

Remarks by Assemblywoman Cegavske.

Motion carried.

Mr. Speaker:

The second Conference Committee concerning Senate Bill No. 381, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA34, which is attached to and hereby made a part of this report.

DAVID R. PARKS	WILLIAM R. O'DONNELL
BONNIE L. PARNELL	MAURICE WASHINGTON
BARBARA K. CEGAVSKE	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA34.

Amend section 1, page 1, by deleting lines 3 through 14 and inserting:

"*A governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of this chapter unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.*".

Amend the title of the bill to read as follows:

"AN ACT relating to traffic; prohibiting a governmental entity and any agent thereof from using certain electronic devices to gather evidence for the issuance of a traffic citation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits governmental entity and any agent thereof from using certain electronic devices to gather evidence for issuance of traffic citation. (BDR 43-504)".

Assemblyman Parks moved that the Assembly adopt the report of the second Conference Committee concerning Senate Bill No. 381.

Remarks by Assemblyman Parks.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 445, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA32, which is attached to and hereby made a part of this report.

VONNE S. CHOWNING	MICHAEL A. SCHNEIDER
ELLEN M. KOIVISTO	MAURICE WASHINGTON
GREG BROWER	RANDOLPH J. TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA32.

Amend the bill as a whole by renumbering sections 4 through 7 as sections 6 through 9 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. *1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente youth center and the Nevada youth training center:*

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente youth center and the Nevada youth training center:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

If the state board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 5. *The state board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:*

1. The academic subjects set forth in section 4 of this act.

2. Citizenship and physical training for pupils enrolled in high school.

3. Physiology, hygiene and cardiopulmonary resuscitation.

4. The prevention of suicide.

5. Instruction relating to child abuse.

6. The economics of the American system of free enterprise.

7. American Sign Language.

8. Environmental education.

9. Adult roles and responsibilities.

A course of study established for subsection 1 may include one or more of the subjects listed in subsections 2 to 9, inclusive.".

Amend sec. 5, page 3, by deleting line 33 and inserting:

"section 4 of this act must be in accordance with the".

Amend sec. 5, page 3, line 38, by deleting:

"paragraph (a) of subsection 3 of section 3" and inserting:

"subsection 1 of section 5".

Amend sec. 6, page 4, line 1, by deleting:

"389.075, 389.080, 389.083," and inserting:

"389.063, 389.075, 389.080, 389.083, 389.085,".

Amend sec. 7, page 4, line 3, by deleting:

"This act becomes" and inserting:

"1. This section and sections 2 to 8, inclusive, of this act become".

Amend sec. 7, page 4, after line 3, by inserting:

"2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 1999.".

Amend the leadlines of repealed sections by adding the leadlines of NRS 389.063 and 389.085.

Assemblywoman Chowning moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 445.

Remarks by Assemblywoman Chowning.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 694.

The following Senate amendment was read:

Amendment No. 1216.

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"~~shall~~] *must* be packaged for retail sale [~~only in units~~] *in:*

(a) Units of 1 gill or less, one-half liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, one-half gallon, 3 liquid quarts, 1 gallon, 1 1/2 gallons, 2 gallons, 2 1/2 gallons or multiples of 1 gallon [~~. Containers~~] *; or*

(b) Such other amounts as are approved, jointly, by the state dairy commission and the state sealer of weights and measures.

2. Each container used for the sale of such products [~~shall be marked upon the side of each container~~] *must:*

(a) Be marked with its capacity [~~. The~~] *;*

(b) Be marked with the name, initial or trade-mark of the manufacturer [~~shall be marked upon the side or bottom.~~

~~2.~~] *;*

(c) Be marked with such other information as required by the state dairy commission and the state sealer of weights and measures; and

(d) If the fluid dairy product is packaged for retail sale in an amount other than a unit of measure listed in paragraph (a) of subsection 1, be marked with its capacity in fluid ounces and a comparison of that quantity with the unit of measure that is closest in volume in sufficient size and prominence to inform the public of the difference in volume.

3. This section does not apply to eating establishments serving milk in".

Amend the title of the bill, third line, after "sale;" by inserting:

"requiring certain containers used for the sale of such products to be marked with their capacity in fluid ounces and a comparison of that quantity with certain units of measure;".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 694.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 472.

The following Senate amendment was read:

Amendment No. 1221.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new a new section designate sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to the Supreme Court for carrying out the amendatory provisions of this act:

For the fiscal year 1999-2000 $182,612

For the fiscal year 2000-2001 $205,367

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill, second line, after "judges;" by inserting: "making an appropriation;".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 472.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Assembly Bill No. 703.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 703:

YEAS—40.

NAYS—None.

EXCUSED—Evans, Giunchigliani—2.

Assembly Bill No. 703 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 660.

The following Senate amendment was read:

Amendment No. 998.

Amend section 1, pages 1 and 2, by deleting lines 13 through 15 on page 1 and lines 1 through 5 on page 2 and inserting:

"*2. The governor shall:*

(a) Determine the".

Amend section 1, page 2, line 6, after "*salaries*" by inserting "*and benefits*".

Amend section 1, page 2, by deleting lines 11 through 24.

Amend sec. 3, page 3, line 20, by deleting "1.".

Amend sec. 3, page 3, by deleting lines 23 through 31.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend the title of the bill, third line, after "salaries" by inserting "and benefits".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 660.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN NOLAN:

I wanted to share some good news with the Body. We had passed out of this House a bill that, two days ago, the Governor signed into law: AB 239. As some of you might recall, this was a bill which created an account in the Central Repository which could receive contributions and donations. Non-profit organizations that work with kids can access this, so they won't have to absorb the entire cost of doing background checks on the volunteers that work with kids. Those who had problems initially supporting background checks because of the cost involved now have a viable mechanism by which to do that.

Word got out about the fact that we were creating this account. The first check had already come in and I have a copy of that check. It came in from Wells Fargo, for $1000, to seed the account. Shortly after that, several other businesses got online and many of the business leaders in the House here also started coming up and also matching some contributions. I just want to provide some names and some companies that helped contribute to that particular fund: Howard Hughes Corporation, White Pharmaceuticals, Sprint, Greg Ferraro, Union Pacific Railroad, Barrick Gold Mines, AT&T, Mr. Pappageorge, Wells Fargo, Mr. Vassiliadis, ATC VanCom, and Marilyn Mann. They've seeded that account now with $25,000. I would like to offer all those companies and individuals a hand for helping out in this project.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:24 p.m.

ASSEMBLY IN SESSION

At 5:43 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 564, 598, 698, 701; Senate Bills Nos. 558, 559.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 597, Amendment No. 1228, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Porter and Amodei as a first Conference Committee concerning Senate Bill No. 544.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 64.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 544.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Assembly Bill No. 166.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 558.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 559.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 544, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA40, which is attached to and hereby made a part of this report.

JOSEPH E. DINI, JR.
MORSE ARBERRY JR.
RICHARD D. PERKINS
Assembly Conference Committee

ANN O'CONNELL
JON C. PORTER
Senate Conference Committee

Conference Amendment No. CA40.

Amend sec. 17, page 11, line 2, after "inclusive," by inserting: "and section 2 of *Senate Bill No. 404 of* this ~~[act,]~~ *session,*".

Amend sec. 17, page 11, line 5, by deleting "to" and inserting: "to, except as otherwise provided in section 2 of *Senate Bill No. 404 of* this ~~[act,]~~ *session,*".

Amend sec. 20, page 14, line 4, after "inclusive," by inserting: "and sections 2 and 3 of *Senate Bill No. 404 of* this ~~[act,]~~ *session,*".

Amend sec. 27, page 17, line 20, after "*board,*" by inserting:

"except as otherwise provided in sections 2 and 3 of *Senate Bill No. 404 of* this ~~[act,]~~ *session,*".

Amend the bill as a whole by adding a new section designated sec. 42.7, following sec. 42.5, to read as follows:

"Sec. 42.7. Section 3 of Assembly Bill No. 12 of this session is hereby amended to read as follows:

Sec. 3. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University and Community College System of Nevada.

(d) The office of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The welfare division of the department of human resources.

(h) The division of health care financing and policy of the department of human resources.

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the office of the state engineer.

(k) The division of industrial relations of the department of business and industry acting to enforce the provisions of NRS 618.375.

(l) The board to review claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in NRS 391.323, the department of education, the board of the public employees' benefits program and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public utilities commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases,

prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of

contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.

6. The state board of parole commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.".

Amend sec. 47, page 30, line 16, by deleting "insurance," and inserting: "insurance or the public employees' benefits program,".

Amend the bill as a whole by adding new sections designated sections 47.2 and 47.3, following sec. 47, to read as follows:

"Sec. 47.2. Section 3 of Senate Bill No. 404 of this session is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a police officer or fireman who was employed by a participating public agency and who was killed in the line of duty may join or continue coverage under the ~~[state's program of group insurance]~~ *public employees' benefits program* if the police officer or fireman was a participant or would have been eligible to participate on the date of the death of the police officer or fireman. If the surviving spouse or child elects to join or discontinue coverage under the ~~[state's program of group insurance]~~ *public employees' benefits program* pursuant to this subsection, the spouse, child or legal guardian of the child must notify in writing the participating public agency that employed the police officer or fireman within 60 days after the date of death of the police officer or fireman.

2. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a volunteer fireman who was killed in the line of duty and who was officially a member of a volunteer fire department in this state is eligible to join the ~~[state's program of group insurance.]~~ *public employees' benefits program.* If such a spouse or child elects to join the ~~[state's program of group insurance,]~~ *public employees' benefits program,* the spouse, child or legal guardian of the child must notify in writing the ~~[committee on benefits]~~ *board* within 60 days after the date of death of the volunteer fireman.

3. The participating public agency that employed the police officer or fireman shall pay the entire cost of the premiums or contributions for the ~~[state's program of group insurance]~~ *public employees' benefits program* for the surviving spouse or child who meets the requirements set forth in

subsection 1. The State of Nevada shall pay the entire cost of the premiums or contributions for the ~~[state's program of group insurance]~~ *public employees' benefits program* for the surviving spouse or child who elects to join the ~~[state's program of group insurance]~~ *public employees' benefits program* pursuant to subsection 2.

4. A surviving spouse is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse. A surviving child is eligible to receive coverage pursuant to this section until the child reaches:

(a) The age of 18 years; or

(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.

5. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 47.3. Section 3 of Senate Bill No. 404 of this session is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a police officer or fireman who was employed by a participating public agency and who was killed in the line of duty may join or continue coverage under the public employees' benefits program *or another insurer or employee benefit plan approved by the board pursuant to section 12.5 of Senate Bill No. 544 of this session* if the police officer or fireman was a participant or would have been eligible to participate on the date of the death of the police officer or fireman. If the surviving spouse or child elects to join or discontinue coverage under the public employees' benefits program pursuant to this subsection, the spouse, child or legal guardian of the child must notify in writing the participating public agency that employed the police officer or fireman within 60 days after the date of death of the police officer or fireman.

2. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a volunteer fireman who was killed in the line of duty and who was officially a member of a volunteer fire department in this state is eligible to join the public employees' benefits program. If such a spouse or child elects to join the public employees' benefits program the spouse, child or legal guardian of the child must notify in writing the board within 60 days after the date of death of the volunteer fireman.

3. The participating public agency that employed the police officer or fireman shall pay the entire cost of the premiums or contributions for the public employees' benefits program *or another insurer or employee benefit plan approved by the board pursuant to section 12.5 of Senate Bill No. 544 of this session* for the surviving spouse or child who meets the requirements set forth in subsection 1. The State of Nevada shall pay the entire cost of the premiums or contributions for the public employees' benefits program for the surviving spouse or child who elects to join the public employees' benefits program pursuant to subsection 2.

4. A surviving spouse is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse. A surviving child is eligible to receive coverage pursuant to this section until the child reaches:

(a) The age of 18 years; or

(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.

5. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.".

Amend sec. 49, page 30, line 41, after "42," by inserting "42.7, 47.2,".

Amend sec. 49, page 31, by deleting line 1 and inserting:

"4. Sections 12.5 and 47.3 of this act become effective on July 1, 1999, for the".

Amend sec. 49, page 31, line 2, by deleting "July" and inserting "January".

Amend sec. 50, page 31, line 9, by deleting "to" and inserting "to:"

Amend sec. 50, page 31, line 10, by deleting ""committee" and inserting "(a) "Committee".

Amend sec. 50, page 31, between lines 11 and 12 by inserting:

"(b) "State's program of group insurance" to "public employees' benefits program.""".

Amend sec. 50, page 31, line 13, by deleting "to committee" and inserting: "to:

(a) "Committee".

Amend sec. 50, page 31, after line 14 by inserting:

"(b) "State's program of group insurance" to "public employees' benefits program.""".

Assemblyman Arberry moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 544.

Remarks by Assemblyman Arberry.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hettrick moved that Assembly Bill No. 552 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion lost on a division of the house.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:52 p.m.

ASSEMBLY IN SESSION

At 7:47 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 702, 703; Senate Bill No. 560.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 72.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 689.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Assembly Bill No. 289.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Senate Bill No. 423.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Senate Bill No. 302.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Conference Committee concerning Senate Bill No. 302, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

DAVID R. PARKS
KATHYRN A. MCCLAIN
JOHN C. CARPENTER
Assembly Conference Committee

WILLIAM R. O'DONNELL
MAURICE WASHINGTON
VALERIE WIENER
Senate Conference Committee

Assemblyman Parks moved that the Assembly adopt the report of the second Conference Committee concerning Senate Bill No. 302.

Remarks by Assemblyman Parks.

Motion carried.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 478, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA28, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI

DOUGLAS A. BACHE
Assembly Conference Committee

ANN O'CONNELL
JON C. PORTER
WILLIAM R. O'DONNELL
Senate Conference Committee

Conference Amendment No. CA28.

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. *1. The commission shall appoint, within the limits of legislative appropriation, a commission counsel who shall perform the duties*

set forth in this chapter and such other duties as may be prescribed by the commission.

2. The commission counsel must be an attorney who is licensed to practice law in this state.

3. The commission counsel is in the unclassified service of the state.

4. The commission counsel shall devote his entire time and attention to the business of the commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of his duties.

5. The commission counsel may not:

(a) Be actively involved in the work of any political party or political campaign; or

(b) Communicate directly or indirectly with a member of the legislative branch on behalf of someone other than himself to influence legislative action, except in pursuit of the business of the commission.".

Amend sec. 6, page 2, line 31, by deleting "*281.511.*" and inserting: "*281.511, 294A.345 or 294A.346.*".

Amend sec. 11, page 5, lines 23 and 24, by deleting: "~~[294A.345 or 294A.346,]~~" and inserting: "294A.345 or 294A.346,".

Amend sec. 12, page 5, lines 41 and 42, by deleting: "of ~~[:~~ ~~(a) This]~~ *this*" and inserting: "of:

(a) This".

Amend sec. 12, page 6, line 1, by deleting "~~[(1)]~~ *(a)*" and inserting "(1)".

Amend sec. 12, page 6, by deleting lines 3 through 8 and inserting:

"(2) ~~[A determination of the]~~ *The* commission on its own motion . ~~[that there is just and sufficient cause to render an opinion concerning the conduct of that public officer or employee or former public officer or employee.]~~

(b) NRS 294A.345 or 294A.346 in any proceeding commenced by the filing of a request for an opinion pursuant thereto.".

Amend sec. 12, page 6, line 9, by deleting: "~~[of paragraph (a)]~~" and inserting: "of paragraph (a)".

Amend sec. 14, page 8, by deleting lines 10 and 11 and inserting:

"~~[4.]~~ *6.* Except as otherwise provided in this subsection, upon such a petition, the court shall enter an order directing the".

Amend sec. 14, page 8, by deleting lines 15 through 20 and inserting: "produced the books or papers before the commission. If the witness has been subpoenaed by the commission in response to a request for an opinion filed pursuant to NRS 294A.345 or 294A.346, the court shall direct the witness to appear before the court as expeditiously as possible to allow the commission to render its opinion within the time required by NRS 281.477. A certified copy of the order must be served upon the witness.".

Amend the bill as a whole by adding a new section designated sec. 14.2, following sec. 14, to read as follows:

"Sec. 14.2. NRS 281.477 is hereby amended to read as follows:

281.477 1. If a request for an opinion is filed with the commission pursuant to NRS 294A.345 or 294A.346, the commission shall conduct a public hearing on the request. Except as otherwise provided in subsection 6, the hearing must be held as expeditiously as possible, but not later than 15 days after the receipt of the request for the opinion.

2. Such a request must be accompanied by all evidence and arguments to be offered by the requester concerning the issues related to the request. Except as otherwise provided in this subsection, if such evidence and arguments are not submitted with the request, the commission may:

(a) Draw any conclusions it deems appropriate from the failure of the person or group of persons requesting the opinion to submit the evidence and arguments, other than a conclusion that a person alleged to have violated NRS 294A.345 acted with actual malice; and

(b) Decline to render an opinion.

The provisions of this subsection do not prohibit the commission from considering evidence or arguments presented by the requester after submission of the request for an opinion if the commission determines that consideration of such evidence or arguments is in the interest of justice.

3. The commission shall immediately notify any person alleged to have violated NRS 294A.345 or 294A.346 that such an opinion has been requested by the most expedient means possible. If notice is given orally by telephone or in any other manner, a second notice must be given in writing no later than the next calendar day by facsimile machine or overnight mail. The notice must include the time and place of the commission's hearing on the matter.

4. A person notified pursuant to subsection 3 shall submit a response to the commission no later than at the close of business on the second business day following the receipt of the notice. The response must be accompanied by any evidence concerning the issues related to the request that the person has in his possession or may obtain without undue financial hardship. Except as otherwise provided in this subsection, if such evidence is not submitted within that time, the commission may:

(a) Draw any conclusions it deems appropriate from the failure of that person to submit the evidence and argument; and

(b) Prohibit that person from responding and presenting evidence at the hearing.

The provisions of this subsection do not prohibit the commission from allowing that person to respond and present evidence or arguments, or both, after the close of business on the second business day if the commission determines that consideration of such evidence or arguments is in the interest of justice.

5. Except as otherwise provided in subsection 4, the commission shall allow any person alleged to have violated NRS 294A.345 or 294A.346 to:

(a) Be represented by counsel; and

(b) Hear the evidence presented to the commission and respond and present evidence on his own behalf.

6. At the request of:

(a) The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346; or

(b) The person alleged to have violated the provisions of NRS 294A.345 or 294A.346,

the commission may grant a continuance of a hearing held pursuant to the provisions of this section upon a showing of the existence of extraordinary circumstances that would prohibit the commission from rendering a fair and impartial opinion. A continuance may be granted for not more than 15 days. Not more than one continuance may be granted by the commission pursuant to this subsection.

7. The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346 has the burden of proving the elements of the offense, including that a person alleged to have violated NRS 294A.345 acted with actual malice. The existence of actual malice may not be presumed. A final opinion of the commission rendered pursuant to this section must be supported by clear and convincing evidence. *In addition to the other requirements for issuing an opinion pursuant to this subsection, the commission shall not render a final opinion determining that a person has violated NRS 294A.345 or 294A.346 unless a finding that each of the elements of the offense has been proven receives the affirmative vote of two-thirds of the commission.*

8. The commission shall render its opinion, or decline to render an opinion, as expeditiously as possible, but not later than 3 days after the date of the hearing. If additional time is required to determine the state of mind or the intent of the person alleged to have violated the provisions of NRS 294A.345 or 294A.346 or to determine the amount of any civil penalty that may be imposed pursuant to NRS 281.551, the commission may continue its jurisdiction to investigate those issues but shall render its opinion as to the truth or falsity of the statement made concerning the candidate or the ballot question or its opinion as to whether the person impeded the success of the campaign or induced another person to impede the success of the campaign. If the commission continues its jurisdiction pursuant to this subsection, it may render a final opinion after the time set forth in this subsection.

9. A final opinion of the commission rendered pursuant to this section is subject to judicial review pursuant to NRS 233B.130. The district court shall give a petition for judicial review of a final opinion of the commission priority over other civil matters that are not expressly given priority by law. Notwithstanding the provisions of NRS 233B.130, the court may provide for such expedited review of the final opinion, including shortened periods for filing documents, as it deems appropriate for the circumstances.

10. Each request for an opinion filed pursuant to NRS 294A.345 or 294A.346, each opinion rendered by the commission pursuant thereto and any motion, evidence or record of a hearing relating to the request are public and must be open to inspection pursuant to NRS 239.010.

11. For the purposes of NRS 41.032, the members of the commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking any action related to the rendering of an opinion pursuant to this section.

12. Except as otherwise provided in this section, a meeting or hearing held by the commission to carry out the provisions of this section and the commission's deliberations on the information or evidence are not subject to any provision of chapter 241 of NRS.".

Amend the bill as a whole by deleting sec. 16.5.

Amend sec. 17, page 16, by deleting lines 30 through 39 and inserting:

"281.531 *1.* The ~~[attorney general]~~ *commission counsel* is the legal adviser to the commission. For each opinion ~~[he]~~ *of*".

Amend sec. 18, pages 17 and 18, by deleting lines 37 through 42 on page 17 and lines 1 through 3 on page 18, and inserting:

"4. ~~[Except as otherwise provided in this subsection, and in]~~ *In* addition to any other penalty provided by law, *by an affirmative vote of two-thirds of the commission,* the commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed ~~[$10,000. If the commission finds that a violation of NRS 294A.345 or 294A.346 occurred within 10 days before an election, including any recall or special election, the commission may impose on the person who committed such a violation a civil penalty not to exceed $30,000.]~~ *$5,000.*

5. If the commission finds that ~~[a]~~ *:*".

Amend sec. 18, page 18, line 9, by deleting "~~[6.]~~".

Amend sec. 18, page 18, line 16, by deleting "*5.*" and inserting "6.".

Amend sec. 18, page 18, lines 27 and 28, by deleting:

"~~employee.~~

~~7.]~~ *6.*" and inserting "~~employee.]~~

7.".

Amend sec. 18, page 18, line 33, by deleting "~~[8.]~~ *7.*" and inserting "8.".

Amend sec. 18, page 18, by deleting lines 36 and 37 and inserting:

"officers or employees. *If the commission finds that a public officer or employee has*".

Amend sec. 18, page 19, by deleting lines 1 and 2 and inserting:

"9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final decision for the purposes of".

Amend sec. 18, page 19, line 4, by deleting "~~[10.]~~ *9.*" and inserting "10.".

Amend sec. 18, page 19, line 22, by deleting "*10.*" and inserting "*11.*".

Amend the bill as a whole by deleting sections 22 and 23 and adding new sections designated sections 22 and 23, following sec. 21, to read as follows:

"Sec. 22. NRS 294A.345 is hereby amended to read as follows:

294A.345 1. A person shall not, with actual malice and the intent to impede the success of the campaign of a candidate, cause to be published a false statement of fact concerning the candidate, including, without limitation, statements concerning:

(a) The education or training of the candidate.

(b) The profession or occupation of the candidate.

(c) Whether the candidate committed, was indicted for committing or was convicted of committing a felony or other crime involving moral turpitude, dishonesty or corruption.

(d) Whether the candidate has received treatment for a mental illness.

(e) Whether the candidate was disciplined while serving in the military or was dishonorably discharged from service in the military.

(f) Whether another person endorses or opposes the candidate.

(g) The record of voting of a candidate if he formerly served or currently serves as a public officer.

2. A person shall not, with actual malice and the intent to impede the success of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, cause to be published a false statement of fact concerning the question on the ballot.

3. Any candidate who alleges that a false statement of fact concerning the candidate has been published in violation of subsection 1, and any person or group of persons that advocates the passage or defeat of a question on the ballot at any election, is required to file a report pursuant to NRS 294A.150, and alleges that a false statement of fact has been published in violation of subsection 2, may file a request for an opinion with the commission on ethics pursuant to NRS 281.411 to 281.581, inclusive, and NRS 281.477. *Such a request must be filed with the commission not later than 10 days after the date on which the false statement of fact is alleged to have been made.* The commission shall give priority to such a request over all other matters pending with the commission.

4. A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the commission on ethics pursuant to NRS 281.551.

5. As used in this section:

(a) "Actual malice" means knowledge of the falsity of a statement or reckless disregard for whether a statement is true or false.

(b) "Publish" means the act of printing, posting, broadcasting, mailing, speaking or otherwise disseminating.

Sec. 23. NRS 294A.346 is hereby amended to read as follows:

294A.346 1. An employee, agent or volunteer of the campaign of a candidate shall not willfully perform any act in the course of his employment, agency or volunteering that impedes the success of that campaign.

2. A person shall not willfully, to impede the success of the campaign of a candidate, offer or give an item of value to:

(a) A person to induce him to obtain a position as an employee, agent or volunteer for that campaign and perform any act in the course of his employment, agency or volunteering to impede the success of that campaign; or

(b) An employee, agent or volunteer for that campaign to induce him to perform any act in the course of his employment, agency or volunteering to impede the success of that campaign.

3. An employee, agent or volunteer of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, shall not willfully perform any act in the course of his employment, agency or volunteering that impedes the success of that campaign.

4. A person shall not willfully, to impede the success of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, offer or give an item of value to:

(a) A person to induce him to obtain a position as an employee, agent or volunteer for that campaign and perform any act in the course of his employment, agency or volunteering to impede the success of that campaign; or

(b) An employee, agent or volunteer for that campaign to induce him to perform any act in the course of his employment, agency or volunteering to impede the success of that campaign.

5. Any candidate who alleges that a person has violated the provisions of subsection 1 or 2, and any person or group of persons that advocates the passage or defeat of a question on the ballot at any election, is required to file a report pursuant to NRS 294A.150, and alleges that a person has violated the provisions of subsection 3 or 4, may file a request for an opinion with the commission on ethics pursuant to NRS 281.411 to 281.581, inclusive, and 281.477. *Such a request must be filed with the commission not later than 10 days after the date of the election with respect to which the alleged violation occurred.* The commission shall give priority to such a request over all matters pending with the commission.

6. A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the commission on ethics pursuant to NRS 281.551.".

Amend the bill as a whole by deleting sec. 25 and adding a new section designated sec. 25, following sec. 24, to read as follows:

"Sec. 25. Section 5.5 of this act expires by limitation on June 30, 2001.".

Amend the bill as a whole by deleting the text of repealed sections.

Amend the title of the bill by deleting the second through ninth lines and inserting:

"director and commission counsel and providing their duties; clarifying the intent of the legislature with respect to the Nevada".

Assemblywoman Giunchigliani moved that the Assembly do not adopt the report of the first Conference Committee concerning Senate Bill No. 478, that a second conference be requested, and that Mr. Speaker appoint a second Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Perkins, Leslie and Tiffany as a second Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 478.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 560.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 597.

The following Senate amendment was read:

Amendment No. 1228.

Amend sec. 6, page 5, by deleting line 20 and inserting:

"*the maximum rate of tax that it is authorized to impose pursuant to NRS 377B.100;*".

Amend sec. 6, page 5, by deleting line 26 and inserting:

"*2. The rate of the tax imposed by subsection 1 is the difference between:*

(a) The rate of tax that the board of county commissioners of the county has imposed pursuant to NRS 377B.100; and

(b) The maximum rate of tax that the board of county commissioners of the county is authorized to impose pursuant to NRS 377B.100,

but in no event may the rate imposed by subsection 1 exceed one-eighth of 1".

Amend sec. 7, page 5, line 34, after "*must be*" by inserting "*administered,*".

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 597.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 348, Amendments Nos. 1209, 1226, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 348.

The following Senate amendment was read:

Amendment No. 1209.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 60, and the leadlines of repealed sections following the enacting clause, to read as follows:

"Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this Title, unless the context otherwise requires:

1. "Charter school" means a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive ~~[.]~~ *, and sections 3 to 8, inclusive, of this act.*

2. "Department" means the department of education.

3. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the state board.

4. "State board" means the state board of education.

Sec. 2. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 8, inclusive, of this act.

Sec. 3. *The subcommittee on charter schools of the state board is hereby created. The president of the state board shall appoint three members of the state board to serve on the subcommittee. Except as otherwise provided in this subsection, the members of the subcommittee serve terms of 2 years. If a member is not reelected to the state board during his service on the subcommittee, his term on the subcommittee expires when his membership on the state board expires. Members of the subcommittee may be reappointed.*

Sec. 4. *1. Except as otherwise provided in subsection 3, if the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The board of trustees shall, not later than 10 days after the approval of the application, provide written notice to the department of the approval and the date of the approval. The board of trustees that approves the application shall be deemed the sponsor of the charter school. A written charter must be for a term of 6 years unless*

the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (q), inclusive, of subsection 5 of NRS 386.520. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

2. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and sections 3 to 8, inclusive, of this act and any other statute or regulation applicable to charter schools, the sponsor shall amend the written charter in accordance with the proposed amendment.

3. If the board of trustees of a school district is considering an application to form a charter school and determines that the applicant is not yet eligible for the issuance of a charter pursuant to subsection 1, it may, if applicable, hold the application in abeyance and grant a conditional charter to the applicant if the applicant:

(a) Has not obtained a building, equipment or personnel for the charter school; and

(b) Submits proof satisfactory to the entity which is considering the application that acceptance of the application is necessary to obtain the building, equipment or personnel for the charter school.

The board of trustees of a school district that grants a conditional charter pursuant to this subsection shall provide written notice to the state board of its action.

4. A conditional charter expires 1 year after its issuance and is nonrenewable. The holder of a conditional charter shall not operate a charter school and is not eligible to receive any public school money for the operation of a charter school. Before the expiration of a conditional charter, the holder of the conditional charter may submit a supplemental application and request the board of trustees that granted the conditional charter to determine whether the holder is eligible for the issuance of a charter pursuant to subsection 1. The board of trustees shall consider such a request as soon as is practicable.

Sec. 5. *1. The governing body of a charter school may consist of, without limitation, teachers, parents and representatives of nonprofit organizations and businesses.*

2. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

Sec. 6. *1. The governing body of a charter school shall designate a person to draw all orders for the payment of money belonging to the charter school. The orders must be listed on cumulative voucher sheets.*

2. The governing body of a charter school shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed.

3. An order for the payment of money to a member of the governing body of the charter school may only be drawn for salary, travel expenses, subsistence allowances or for services rendered by the member.

4. An action may not be maintained against any governing body of a charter school or the sponsor of a charter school to collect upon any bill not presented for payment to the governing body within 6 months after the bill was incurred.

Sec. 7. *The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school. The rules must prescribe the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.*

Sec. 8. *If a pupil has successfully completed equivalent courses at a charter school, the pupil must be allowed to transfer the credit that he received at the charter school as applicable toward advancement to the next grade at any other public school or toward graduation from any other public school.*

Sec. 9. NRS 386.350 is hereby amended to read as follows:

386.350 Each board of trustees is hereby given such reasonable and necessary powers, not conflicting with the constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the public schools , *excluding charter schools,* are established and to promote the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable.

Sec. 10. NRS 386.450 is hereby amended to read as follows:

386.450 The rules and regulations adopted by the association ~~[shall]~~ *must* provide for the membership of *charter schools,* private *schools* and parochial schools which may elect to join the association.

Sec. 11. NRS 386.460 is hereby amended to read as follows:

386.460 ~~[Any]~~ *If a charter school,* private *school* or parochial school ~~[which]~~ elects to become a member of the association ~~[shall be]~~ , *the school is* subject to the same regulations and requirements and ~~[shall be]~~ *is* liable for the same fees and charges as ~~[public]~~ *other* schools within the association.

Sec. 12. NRS 386.505 is hereby amended to read as follows:

386.505 ~~[1.]~~ The legislature hereby declares that by authorizing the formation of charter schools in this state ~~[:~~

~~(a) The primary consideration of the legislature is to serve the best interests of pupils who are at risk.~~

~~(b) The intention of the legislature is to provide:~~

~~(1) The board of trustees of school districts with a method to experiment with providing a variety of independent public schools to the pupils of this state;~~

~~(2) A framework for such experimentation;~~

~~(3) A mechanism by which the results achieved by charter schools may be measured and analyzed; and~~

~~(4) A procedure by which the positive results achieved by charter schools may be replicated and the negative results may be identified and eliminated.~~

~~(c) The intention of the legislature is to provide teachers and other educational personnel, parents, legal guardians and other persons who are interested in the system of public education in this state the opportunity to:~~

~~(1) Improve the learning of pupils and, by extension, improve the system of public education;~~

~~(2) Increase the opportunities for learning and access to quality education by pupils;~~

~~(3) Encourage the use of different and innovative teaching methods;~~

~~(4) Establish appropriate measures for and assessments of the learning achieved by pupils who are enrolled in charter schools;~~

~~(5) Provide a more thorough and efficient system of accountability of the results achieved in public education in this state; and~~

~~(6) Create new professional opportunities for teachers and other educational personnel, including, without limitation, the opportunity to increase the accessibility and responsibility of teachers and other educational personnel for the program of learning offered.~~

~~2. The legislature declares that by authorizing the formation of charter schools it is not authorizing:~~

~~(a) The establishment of a charter school as a justification to keep open an existing public school that would otherwise be closed;~~

~~(b) A means for providing financial assistance for private schools or programs of home study; or~~

~~(c) The~~] *it is not authorizing the* formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 12.5. NRS 386.510 is hereby amended to read as follows:

386.510 1. Except as otherwise provided in subsection 2:

(a) In a county whose population is more than 400,000, ~~[two]~~ *four* charter schools may be formed per every 75,000 pupils who are enrolled in public schools in the county school district.

(b) In a county whose population is more than 100,000 but less than 400,000, ~~[two]~~ *four* charter schools may be formed.

(c) In a county whose population is less than 100,000, one charter school may be formed.

2. The limitations set forth in subsection 1 do not apply to charter schools that are dedicated to providing educational programs and opportunities for pupils who are at risk.

Sec. 13. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three licensed teachers alone or in combination with:

(a) Ten or more members of the general public;

(b) Representatives of an organization devoted to service to the general public;

(c) Representatives of a private business; or

(d) Representatives of a college or university within the University and Community College System of Nevada.

2. A committee to form a charter school may not submit an application to form a charter school that proposes to convert ~~[a private school or]~~ a program of study at home into a charter school. *This subsection does not prohibit a committee to form a charter school from submitting an application that proposes to offer independent study pursuant to NRS 389.155 to pupils who are enrolled in the charter school, including, without limitation, the use of computer programs to provide instruction at home.*

3. *An application may propose to convert an existing public school into a charter school only if the existing public school is a high school that is a vocational, technical or trade school.*

4. *An application may propose to convert a private school into a charter school only if the private school is nonsectarian. If such an application is approved and the school operates as a charter school, the school is no longer governed by chapter 394 of NRS and shall comply with NRS 386.500 to 386.610, inclusive, and sections 3 to 8, inclusive, of this act and any other statute or regulation applicable to charter schools.*

5. Before a committee to form a charter school may submit an application to the board of trustees of a school district, it must submit the application to the department. The application must include all information prescribed by the department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive ~~[.~~

~~(b) A written description of the educational programs that will be offered by the charter school.~~

~~(c) A written description of the level and type of educational services that will be provided to pupils who are at risk.~~

~~(d) The policy and criteria for admission to the charter school and the justification for the policy and criteria.~~

~~(e) The standards of achievement for the charter school, including, without limitation, the:~~

~~(1) Academic and other educational results that will be expected of pupils who are enrolled in the charter school;~~

~~(2) Time by which such results will be achieved; and~~

~~(3) Procedure by which the results will be measured and assessed.~~

~~(f) An agreement to provide a written report at the end of each school semester to the parents and legal guardians of pupils who are enrolled in the~~

~~charter school, the residents of the community, the sponsor of the charter school and the state board. The written report must include the progress of the charter school in meeting the standards of achievement set forth in the application.~~

~~(g) The system of governance for the charter school.~~

~~(h) The system of organization and operation for the charter school.~~

~~(i) The policies, practices and programs of the charter school that will ensure participation and involvement in the activities of the charter school by parents and legal guardians of pupils who are enrolled in the charter school.~~

~~(j) The policies and practices of employment by the charter school applicable to the administrators and other employees of the charter school.~~

~~(k) The procedure for evaluation of the teachers and other employees of the charter school, if different from the procedure prescribed in NRS 391.3125.~~

~~(l) The written rules of behavior required of pupils who are enrolled in the charter school, including, without limitation, disciplinary policies and procedures for the charter school.~~

~~(m) A written description of the location of the charter school and the facilities and equipment available to the charter school. The description must include the procedures that will be followed for the disposition of facilities and equipment upon dissolution or nonrenewal of the charter.~~

~~(n) Guidelines for determining who is liable if the charter school is dissolved or its application for renewal is not approved.~~

~~(o) Procedures for auditing the programs and finances of the charter school.~~

~~(p) An agreement that the curriculum of the charter school will focus on the intellectual development of pupils, including, without limitation, the acquisition of identifiable academic and technical skills.~~

~~(q) An agreement that the pupils who are enrolled in the charter school will be tested on a regular basis and that copies of the examinations with a letter or numerical grade will be included in the report of progress of the pupil provided to the parents or legal guardian of the pupil.~~

~~(r) An agreement that a pupil must achieve a specified level of performance appropriate for his grade level before he is promoted to the next grade.~~

~~4.~~] *, and sections 3 to 8, inclusive, of this act.*

(b) If the proposal for a charter school includes the conversion of an existing public school as authorized by subsection 3:

(1) Evidence of support from the teachers who are employed full time at the public school that will be converted, demonstrated by:

(I) A petition signed by more than 50 percent of those teachers; or

(II) The written results of an election, in which more than 50 percent of those teachers approved, by secret ballot or otherwise, the proposed conversion; and

(2) Evidence of support from parents and legal guardians and the community in which the proposed charter school will be located, at a level deemed sufficient by the entity to whom the application was submitted.

(c) If the proposal for a charter school includes the conversion of a private school as authorized by subsection 4:

(1) Evidence of support from the teachers who are employed full time at the private school that will be converted, demonstrated by:

(I) A petition signed by more than 50 percent of those teachers; or

(II) The written results of an election, in which more than 50 percent of those teachers approved, by secret ballot or otherwise, the proposed conversion; and

(2) Evidence of support from parents and legal guardians of pupils who are enrolled in the private school, at a level deemed sufficient by the entity to whom the application was submitted.

(d) If the proposed charter school does not include the conversion of an existing public school or private school, evidence of support from teachers, parents and the community in which the proposed charter school will be located, at a level deemed sufficient by the entity to whom the application was submitted.

(e) If the charter school proposes to offer independent study to pupils who are enrolled in the charter school, including, without limitation, the use of computer programs to provide instruction at home, a written description of:

(1) The plan for independent study; and

(2) The method by which the charter school will comply with the provisions of NRS 386.500 to 386.610, inclusive, and sections 3 to 8, inclusive, of this act and any other statute or regulation applicable to charter schools.

(f) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(g) The projected enrollment of pupils in the charter school.

(h) The proposed dates of enrollment for the charter school.

(i) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(j) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(k) The proposed curriculum for the charter school.

(l) The textbooks that will be used at the charter school.

(m) The qualifications of the persons who will provide instruction at the charter school.

(n) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(o) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(p) The proposed plan for the transportation of pupils to and from the charter school.

(q) A written description of the manner in which teachers of a charter school will be evalutated.

6. The department shall review an application to form a charter school to determine whether it is complete. The department shall provide written notice to the applicant of its approval or denial of the application. If the department denies an application, the department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

Sec. 14. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located. ~~[The]~~ *If the* board of trustees *of a school district receives an application to form a charter school, it* shall consider the application at ~~[a public meeting for which]~~ *its next regularly scheduled meeting, but not later than 14 days after the receipt of the application, and ensure that* notice *of the meeting* has been provided pursuant to chapter 241 of NRS. The board of trustees shall review the application to determine whether ~~[it is]~~ *the application:*

(a) Complies with NRS 386.500 to 386.610, inclusive, and sections 3 to 8, inclusive, of this act and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the department.

2. The department shall assist the board of trustees of a school district in the review of an application. The board of trustees shall approve an application if it ~~[is complete.]~~ *satisfies the requirements of paragraphs (a) and (b) of subsection 1.* The board of trustees shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written

notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[2. If an application is approved by the board of trustees, the board of trustees and the applicant shall enter into a written agreement concerning the methods and procedures for the board of trustees to monitor the progress of the charter school. The written agreement must authorize the board of trustees and the department to physically inspect the school at any time. The contents of the application set forth in NRS 386.520 and the written agreement entered into pursuant to this subsection shall be deemed the written charter of the charter school. A written charter is for a term of 6 years unless the governing body of the charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530.~~

~~3. If an application is approved by the board of trustees, the committee to form a charter school that submitted the application shall be deemed the governing body of the charter school.~~

~~4. Upon request of the governing body of a charter school and the approval of the board of trustees of the school district that granted the written charter, the written charter may be amended if such amendment will grant to the charter school a greater ability to achieve its educational goals and objectives. An amendment must not authorize an extension of the duration of the term of the written charter.]~~

4. If the board of trustees denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request to the subcommittee on charter schools created pursuant to section 3 of this act, not more than 30 days after receipt of the written notice of denial, to direct the board of trustees to reconsider the application. The subcommittee shall consider requests for reconsideration in the order in which they are received. If the subcommittee receives such a request, it shall consider the request at its next regularly scheduled meeting and ensure that notice of the meeting is posted in accordance with chapter 241 of NRS. Not more than 30 days after the meeting, the subcommittee shall provide written notice of its determination to the applicant and to the board of trustees. If the subcommittee denies the request for reconsideration, the applicant may, not more than 30 days after the receipt of the written notice from the subcommittee, appeal the determination to the district court of the county in which the proposed charter school will be located.

5. If the subcommittee on charter schools grants a request to direct reconsideration, the written notice to the board of trustees of the school district that denied the application must include, without limitation, instructions to the board of trustees concerning the reconsideration of the application. Not more than 30 days after receipt of the written notice from the subcommittee directing the reconsideration, the board of trustees shall reconsider the application in accordance with the instructions of the subcommittee, make a final determination on the application and provide written notice of the determination to the applicant. If, upon reconsideration

of the application, the board of trustees denies the application, the applicant may, not more than 30 days after the receipt of the written notice from the board of trustees, appeal the final determination to the district court of the county in which the proposed charter school will be located.

Sec. 15. NRS 386.535 is hereby amended to read as follows:

386.535 *1.* The ~~[board of trustees of a school district]~~ *sponsor of a charter school* may revoke the written charter of the charter school before the expiration of the charter if ~~[a majority of the members of the board of trustees]~~ *the sponsor* determines that ~~[the]~~ *:*

(a) The charter school, its officers or its employees have failed to comply with:

~~[1.]~~ *(1)* The terms and conditions of the written charter ~~[, including, without limitation, the times by which certain academic or educational results would be achieved;~~

~~2.]~~ *;*

(2) Generally accepted standards of accounting and fiscal management; or

~~[3.]~~ *(3)* The provisions of NRS 386.500 to 386.610, inclusive, *and sections 3 to 8, inclusive, of this act* or any other statute or regulation applicable to charter schools ~~[.]~~ *;*

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that revocation is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. At least 90 days before the sponsor intends to revoke a written charter, the sponsor shall provide written notice to the governing body of the charter school of its intention. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and

(b) Prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies.

If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall not revoke the written charter of the charter school.

Sec. 16. NRS 386.545 is hereby amended to read as follows:

386.545 The department and the board of trustees of a school district shall:

1. Upon request, provide information to the general public concerning the formation and operation of charter schools;

2. Maintain a list available for public inspection that describes the location of each charter school;

3. ~~[Maintain a list available for public inspection of any buildings or facilities that may be suitable for the operation of a charter school;~~

~~4.]~~ Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive , ~~[; and~~

~~5.]~~ *sections 3 to 8, inclusive, of this act;*

4. Provide technical and other reasonable assistance to a charter school for the operation of the charter school ~~[.]~~ *; and*

5. Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government.

Sec. 17. NRS 386.550 is hereby amended to read as follows:

386.550 A charter school shall:

1. Comply with all laws and regulations relating to discrimination and civil rights.

2. Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

3. Refrain from charging tuition or fees, levying taxes or issuing bonds.

4. Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

5. Comply with the provisions of chapter 241 of NRS.

6. ~~[Schedule]~~ *Except as otherwise provided in this subsection, schedule* and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. *The governing body of a charter school may submit a written request to the superintendent of public instruction for a waiver from providing the days of instruction required by this subsection. The superintendent of public instruction may grant such a request if the governing body demonstrates to the satisfaction of the superintendent that:*

(a) Extenuating circumstances exist to justify the waiver; and

(b) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

7. Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 to the pupils who are enrolled in the charter school.

8. Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.

9. Provide *instruction in the core academic subjects set forth in subsection 1 of section 35 of this act, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide* at least the courses of instruction that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This subsection does not preclude a charter school from offering, or

requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

10. ~~[Provide instruction on acquired immune deficiency syndrome and the human reproductive system, related to communicable diseases and sexual responsibility in accordance with NRS 389.065.~~

~~11. Adhere to the same transportation policy that is in effect in the school district in which the charter school is located.]~~ *Refrain from using public money to purchase real property or buildings without the approval of the sponsor.*

11. Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

12. Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and Colleges.

13. Adopt a final budget in accordance with the regulations adopted by the department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

Sec. 18. NRS 386.560 is hereby amended to read as follows:

386.560 1. ~~[A]~~ *The governing body of a* charter school may contract with the board of trustees of the school district in which the charter school is located *or the University and Community College System of Nevada for the provision of facilities to operate the charter school or* to perform any service relating to the operation of the charter school, including, without limitation, transportation and the provision of health services for the pupils who are enrolled in the charter school.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district . ~~[and during times that are not regular school hours.]~~

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity.

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the school district if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or an association for interscholastic activities. If the board of trustees so revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

Sec. 19. NRS 386.565 is hereby amended to read as follows:

386.565 The board of trustees of a school district ~~[that approves the formation of]~~ *in which* a charter school *is located* shall not:

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.

2. Interfere with the operation and management of the charter school except as authorized by the written charter, NRS 386.500 to 386.610, inclusive, *and sections 3 to 8, inclusive, of this act* and any other statute or regulation applicable to charter schools or its officers or employees.

Sec. 20. NRS 386.570 is hereby amended to read as follows:

386.570 1. ~~[Pupils who are]~~ *Each pupil who is* enrolled in a charter school, including, without limitation, ~~[pupils who are]~~ *a pupil who is* enrolled in ~~[programs]~~ *a program* of special education in a charter school, must be included in the count of pupils in the school district for the purposes of

apportionments and allowances from the state distributive school account pursuant to NRS 387.121 to 387.126, inclusive [.] *, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070.* A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

2. The governing body of a charter school may negotiate with the board of trustees of the school district and the state board for additional money to pay for services which the governing body wishes to offer.

3. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year [.] *of the school district,* based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils *who are enrolled in the charter school* must be revised on the last day of the first *school* month of the school *district in which the charter school is located for the school* year, based on the actual number of pupils who are enrolled in the charter school. *Pursuant to subsection 2 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.*

4. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools.

5. If a charter school uses money received from this state to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 21. NRS 386.575 is hereby amended to read as follows:

386.575 *1.* If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, the governing body of the charter school shall make an assignment of all real property and other property of the charter school to the State of Nevada for the repayment of all money received by the charter school from this state for the operation of the charter school during that year. The governing body shall make full settlement with this state for such repayment, and the state may take any lawful action necessary to recover the money.

2. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, neither the State of Nevada nor the sponsor of the charter school may be held liable for any claims resulting from the bankruptcy.

Sec. 22. NRS 386.580 is hereby amended to read as follows:

386.580 1. ~~[The policies for admission to a charter school must be consistent with the provisions of the written charter of the charter school and must be directly related to the goals and missions of the charter school.~~

~~2.]~~ An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this state. *Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.* If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If more pupils *who are eligible for enrollment* apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

~~[3.]~~ *2.* Except as otherwise provided in subsection ~~[5,]~~ *4,* a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

of a pupil.

~~[4.]~~ *3.* If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

~~[5.]~~ *4.* This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

Sec. 23. NRS 386.590 is hereby amended to read as follows:

386.590 1. ~~[At least 75]~~ *Except as otherwise provided in this subsection, at least 70* percent of the teachers who provide instruction at a charter school must be licensed teachers. *If a charter school is a vocational school, at least 50 percent of the teachers who provide instruction at the charter school must be licensed teachers.*

2. A *governing body of a* charter school ~~[may employ persons who are not licensed teachers to provide instruction at the charter school if not more than 25 percent of teachers who provide instruction at the charter school are not licensed. A person who is employed pursuant to this subsection must:~~

~~(a) Possess a temporary license to teach during the time that he is fulfilling the requirements for full licensure;~~

~~(b) Possess a baccalaureate degree or higher degree; or~~

~~(c) Have at least 8 years of experience in the field in which he is employed and possess exemplary skills in that field.~~

~~3. A person who is employed pursuant to paragraph (b) or (c) of subsection 2:~~

~~(a) Must provide instruction at a charter school only under the direction of a licensed teacher. The licensed teacher must be responsible for all instructional activities of the unlicensed teacher.~~

~~(b) May only be selected for employment based upon his qualifications, as determined by the charter school.]~~ *shall employ:*

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those grades.

(b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science; and

(4) Social studies, which includes only the subjects of history, geography, economics and government.

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

3. A charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsection 2 if the person has:

(a) A degree in the field for which he is employed to teach at the charter school; or

(b) At least 2 years of experience in that field.

4. A charter school may employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A master's degree in school administration, public administration or business administration; or

(b) If the person has at least 5 years of experience in administration, a baccalaureate degree.

5. A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this state or another state.

Sec. 24. NRS 386.595 is hereby amended to read as follows:

386.595 1. Except as otherwise provided in this subsection and ~~[subsection 2,]~~ *subsections 2 and 3,* the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school. If a written charter is renewed, the employees of the charter school may, at the time of renewal, apply for recognition as a bargaining unit pursuant to NRS 288.160.

2. *A charter school is exempt from the specific provisions of the collective bargaining agreement that controls the:*

(a) Periods of preparation time for teachers, provided that the charter school allows at least the same amount of time for preparation as the school district;

(b) Times of day that a teacher may work;

(c) Number of hours that a teacher may work in 1 day;

(d) Number of hours and days that a teacher may work in 1 week; and

(e) Number of hours and days that a teacher may work in 1 year.

If a teacher works more than the number of hours or days prescribed in the collective bargaining agreement, the teacher must be compensated for the additional hours or days in an amount calculated by prorating the salary for the teacher that is set forth in the collective bargaining agreement.

3. A teacher or a governing body of a charter school may request that the board of trustees of the school district and other persons who entered into the collective bargaining agreement grant a waiver from specific provisions of the collective bargaining agreement for the teacher or governing body.

~~[3.]~~ *4.* All employees of a charter school shall be deemed public employees.

~~[4.]~~ *5.* The governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless the applicable collective bargaining agreement contains separate provisions relating to the discipline of licensed employees of a school.

~~[5.]~~ *6.* If the written charter of a charter school is revoked, the employees of the charter school must be reassigned to employment within the school district in accordance with the collective bargaining agreement.

~~[6.]~~ *7.* The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the sixth school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing work force of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~[7.]~~ *8.* An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the public employees' retirement system and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~[8.]~~ *9.* Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

~~[9.]~~ *10.* An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the public employees' retirement system.

~~[10.]~~ *11.* For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the public employees' retirement system.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 25. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before April 15 of each year, the governing body of each charter school shall submit the *information concerning the charter school that is contained in the* report required pursuant to subsection 2 of NRS 385.347 to the:

(a) Governor;

(b) State board;

(c) Department;

(d) Legislative committee on education created pursuant to NRS 218.5352; and

(e) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

2. On or before April 15 of each year, the governing body of each charter school shall submit the information prepared by the governing body *that is contained in the report* pursuant to paragraph (q) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before June 15 of each year, the governing body of each charter school shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the charter school's program of accountability during the school year. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based; and

(II) The identification of any problems or factors at the charter school that are revealed by the review and analysis.

(2) A written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

(1) Governor;

(2) State board;

(3) Department;

(4) Legislative committee on education created pursuant to NRS 218.5352; and

(5) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

4. The department shall maintain a record of the information that it receives from each charter school pursuant to this section in such a manner as will allow the department to create for each charter school a yearly profile of information.

5. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the charter school adopted *by the governing body* pursuant to ~~[NRS 354.598.]~~ *the regulations of the department.*

6. The legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 26. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district or pupils who reside in the county in which the school district is located and are enrolled in any charter school for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(e) *Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560.*

(f) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(g) Part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma ~~[.]~~ *, excluding those pupils who are included in paragraphs (e) and (f).*

2. The state board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the state board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

4. A charter school is not required to comply with the pupil-teacher ratio prescribed by the state board pursuant to subsection 3.

Sec. 27. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school *district for the school* year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school ~~[.]~~ *on the last day of the first school month of the school district for the school year.*

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school *district for the school* year, including, without limitation, the count of pupils who reside in the county

and are enrolled in any charter school ~~[.]~~ *on the last day of the first school month of the school district for the school year.*

(3) The count of pupils not included under subparagraph (1) or (2) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school *district for the school* year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school *district for the school* year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school *district for the school* year.

(6) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils *in a school district or a charter school that is located within the school district* on the last day of the first school month of the school *district for the school* year ~~[in a school district or a charter school]~~ is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month *of the school district* for the immediately preceding school year, the larger number must be used for purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department.

Sec. 28. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the superintendent *of public instruction* shall *, except as otherwise provided in subsections 2 and 3,* apportion the state distributive school account in the state general fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. The apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

2. *The governing body of a charter school may submit a written request to the superintendent of public instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the superintendent of public instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.*

3. If the state controller finds that such an action is needed to maintain the balance in the state general fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the state controller shall submit a report to the department of administration and the fiscal analysis division of the legislative counsel bureau documenting reasons for the action.

Sec. 29. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. The apportionments to a school district may be adjusted during a fiscal year by the department of education, upon approval by the board of examiners and the interim finance committee, if the department of taxation and the county assessor in the county in which the school district is located certify to the department of education that the school district will not receive

the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:

(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and

(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.

If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the distributive school account in the state general fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. *On or before August 1 of each year, the board of trustees of a school district shall provide to the department, in a format prescribed by the department, the count of pupils calculated pursuant to subparagraph (6) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils submitted to the department must be included in the final adjustment computed pursuant to subsection 4.*

4. A final adjustment *for each school district and charter school* must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children *in a school district or a charter school located within the school district* described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS 387.123 is greater on the last day of any school month *of the school district* after the second school month *of the school district* and the increase in enrollment shows at least:

(a) A 3 percent gain, basic support as computed from first month enrollment *for the school district or charter school* must be increased by 2 percent.

(b) A 6 percent gain, basic support as computed from first month enrollment *for the school district or charter school* must be increased by an additional 2 percent.

~~[4.]~~ *5.* If the final computation of apportionment for any school district or charter school exceeds the actual amount paid to the school district or charter school during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district or charter school is less than the actual amount paid to the school

district or charter school during the school year, the difference must be repaid to the state distributive school account in the state general fund by the school district or charter school before September 25.

Sec. 30. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all school money due each county school district must be paid over by the state treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the state treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this Title and regulations adopted pursuant thereto.

4. ~~[All]~~ *Except as otherwise provided in this subsection, all* school money due each charter school must be paid over by the state treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124. *If the superintendent of public instruction has approved, pursuant to subsection 2 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the state treasurer to the governing body of the charter school on July 1, October 1, January 1 or April 1, as applicable.*

Sec. 31. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which ~~[no]~~ grade work is *not* given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the state board. The school is an elementary or secondary school for the purpose of ~~[teachers' certifications.]~~ *the licensure of teachers.*

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a

secondary school for the purpose of ~~[teachers' certifications.]~~ *the licensure of teachers.*

4. A special school is an organized unit of instruction operating with approval of the state board.

5. A charter school is a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive ~~[.]~~ *, and sections 3 to 8, inclusive, of this act.*

Sec. 32. NRS 388.367 is hereby amended to read as follows:

388.367 1. There is hereby created in the state treasury the fund for the school to careers program to be administered by the state board. The superintendent may accept gifts and grants of money from any source for deposit in the fund. All legislative appropriations, gifts and grants made to the fund become a part of the principal of the fund which may be reduced only by specific legislative action. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.

2. Money in the fund must be used for the program to provide pupils with the skills to make the transition from school to careers adopted pursuant to NRS 388.368.

3. Money in the fund must not be:

(a) Considered in negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce the amount of money which would otherwise be made available for occupational education in the absence of this section.

4. The state board shall establish annually, within the limits of money available in the fund, a basic allocation of:

(a) Twenty-five thousand dollars to each school district and each university and community college within the University and Community College System of Nevada whose application to participate in the program adopted pursuant to NRS 388.368 is approved pursuant to subsection 5 of that section.

(b) Not more than $25,000 to each charter school whose application to participate in the program adopted pursuant to NRS 388.368 is approved pursuant to subsection 5 of that section.

5. Any money remaining after the allocations made pursuant to subsection 4 must be allocated to:

(a) School districts with approved applications in proportion to the total number of pupils enrolled in grades 7 to 12, inclusive, within the district on the last day of the first *school* month of the school *district for the school* year preceding the school year for which the money is being provided;

(b) Charter schools with approved applications in proportion to the total number of pupils enrolled in grades 7 to 12, inclusive, within the charter school on the last day of the first *school* month of the school *district in which the charter school is located for the school* year preceding the school year for which the money is being provided; and

(c) Community colleges with approved applications in proportion to the total number of full-time students enrolled on October 15 of the school year preceding the school year for which the money is being provided.

Sec. 33. NRS 388.380 is hereby amended to read as follows:

388.380 1. Except as otherwise provided in subsection 2, the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:

(a) Establish and maintain occupational schools or classes giving instruction in the subjects approved by the state board for occupational education.

(b) Raise and expend money for the establishment and maintenance of occupational schools or classes.

2. The board of trustees of each school district shall incorporate into the curriculum:

(a) Occupational guidance and counseling ~~[;]~~ *in accordance with NRS 389.180;* and

(b) Technology . ~~[;~~
~~in accordance with the courses of study adopted by the state board pursuant to NRS 389.170 and 389.180.]~~

Sec. 34. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ *, 3 and 6,* after the last day of the first month of the school year, the ratio in each school district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1 in classes where core curriculum is taught. In determining this ratio, all licensed educational personnel who teach kindergarten or grade 1, 2 or 3 must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. The state board may grant to a school district a variance from the limitation on the number of pupils per class set forth in subsection 1 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

4. The state board shall, on or before February 1 of each odd-numbered year, report to the legislature on:

(a) Each variance granted by it during the preceding biennium, including the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in kindergarten and grades 1, 2 and 3.

5. The department shall, on or before November 15 of each year, report to the chief of the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

during the current school year in kindergarten and grades 1, 2 and 3 for each school district.

6. The provisions of this section do not apply to a charter school.

Sec. 35. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente youth center and the Nevada youth training center:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente youth center and the Nevada youth training center:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

If the state board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

3. The state board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:

(a) The academic subjects set forth in subsections 1 and 2.

(b) Citizenship and physical training for pupils enrolled in high school.

(c) Physiology, hygiene and cardiopulmonary resuscitation.

(d) Instruction relating to child abuse.

(e) The economics of the American system of free enterprise.

(f) American Sign Language.

(g) Environmental education.

(h) Adult roles and responsibilities.

A course of study established for paragraph (a) may include one or more of the subjects listed in paragraphs (b) to (h), inclusive.

Sec. 36. NRS 389.010 is hereby amended to read as follows:

389.010 Except as otherwise provided in NRS ~~[389.170 and]~~ 389.180, boards of trustees of school districts shall enforce in schools the courses of study prescribed and adopted by the state board.

Sec. 37. NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school *, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school,* who successfully completes a course of education offered by a community college or university in this state which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from high school ~~[.]~~ *or the charter school in which the pupil is enrolled.*

2. With the approval of the state board, the board of trustees of each county school district *and the governing body of each charter school* shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

Sec. 38. NRS 391.060 is hereby amended to read as follows:

391.060 1. Except as otherwise provided in NRS 391.070, it is unlawful for:

(a) The superintendent of public instruction to issue a license to, or a board of trustees of a school district *or a governing body of a charter school* to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

(b) The state controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

2. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 39. NRS 391.070 is hereby amended to read as follows:

391.070 ~~[Nothing in NRS 391.060 or in any other law prohibits the employment, by a]~~ *The* board of trustees of a school district ~~[, of any]~~ *or the governing body of a charter school, may employ a* teacher or instructor authorized to teach in the United States under the teacher exchange programs authorized by laws of the Congress of the United States.

Sec. 40. NRS 391.200 is hereby amended to read as follows:

391.200 The salaries of ~~[the teachers]~~ *:*

1. Teachers and other licensed personnel in a school district , as determined by the contracts between the teachers and other licensed employees and the board of trustees *; and*

2. Teachers in a charter school,

are prior claims upon the school district fund.

Sec. 41. NRS 391.230 is hereby amended to read as follows:

391.230 1. ~~[Upon]~~ *Except as otherwise provided in subsection 3, upon* the opening of any public school in this state, every teacher and other licensed employee employed for that school shall file with the superintendent of the county school district a Nevada license entitling the holder to teach or perform other educational functions in the school in which he will be employed, and any other report that the superintendent of public instruction requires.

2. The superintendent of the county school district shall acknowledge the receipt of each license and shall make a proper record thereof in his office. The license must remain on file and be safely kept in the office of the superintendent of the county school district.

3. This section does not apply to unlicensed teachers who are employed by a charter school.

Sec. 42. NRS 391.240 is hereby amended to read as follows:

391.240 ~~[Each]~~

1. Except as otherwise provided in subsection 2, each teacher in the public schools shall keep a true, full and correct register of all pupils attending such school as required by the board of trustees of the school district in accordance with the regulations prescribed by the superintendent of public instruction.

2. Each teacher in a charter school shall keep a record of the enrollment of pupils in the charter school in accordance with the regulations prescribed by the superintendent of public instruction.

Sec. 43. NRS 391.273 is hereby amended to read as follows:

391.273 1. ~~[Unless specifically exempted pursuant to subsection 4,]~~ *Except as otherwise provided in subsections 4 and 9,* the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4 must be under administrative supervision when performing duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Upon application by a superintendent of schools, the superintendent of public instruction may grant an exemption from the provisions of subsection 1. The superintendent shall not grant an exemption unless:

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his fingerprints for an investigation pursuant to NRS 391.033.

5. The superintendent of public instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district ~~[.]~~ and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties he may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the superintendent of public instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

6. The superintendent of public instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

7. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the superintendent of public instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

8. If the superintendent of public instruction determines that the board of trustees of a school district has violated the provisions of subsection 7, he shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) The number of days on which the violation occurred;

(b) The number of pupils in the classroom taught by the teacher's aide; and

(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1233.

9. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school.

Sec. 44. NRS 392.035 is hereby amended to read as follows:

392.035 1. In determining the mobility of pupils in a school, for any purpose, the department shall divide the sum of the following numbers by the cumulative enrollment in the school:

(a) The number of late entries or transfers into a school from another school, school district or state, after the beginning of the school year;

(b) The number of pupils reentering the school after having withdrawn from the same school; and

(c) The number of pupils who withdraw for any reason or who are dropped for nonattendance.

2. To determine the cumulative enrollment of the school pursuant to subsection 1, the department shall add the total number of pupils enrolled in programs of instruction in the school who are included in the count for apportionment purposes pursuant to paragraphs (a), (b), ~~[and]~~ (c), *(e) and (f)* of subsection 1 of NRS 387.123 and the number of pupils included in paragraphs (a) and (b) of subsection 1.

3. The department shall develop and distribute to the county school districts a form upon which the information necessary to the formula may be submitted by the individual schools.

Sec. 45. NRS 392.070 is hereby amended to read as follows:

392.070 *1.* Attendance required by the provisions of NRS 392.040 ~~[shall]~~ *must* be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the state board. ~~[of education.]~~

2. The board of trustees of each school district shall provide programs of special education and related services for children who are exempt from compulsory attendance pursuant to subsection 1 and receive instruction at home. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or who receives instruction at home, the board of trustees of the school district in which the child resides shall authorize the child to participate in a class that is not

available to the child at the private school or home school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity.

4. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or who receives instruction at home, the board of trustees of the school district in which the child resides shall authorize the child to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the school district if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

If the board of trustees of a school district authorizes a child to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the child to participate.

5. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 3 and 4 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or an association for interscholastic activities. If the board of trustees revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

6. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

7. The department may adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

8. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401(22).

Sec. 46. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school, sells or distributes any controlled substance or is found in possession of a dangerous weapon, while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must:

(a) Be permanently expelled from that school; and

(b) Receive equivalent instruction authorized by the state board pursuant to *subsection 1 of* NRS 392.070.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must:

(a) Be permanently expelled from the school; and

(b) Receive equivalent instruction authorized by the state board pursuant to *subsection 1 of* NRS 392.070.

The superintendent of schools of a school district may, in a particular case in that school district, allow an exception to the expulsion requirement of this subsection.

3. Except as otherwise provided in this section, any pupil who is a habitual disciplinary problem as set forth in NRS 392.4655 must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must receive equivalent instruction authorized by the state board pursuant to *subsection 1 of* NRS 392.070.

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act , ~~[(]~~ 20 U.S.C. §§ 1400 et seq. ~~[).]~~

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slung shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

Sec. 47. NRS 393.010 is hereby amended to read as follows:

393.010 The board of trustees of a school district shall:

1. Manage and control the school property within its district ~~[.]~~ , *except for any property belonging to a charter school.*

2. Have the custody and safekeeping of the district schoolhouses, their sites and appurtenances.

Sec. 48. NRS 394.103 is hereby amended to read as follows:

394.103 "Private schools" means private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child *who is* excused from compulsory attendance pursuant to *subsection 1 of* NRS 392.070.

Sec. 49. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term "political subdivision" includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada rural housing authority, an airport authority created by special act of the legislature, a regional transportation commission and a fire protection district, irrigation district, school district , *governing body of a charter school* and other special district that performs a governmental function, even though it does not exercise general governmental powers.

Sec. 50. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a ~~[part-time]~~ :

(a) Part-time or full-time board, commission or similar body of the state or a political subdivision of the state which is created by law.

(b) Charter school.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the state pursuant to NRS 284.173; and

(b) Contracts to provide medical services for the department of prisons.

As used in this subsection, "professional corporation" and "professional association ~~[.]~~ " have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the state or a political subdivision of the state which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 51. NRS 286.070 is hereby amended to read as follows:

286.070 1. "Public employer" means the state, one of its agencies or one of its political subdivisions, the system, irrigation districts created under the laws of the State of Nevada, a nonprofit corporation to which a public hospital has been conveyed or leased pursuant to NRS 450.500, a public or quasi-public organization or agency that is funded, at least in part, by public money, including a regional transportation commission, *a governing body of a charter school* and a council of governments created pursuant to the laws of the State of Nevada.

2. State agencies are those agencies subject to state control and supervision, including those whose employees are governed by chapter 284 of NRS, unless specifically exempted therefrom, and those which deposit money with the state treasurer.

Sec. 52. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in *subsection 3 and* NRS 334.070, all sales or leases of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property; but the governing body or its authorized representative may sell any such personal property at public auction if it deems such a sale desirable and in the best interests of the local government.

2. *The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district without regard to:*

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 53. NRS 463.385 is hereby amended to read as follows:

463.385 1. In addition to any other license fees and taxes imposed by this chapter, there is hereby imposed upon each slot machine operated in this state an annual excise tax of $250. If a slot machine is replaced by another, the replacement is not considered a different slot machine for the purpose of imposing this tax.

2. The commission shall:

(a) Collect the tax annually on or before June 30, as a condition precedent to the issuance of a state gaming license to operate any slot machine for the ensuing fiscal year beginning July 1, from a licensee whose operation is continuing.

(b) Collect the tax in advance from a licensee who begins operation or puts additional slot machines into play during the fiscal year, prorated monthly after July 31.

(c) Include the proceeds of the tax in its reports of state gaming taxes collected.

3. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the dates set forth in subsection 2. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any slot machine that is operated on the premises of a licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

4. The commission shall pay over the tax as collected to the state treasurer to be deposited to the credit of the state distributive school account in the state general fund, and the capital construction fund for higher education and the special capital construction fund for higher education, which are hereby created in the state treasury as special revenue funds, in the amounts and to be expended only for the purposes specified in this section.

5. During each fiscal year the state treasurer shall deposit the tax paid over to him by the commission as follows:

(a) The first $5,000,000 of the tax in the capital construction fund for higher education;

(b) Twenty percent of the tax in the special capital construction fund for higher education; and

(c) The remainder of the tax in the state distributive school account in the state general fund.

6. There is hereby appropriated from the balance in the special capital construction fund for higher education on July 31 of each year the amount necessary to pay the principal and interest due in that fiscal year on the bonds issued pursuant to section 5 of chapter 679, Statutes of Nevada 1979, as amended by chapter 585, Statutes of Nevada 1981, at page 1251, the bonds authorized to be issued by section 2 of chapter 643, Statutes of Nevada 1987, at page 1503, the bonds authorized to be issued by section 2 of chapter 614, Statutes of Nevada 1989, at page 1377, the bonds authorized to be issued by section 2 of chapter 718, Statutes of Nevada 1991, at page 2382, and the bonds authorized to be issued by section 2 of chapter 629, Statutes of Nevada 1997, at page 3106. If in any year the balance in that fund is not sufficient for this purpose, the remainder necessary is hereby appropriated on July 31 from the capital construction fund for higher education. The balance remaining unappropriated in the capital construction fund for higher education on August 1 of each year and all amounts received thereafter during the fiscal year must be transferred to the state general fund for the support of higher education. If bonds described in this subsection are refunded and if the amount required to pay the principal of and interest on the refunding bonds in any fiscal year during the term of the bonds is less than the amount that would have been required in the same fiscal year to pay the principal of and the interest on the original bonds if they had not been refunded, there is appropriated to the University and Community College System of Nevada an amount sufficient to pay the principal of and interest on the original bonds, as if they had not been refunded. The amount required to pay the principal of and interest on the refunding bonds must be used for that purpose from the amount appropriated. The amount equal to the saving realized in that fiscal year from the refunding must be used by the University and Community College System of Nevada to defray, in whole or in part, the expenses of operation and maintenance of the facilities acquired in part with the proceeds of the original bonds.

7. After the requirements of subsection 6 have been met for each fiscal year, when specific projects are authorized by the legislature, money in the capital construction fund for higher education and the special capital construction fund for higher education must be transferred by the state controller and the state treasurer to the state public works board for the construction of capital improvement projects for the University and Community College System of Nevada, including, but not limited to, capital

improvement projects for the community colleges of the University and Community College System of Nevada. As used in this subsection, "construction" includes, but is not limited to, planning, designing, acquiring and developing a site, construction, reconstruction, furnishing, equipping, replacing, repairing, rehabilitating, expanding and remodeling. Any money remaining in either fund at the end of a fiscal year does not revert to the state general fund but remains in those funds for authorized expenditure.

8. The money deposited in the state distributive school account in the state general fund under this section must be apportioned as provided in NRS 387.030 among the several school districts *and charter schools* of the state at the times and in the manner provided by law.

9. The board of regents of the University of Nevada may use any money in the capital construction fund for higher education and the special capital construction fund for higher education for the payment of interest and amortization of principal on bonds and other securities, whether issued before, on or after July 1, 1979, to defray in whole or in part the costs of any capital project authorized by the legislature.

Sec. 54. Section 8 of Senate Bill No. 341 of this session is hereby amended to read as follows:

Sec. 8. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in *subsection 2 and* NRS 334.070, all sales or leases of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property . ~~[; but the]~~ *The* governing body or its authorized representative may sell any such personal property at public auction if it *determines that the property is no longer required for public use and* deems such a sale desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 55. 1. NRS 386.505, 389.050, 389.060, 389.075, 389.080, 389.083, 389.110, 389.120, 389.130, 389.140, 389.170 and 389.190 are hereby repealed.

2. NRS 386.510 is hereby repealed.

Sec. 56. 1. There is hereby appropriated from the state general fund to the department of education for disbursement to the Andre Agassi

Foundation the sum of $600,000 for the expansion of the Andre Agassi Boys and Girls Club Education Center in Southern Nevada.

2. The superintendent of public instruction shall disburse the appropriation made by subsection 1 to the Andre Agassi Foundation only if the superintendent and the chief of the budget division of the department of administration determine that the Andre Agassi Foundation has received money from the Federal Government in an amount sufficient to assist the foundation in the expansion of the Andre Agassi Boys and Girls Club Education Center in Southern Nevada.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 57. 1. There is hereby appropriated from the state general fund to the department of education:

For the fiscal year 1999-2000 $57,845
For the fiscal year 2000-2001 $59,155

2. The money appropriated by subsection 1 must be used for:

(a) The travel and operating expenses of the three members of the state board of education who are appointed to the subcommittee on charter schools created pursuant to section 3 of this act;

(b) A half-time education consultant; and

(c) A quarter-time Management Assistant I to assist the consultant and the subcommittee with work relating to charter schools.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 58. 1. The subjects taught in public schools pursuant to subsections 1 and 2 of section 35 of this act must be in accordance with the standards of content and performance established for grade levels by the council to establish academic standards for public schools.

2. The courses of study established by the state board of education pursuant to paragraph (a) of subsection 3 of section 35 of this act must comply with and carry out the standards of content and performance that are submitted to the state board of education by the council to establish academic standards for public schools.

Sec. 59. 1. Notwithstanding the amendatory provisions of this act, the board of trustees of a school district that has entered into a written charter with a charter school before July 1, 1999, shall continue to sponsor the charter school. The governing body of a charter school may submit a written request for an amendment of the written charter of the charter school in accordance with the amendatory provisions of this act. If the proposed amendment complies with NRS 386.500 to 386.610 inclusive, and sections 3 to 8, inclusive, of this act and any other statute or regulation applicable to

charter schools, the sponsor of the charter school shall amend the written charter in accordance with the proposed amendment.

2. A charter school that has entered into a written charter with the board of trustees of a school district before July 1, 1999, may, upon the expiration of its written charter, apply for renewal of the charter to the board of trustees of the school district in accordance with the amendatory provisions of this act.

Sec. 60. 1. This section and sections 56 and 57 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, 13 to 54, inclusive, and 58 and 59 of this act become effective on July 1, 1999.

3. Subsection 1 of section 55 of this act becomes effective on July 1, 1999.

4. Section 12.5 of this act becomes effective on July 1, 2001.

5. Subsection 2 of section 55 of this act becomes effective on July 1, 2003.

LEADLINES OF REPEALED SECTIONS

386.505 Legislative declaration concerning formation of charter schools.

386.510 Limitation on number of charter schools that may be formed in certain counties; exception for charter schools that provide education for pupils at risk.

389.050 Instruction in high school in citizenship and physical training; employment of teachers of physical training.

389.060 Instruction in physiology, hygiene and cardiopulmonary resuscitation.

389.075 Instruction relating to child abuse.

389.080 Instruction in economics of American system of free enterprise.

389.083 American Sign Language: Approval of course work; credit as foreign language.

389.110 Environmental education: Instruction in environmental preservation and protection, principles of ecology and conservation of resources.

389.120 Environmental education: Counseling programs.

389.130 Environmental education: Programs for outdoor education and camping.

389.140 Environmental education: Duties of superintendent of public instruction.

389.170 Course of study: Technology.

389.190 Course of study: Adult roles and responsibilities.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, The primary consideration of the legislature in enacting legislation to authorize charter schools is to serve the best interests of all pupils, including pupils who may be at risk; and

WHEREAS, The intention of the legislature is to provide:

1. The board of trustees of school districts with a method to experiment with providing a variety of independent public schools to the pupils of this state;

2. A framework for such experimentation;

3. A mechanism by which the results achieved by charter schools may be measured and analyzed; and

4. A procedure by which the positive results achieved by charter schools may be replicated and the negative results may be identified and eliminated; and

WHEREAS, It is further the intention of the legislature to provide teachers and other educational personnel, parents, legal guardians and other persons who are interested in the system of public education in this state the opportunity to:

1. Improve the learning of pupils and, by extension, improve the system of public education;

2. Increase the opportunities for learning and access to quality education by pupils;

3. Encourage the use of different and innovative teaching methods;

4. Establish appropriate measures for and assessments of the learning achieved by pupils who are enrolled in charter schools;

5. Provide a more thorough and efficient system of accountability of the results achieved in public education in this state; and

6. Create new professional opportunities for teachers and other educational personnel, including, without limitation, the opportunity to increase the accessibility and responsibility of teachers and other educational personnel for the program of learning offered; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to education; creating a subcommittee on charter schools of the state board of education; revising the process for the review and approval of an application to form a charter school; providing for a process of appeal if the board of trustees of a school district denies an application for a charter school; revising provisions governing the employment and compensation of employees of charter schools; revising various other provisions governing charter schools; prescribing the academic subjects for public schools; repealing certain courses of study; requiring the boards of trustees of school districts to provide certain services under certain circumstances to children in private schools, charter schools and home schools; revising provisions governing the computation of basic support to include children in private schools, charter schools and home schools who are enrolled in classes in public schools; revising various other provisions governing the system of public education; making appropriations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing charter schools and makes various changes to public education. (BDR 34-1410)".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 348.

Remarks by Assemblymen Williams, Giunchigliani, Anderson and Bache.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I do have a couple of questions and then I have a comment, if I might. On page 21, and I apologize, because we just got these, so I'm just trying to get through it. It states that if a board of trustees offers the group insurance plan for its employees, that the trustees must allow them to negotiate, to participate in the same plan.

It is page 33. The question is if it allows for them to negotiate with the Board of Trustees for group insurance. Many of the Boards of Trustees no longer offer the group insurance and I'm wondering if this anticipated the fact that many of the teacher's associations now are the one's who actually authorize that.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you, to my colleague from Assembly District 9. This language in section 24 allows the charter school to negotiate with the school district, if the school district manages a group health insurance program and only if they manage an insurance program. If they do not, in fact, they can negotiate with an association.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. The other question, I believe, and I haven't found a section yet. What percentage of teachers are allowed now to be unlicensed in the school?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. Under current law, in the statutes, in a charter school and other schools, 75 percent of the teachers are licensed as licensed teachers through the state Department of Education. Twenty-five percent are licensed with a license or certificate in the area in which they would attempt to participate in a classroom, under the supervision of a teacher. With this amendment, that ratio goes from 70 to 30, which means if there were 20 teachers in a charter school, 15 of those teachers would be licensed by the state Department of Education. Under this amendment, it would be moved to 14.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. So, it reduces it by about five percent on either end?

ASSEMBLYMAN WILLIAMS:

Mr. Speaker, to you and through you, the answer is: yes.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I believe I just found on page 28, at least 50 percent of the teachers then, in a vocational school, was that new language? That they even deal with the vocational school last time?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you, to my colleague from District 9. In reference to upstart of vocational schools, the language now states that vocational schools who are upstart as charter schools, the desire would be to have as many as those teachers licensed as teachers, but to go no lower than 50 percent as licensed teachers. I would say, Mr. Speaker, currently in Nevada, with vocational schools, many of those schools have less than 50 percent of licensed teachers. That is something that is not really new in the statutes.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. On page 71, there is an appropriation to the Andre Agassi Foundation for the construction of a school. Is that correct?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. That is correct. Under this particular amendment, there is a collaboration of federal, private, and in this case, if this amendment passes, state agreement to upstart this particular school. With the concept in mind, and the new language will be added into the statutes this year, schools that would have the ability to generate this type of collaboration of funding, would probably be conducive to looking at that type of appropriation. We're looking at, in Nevada, a new direction towards reform. And these are public schools, just as we all agree, that additional state funding for public schools in Nevada for construction, is something new that we're looking at. As a matter of fact, the leadership of my colleague from District 9 has led, for the first time, money for construction for public schools, particularly in the rural areas. If our commitment is truly toward reform, for public schools, which this is, then we feel this appropriation is appropriate.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I think, maybe, a final question. That is section 56, and it's an amount of $600,000 for the expansion of the Andre Agassi Boys and Girls Club Center. Is that what it is for? Or is it for construction of a school? This is confusing to me.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. Specifically, this particular project is a charter school that exceeds the amount of $4.3 million. This money would be used towards the construction of this particular school. At this particular site, there is a Boys and Girls Club and there is a satellite community college site as well. For this two-story school, the money will be used specifically for that particular purpose.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. And I appreciate the chair of Education for being patient to get through this in a quick period of time without being able to read through it. I have to rise in opposition to this amendment. For a few reasons. One, I guess I have a concern. We are dealing with standards and increasing standards continually, not only in education but also what we require from our public school teachers. I think it is a bad step forward to lessen the amount of qualifications or license people that would be teaching in a charter school, which this bill does. In addition to that, I have a concern that this started out as the original bill in another piece of legislation. I see the language which solely was to allow for the flexibility of scheduling, in order for the charter schools to have that hiring time and doing a flex schedule for their students. That was what the original intent of the charter legislation was and now we have a 70-page amendment that we are supposed to read in five minutes. Even more importantly, I think the issue is this: school construction. For four years, it took us an opportunity to pass legislation to bring the state into a partnership to begin to deal with public schools, for school construction. The original request in the bill we just approved, in May of 1997, had been for General Fund money, reversion money. And yet, that was told no way will we give General Fund money to public schools. The next thing we know, is this bill comes in with a $600,000 appropriation straight out of the General Fund for a charter school, for school construction.

I am concerned about the precedent that this is taking. I have raised this issue in the halls and I was assured there would be language in this bill that would clarify that this is not prejudicial, otherwise, I think we need to come back next session for General Fund money for current K-12 public schools, not just for rural counties, but for all of our counties that deserve an opportunity to be able to rebuild facilities which are crumbling around us.

Finally, Mr. Speaker, I want to point out that Assembly Bill 348 originally had a signature of the name of every single person in both Houses. That was because we believed in the bill which had gone forward, which was one to deal with deaf children, sponsored by my colleague from Assembly District 15. All of our names are on it, and whether you agree or disagree with this, I think it is unfortunate that our names have to still be out here as if we are in support of this piece

of legislation. Recognizing the time period, we did not go down and request an amendment. But at some point, I wanted to note that many of us did not wish to have our name still associated with this. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Many of my concerns about the amendment have been raised. I think there are only two questions that I'd like to hear a response to. The first would be, in light of the amendment, and the opportunity for students to move in to the public school system for particular classes and then out, for other events, other than athletic ones. That is still out of this bill, I believe. I need assurance that this is still out. It's not possible for someone from a charter school to come over and then participate in an athletic event in a public school?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. We must remember that these are public schools. But I am sure my colleague is speaking of traditional public schools. Specifically with sports, if a student was enrolled in a charter school, that is a junior high school, the school that that student would normally be zoned for, in a traditional public school, that student could participate in athletics at that school he is zoned for. That student would not have the ability to selectively hop around any school district to select any place that student could participate. Secondly, if there was a traditional public school, that was in the vicinity of a charter school that he attended, that student would be allowed to participate in athletics as well. The original proposal that was brought to us earlier in the session that would allow students to selectively pick a school and go play sports—that is not in there. If a student, for instance, is attending a charter school in North Las Vegas, and that student lived in Green Valley, and was zoned for Green Valley Junior High School, that student could participate at that school that he was normally zoned for. He could play at Green Valley Junior High School, but he could not select any other school within the school district in Clark County and participate.

ASSEMBLYMAN ANDERSON:

My second question would be, does that still hold that a student would be able to move from a charter school, to take a specialized class that is only offered at a particular school within the district, even if its outside his zone of attendance.

ASSEMBLYMAN WILLIAMS:

Mr. Speaker, to you and through you, to my colleague from Sparks. Because of the technicality of having both amendments, which had nothing with this body's doing, it was something that happened in the other House, but even so, we can still deal with the information that members need for this particular amendment. We have two amendments. The larger amendment is of the first reprint. There are clarifications and there are things in the first amendment that was not acceptable to members of the other House and members of the educational community. Those things are clarified in the second amendment. If the first amendment, because we have to still discuss the first amendment, brings about confusion, we'll still take the time to clarify those things in the second amendment and take the time on the floor to do so. But to specifically answer the question, any type of extra-curricular class, like athletics or anything else, if that class is offered at a school the student would normally be zoned for, that student in the charter school will have the opportunity to take that particular class. The student would not have the ability to hop around from place to place within a particular school district, they would only be able to take advantage of opportunities that he would normally have to anyway, because of where he lives. Keep in mind, these schools, whether they are traditional public schools or a charter school in Nevada, they are still public schools.

ASSEMBLYMAN ANDERSON:

Two questions in closing. The first deals with the student in the charter school does nor does not have to take the state Standard Proficiency Test. Is that recorded as part of the overall school district or not?

ASSEMBLYMAN WILLIAMS:

Mr. Speaker, to you and through you, to my colleague from Sparks. The answer is in the affirmative. These students who are enrolled in charter schools will have to take the same classes for graduation, which includes 22.5 credits. Those students will also have to take the High School Proficiency Test for completion of graduation in getting their diploma. There is no difference. And as well, Mr. Speaker, if I might, this question may come up, teachers who are teaching in traditional schools or charter schools: their evaluations will also be handled in the same way. They will have the same requirements as teachers, the parameters within their evaluations will be of the same as any particular teacher in a public school.

ASSEMBLYMAN ANDERSON:

The point of my concern here rests with the fact that the student, whether he is in the charter school, which is a public school, or the traditional public school, will still have to meet the criteria of the state Reference Proficiency Test. Those will still be reported as part of the overall average and whether they are in traditional classrooms or at the charter school sight, or back and forth, they will still be held accountable for the same level of degree.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you to my colleague from Sparks, the answer is yes. We must keep in mind that even though a student will have enrolled in a charter school, that student and their families may opt to take those students out before graduation and place them in a traditional public school. We must be assured, and this particular language assures that, those students will still have the opportunities and classes to graduate, if they move back to a traditional public school. It is unfair, illogical, and unreasonable to have a different standard in these schools because these students have no guarantee that they'll stay in a school four years. They may go back and forth between the charter school and the public school. This assures that they lose nothing in reference to attaining the core classes and electives that they need to graduate from a Nevada high school.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. Following up on my colleague, the chair from Judiciary, on section 18, subsection 4 and 5, not specifically, can they take the classes, but the money that I assume follows the student wherever they are. How will the school know where they're going to do these extracurricular activities or take this additional class? How is that school district going to receive the money for taking on that responsibility of providing these services to those students?

ASSEMBLYMAN WILLIAMS:

Mr. Speaker, to you and through you, to my colleague from Assembly District 11. The money for these particular classes, if that would happen in one of these schools, would follow that particular student. The schools would not lose any money. The school district would still get that particular money. The individual school district, regardless of which of the seventeen counties that might be, would still have the responsibility, obligation, and right to receive those dollars for that student that takes that particular class.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. To you and through you to the chair of Education, what is the mechanism for that occurring? How exactly does that happen?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. In that particular case, those particular funds would be pro-rated, counted into the fund and the percentage of that particular time spent in class would be duly appropriated in the appropriate manner to assure that the school district received the allotted and appropriate money in those particular cases.

Motion carried.

The following Senate amendment was read:

Amendment No. 1226.

Amend sec. 4, page 3, line 28, by deleting "*(q),*" and inserting "*(n),*".

Amend sec. 4, page 3, line 29, by deleting "*5*" and inserting "*2*".

Amend sec. 5, page 4, by deleting lines 18 and 19 and inserting:

"Sec. 5. *1. The governing body of a charter school shall consist of at least three teachers, as defined in NRS 391.311, and may consist of, without limitation, parents and representatives of nonprofit*".

Amend sec. 12, page 5, by deleting lines 24 and 25 and inserting:

"386.505 ~~[1. The legislature hereby declares that by authorizing the formation of charter schools in this state:~~".

Amend sec. 12, page 6, by deleting lines 11 through 18 and inserting:

~~educational personnel for the program of learning offered.~~

~~2.]~~ The legislature declares that by authorizing the formation of charter schools it is not authorizing:

~~[(a)]~~ *1.* The establishment of a charter school as a justification to keep open an existing public school that would otherwise be closed;

~~[(b)]~~ *2.* A means for providing financial assistance for private schools or programs of home study; or

~~[(c)]~~ *3.* The formation of charter schools on the".

Amend sec. 13, page 6, by deleting line 34 and inserting:

"least three ~~[licensed]~~ teachers *, as defined in NRS 391.311,* alone or in combination with:".

Amend sec. 13, pages 6 and 7, by deleting lines 41 through 43 on page 6 and lines 1 through 14 on page 7, and inserting:

"2. ~~[A committee to form a charter school may not submit an application to form a charter school that proposes to convert a private school or a program of study at home into a charter school.]~~".

Amend sec. 13, page 7, line 15, by deleting "*5.*".

Amend sec. 13, pages 8, 9 and 10, by deleting lines 30 through 42 on page 8, lines 1 through 43 on page 9 and lines 1 through 18 on page 10, and inserting:

"*(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:*

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.".

Amend sec. 13, page 10, line 19, by deleting "*6.*" and inserting "*3.*".

Amend sec. 17, page 14, by deleting line 6 and inserting:

"administered pursuant to NRS 389.015 and the examinations required pursuant to section 11 of ~~[this act]~~ *Senate Bill No. 466 of this session* to the pupils who are enrolled in the".

Amend sec. 17, page 14, by deleting lines 10 through 12 and inserting:

"9. Provide at least the".

Amend sec. 17, page 14, by deleting lines 23 through 39 and inserting:

"~~[school district in which the charter school is located.~~

~~12.]~~ *Refrain from using public money to purchase real property or buildings without the approval of the sponsor.*

11. Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the

governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

12. Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and Colleges.

13. Adopt a final budget in accordance with the regulations adopted by the department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.".

Amend sec. 18, page 15, by deleting lines 8 and 9 and inserting:

"board of trustees of the school district and during times that are not regular school hours.".

Amend sec. 18, page 15, by deleting line 33 and inserting:

"*trustees, any public school within the same zone of attendance as the charter school if:*"

Amend sec. 23, page 18, by deleting lines 30 and 31:

"*vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.*".

Amend sec. 23, page 19, by deleting lines 32 and 33 and inserting:

"*(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and*".

Amend sec. 25, page 22, line 23, by deleting "(q)" and inserting "(t)".

Amend sec. 25, page 22, by deleting line 30 and inserting:

"charter school's program of accountability. The".

Amend sec. 25, page 22, line 33, by deleting "based; and" and inserting:

"based and a review and analysis of any data that is more recent than the data upon which the report is based; and".

Amend sec. 25, page 23, by deleting lines 15 and 16 and inserting:

"adopted by the governing body of the charter school ~~.~~ *pursuant to the regulations of the department.*".

Amend the bill as a whole by deleting sec. 33 and adding:

"Sec. 33. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 35 and 36 and adding:

"Secs. 35 and 36. (Deleted by amendment.)".

Amend sec. 45, page 37, by deleting lines 8 through 21.

Amend sec. 45, page 37, line 22, by deleting "*5.*" and inserting "*4.*".

Amend sec. 45, page 37, by deleting line 23 and inserting:

"*for a pupil to participate in a class or extracurricular activity at a*".

Amend sec. 45, page 37, line 24, by deleting:

"*subsections 3 and 4*" and inserting "*subsection 3*".

Amend sec. 45, page 37, by deleting line 27 and inserting "*trustees.*".

Amend sec. 45, page 37, line 31, by deleting "*6.*" and inserting "*5.*".

Amend sec. 45, page 37, line 34, by deleting "*7.*" and inserting "*6.*".

Amend sec. 45, page 37, line 37, by deleting "*8.*" and inserting "*7.*".

Amend sec. 46, page 38, by deleting lines 22 and 23 and inserting:

"3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be".

Amend sec. 46, page 39, by deleting line 8 and inserting:

"Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.".

Amend sec. 55, page 44, by deleting lines 8 through 11 and inserting:

"Sec. 55. NRS 386.510 is hereby repealed.".

Amend the bill as a whole by deleting sec. 58 and adding:

"Sec. 58. (Deleted by amendment.)".

Amend sec. 60, page 45, by deleting lines 25 through 31 and inserting:

"2. Sections 1 to 12, inclusive, 13 to 16, inclusive, 18 to 24, inclusive, 26 to 45, inclusive, 47 to 54, inclusive, and 58 and 59 of this act become effective on July 1, 1999.

3. Sections 17, 25 and 46 of this act become effective at 12:01 a.m. on July 1, 1999.

4. Section 12.5 of this act becomes effective on July 1, 2001.

5. Section 55 of this act becomes effective on July 1, 2003.".

Amend the bill as a whole by deleting the leadlines of repealed sections and adding the text of the repealed section, following sec. 60, to read as follows:

TEXT OF REPEALED SECTION

386.510 Limitation on number of charter schools that may be formed in certain counties; exception for charter schools that provide education for pupils at risk.

1. Except as otherwise provided in subsection 2:

(a) In a county whose population is more than 400,000, two charter schools may be formed per every 75,000 pupils who are enrolled in public schools in the county school district.

(b) In a county whose population is more than 100,000 but less than 400,000, two charter schools may be formed.

(c) In a county whose population is less than 100,000, one charter school may be formed.

2. The limitations set forth in subsection 1 do not apply to charter schools that are dedicated to providing educational programs and opportunities for pupils who are at risk.".

Amend the title of the bill by deleting the sixth and seventh lines and inserting:

"revising various other provisions governing charter schools;".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 348.

Remarks by Assemblymen Williams and Freeman.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. Now that we've gone through the other amendment I will try to explain this one. I would apologize to the members of the body that the first amendment we adopted was quite lengthy and that is why I think it is appropriate to take ample time and as much time to explain that. But now that it has been adopted, it's more appropriate and easier for members to understand what has happened with changes and technical provisions in the law through this particular amendment. So, Mr. Speaker, if I might, I would like to go through this amendment and if there are questions specifically dealing with sections of the bill, I will try to answer those.

Section 1 provides definitions for charter schools. Also, this amendment tightens up provisions in the law in dealing with approval of charter schools. The laws that we passed in 1997 not only brought about quite a bit of confusion for the state Board of Education, but also for local school boards. Prior to this amendment, any charter application that was complete was approved. This amendment takes care of that problem and also inserts in the law that the charter school application, not only must be complete, but also must be in compliance with our law. This amendment also deals with the definition of teachers. The current law that is in Nevada did not clearly define teachers. This particular amendment clarifies what a teacher is, when it comes to allowing three teachers as well as community people and parents, who would like to form a charter school. It clearly identifies that.

Also, section 6 of the bill, which is in the amendment, designates one of the questions I think that was somewhat near the question that my colleague from Assembly District 11 asked in reference to dollars. This designates the person to handle the funds of a charter school. This amendment also describes when a student shall be retained for another year for academic performance. And again, these particular schools, and in this particular legislation, allows for students to take the classes that are appropriate for him or her to graduate, regardless of what type of school they are in, in Nevada. They still have to meet those standards.

It also deals with the transfer of credits from traditional public schools to charters schools and vice versa. The amendment deals with the ongoing statute that deals with the population and the number of charter schools that can exist. There are provisions in this amendment as well that deals with the plan that must be submitted and specifically how transportation will be handled by the charter school application. Also, the amendment deals with waivers. If charter schools would like to see waivers, this amendment would take care and clean up the language on how those should be done. One of the proposals that was submitted to us in the other House dealt with the donation of surplus property, how that could be done, what would happen if a charter school would close, file bankruptcy, or run into some other problem.

The zoning question, which has already been answered in this amendment, is also dealt with, in reference to students who are able to transfer to participate in academic endeavors which will enhance their ability to graduate. The amendment also deals with the DSA allotment, which was one of the questions that was asked. The other parts of the amendment are basically technical amendments. It also clarifies that charter schools follow the federal law when it comes to special education opportunities for those students who have special needs. The law clearly clarifies the fact that no school can be converted to a charter school that is an existing public school. Any private school in Nevada can't be converted to a charter school as well. If there is a charter school that closes and someone would like to open that as a charter school, they would have to close that school down and apply as any other applicant, to open as a charter school.

Finally, Mr. Speaker, for some reason when you are calculated, as I have been as chairman of Education, in addressing reform and education in charter schools, sometimes people become critical to the point that they believe we are not open to reform in education. I believe that home schooling, private schools, charter schools and traditional public schools are all good for the families of Nevada. We're one of the states that have recently entered into the territory of charter schools. For those reasons, Mr. Speaker, I think we should be very calculated and deliberate. I think we should not be so defensive of reform but be part of reform. I think this particular amendment goes far to bring Nevada into the realities of what is happening in the new

millenium, when it comes to educational reform. I think we still should be deliberate and calculated but I think this particular measure takes us in a direction that will be positive, that not only will our traditional schools get the support they need, both academically, financially and with their infrastructure, but I think charter schools deserve that as well. I think this amendment brings about legislation that will move us in that direction. I would urge my colleagues to adopt.

ASSEMBLYWOMAN FREEMAN:

Thank you, Mr. Speaker. To the chair of Education, I would like to ask a question in regards to the bottom of page 3, where it talks about the audit and the financing. How often are those done? What kind of oversight will there be from the school district on financial conditions?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To you and through you, to my colleague from Reno. These audits will be done annually. I need to say, as well, Mr. Speaker, that with this particular new legislation, the state Board of Education, for the first time will have a subcommittee within its membership, that will specifically deal with charter schools, how charter schools operate, how their budgets operate, how their curriculum is operating and how the facilities operate over all. I think there are parts of this whole endeavor that lead one to be suspicious and somewhat, again, calculating. I still think we are moving in a positive direction. Specifically, to my colleague from Reno, these will be done annually.

Assemblyman Bache requested that his remarks in opposition to Amendment No. 1209 to Assembly Bill No. 348 be entered in the Journal.

Thank you, Mr. Speaker. I would like to record my "no" vote on both Amendments 1226 and 1209. As indicated, my name is on the bill and I do not support either amendment. I wish it posted.

Assemblywoman Giunchigliani requested that her remarks in opposition to Amendment No. 1209 to Assembly Bill No. 348 be entered in the Journal.

I also wish my "no" vote recorded as well, for both amendments.

Motion carried.

Bill ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendments Nos. 944, 1060, 1211 to Senate Bill No. 259; Assembly Amendment No. 1222 to Senate Bill No. 329; Assembly Amendment No. 1161 to Senate Bill No. 411.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 417.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Conference Committee concerning Senate Bill No. 478.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 417, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA33, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI
DAVID E. GOLDWATER
BOB BEERS
Assembly Conference Committee

DEAN A. RHOADS
MARK E. AMODEI
RAYMOND C. SHAFFER
Senate Conference Committee

Conference Amendment No. CA33.

Amend sec. 5, page 2, by deleting lines 25 and 26 and inserting:

"*(d) Two representatives of private carriers; and*".

Amend sec. 5, page 2, line 27, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 5, page 2, line 33, by deleting "*four*" and inserting "*three*".

Amend sec. 5, page 2, line 38, after "*1;*" by inserting "*and*".

Amend sec. 5, page 2, by deleting lines 39 through 42 and inserting:

"*(c) The two representatives of private carriers appointed pursuant to paragraph (d) of subsection 1.*".

Amend sec. 5, page 3, line 11, by deleting:

"*(d), (e) or (f)*" and inserting:

"*(d) or (e)*".

Amend sec. 13, page 4, by deleting lines 34 and 35 and inserting:

"*section, the term "proprietary information" means any information which, if disclosed to the general public, may result in a competitive disadvantage to an insurer or employer, including, without limitation:*

1. Rules, criteria and standards for underwriting policies that are applied by an insurer.

2. Plans or other documents concerning the marketing or strategic planning of an insurer or employer.

3. Data, studies and reports concerning the development of new products or services.

4. Data that identify the share of the market of an insurer within each class of risk.".

Amend sec. 14, page 4, lines 40 and 41, by deleting:

"*(d), (e) or (f)*" and inserting:

"*(d) or (e)*".

Amend sec. 22, page 7, by deleting line 35 and inserting:

"section 5 of this act and one of the members described in paragraph (d) of subsection 1 of section 5 of this act to terms that expire on June 30, 2000.".

Amend sec. 22, page 7, by deleting lines 37 and 38 and inserting:

"section 5 of this act and one of the members described in paragraph (d) of subsection 1 of section 5 of this act and the members described in paragraphs (a), (b) and (e) of subsection 1 of section 5 of this act to terms that expire on".

Amend sec. 23, pages 7 and 8, by deleting lines 40 and 41 on page 7 and lines 1 and 2 on page 8, and inserting:

"Sec. 23. 1. This section and sections 1 to 18, inclusive, 20 and 22 of this act become effective upon passage and approval and expire by limitation on July 1, 2001.

2. Sections 20.2, 20.4 and 21 of this act become effective at 12:01 a.m. on July 1, 1999, and expire by limitation on July 1, 2001.".

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 417.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Mr. Speaker:

The second Conference Committee concerning Senate Bill No. 478, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA41, which is attached to and hereby made a part of this report.

RICHARD D. PERKINS	RANDOLPH J. TOWNSEND
SHEILA LESLIE	MICHAEL A. SCHNEIDER
SANDRA J. TIFFANY	RAYMOND D. RAWSON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA41.

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. *1. The commission shall appoint, within the limits of legislative appropriation, a commission counsel who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the commission.*

2. The commission counsel must be an attorney who is licensed to practice law in this state.

3. The commission counsel is in the unclassified service of the state.

4. The commission counsel shall devote his entire time and attention to the business of the commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of his duties.

5. The commission counsel may not:

(a) Be actively involved in the work of any political party or political campaign; or

(b) Communicate directly or indirectly with a member of the legislative branch on behalf of someone other than himself to influence legislative action, except in pursuit of the business of the commission.".

Amend sec. 6, page 2, line 31, by deleting "*281.511.*" and inserting: "*281.511, 294A.345 or 294A.346.*".

Amend sec. 11, page 5, lines 23 and 24, by deleting: "~~[294A.345 or 294A.346,]~~" and inserting: "294A.345 or 294A.346,".

Amend sec. 12, page 5, lines 41 and 42, by deleting:
"of ~~[:~~
~~(a) This]~~ *this*" and inserting:
"of:
(a) This".

Amend sec. 12, page 6, line 1, by deleting "~~[(1)]~~ *(a)*" and inserting "(1)".

Amend sec. 12, page 6, by deleting lines 3 through 8 and inserting:

"(2) ~~[A determination of the]~~ *The* commission on its own motion . ~~[that there is just and sufficient cause to render an opinion concerning the conduct of that public officer or employee or former public officer or employee.]~~

(b) NRS 294A.345 or 294A.346 in any proceeding commenced by the filing of a request for an opinion pursuant thereto.".

Amend sec. 12, page 6, line 9, by deleting:
"~~[of paragraph (a)]~~" and inserting:
"of paragraph (a)".

Amend sec. 14, page 8, by deleting lines 10 and 11 and inserting:

"~~[4.]~~ *6.* Except as otherwise provided in this subsection, upon such a petition, the court shall enter an order directing the".

Amend sec. 14, page 8, by deleting lines 15 through 20 and inserting:
"produced the books or papers before the commission. If the witness has been subpoenaed by the commission in response to a request for an opinion filed pursuant to NRS 294A.345 or 294A.346, the court shall direct the witness to appear before the court as expeditiously as possible to allow the commission to render its opinion within the time required by NRS 281.477. A certified copy of the order must be served upon the witness.".

Amend the bill as a whole by adding a new section designated sec. 14.2, following sec. 14, to read as follows:

"Sec. 14.2. NRS 281.477 is hereby amended to read as follows:

281.477 1. If a request for an opinion is filed with the commission pursuant to NRS 294A.345 or 294A.346, the commission shall conduct a public hearing on the request. Except as otherwise provided in subsection 6, the hearing must be held as expeditiously as possible, but not later than 15 days after the receipt of the request for the opinion.

2. Such a request must be accompanied by all evidence and arguments to be offered by the requester concerning the issues related to the request. Except as otherwise provided in this subsection, if such evidence and arguments are not submitted with the request, the commission may:

(a) Draw any conclusions it deems appropriate from the failure of the person or group of persons requesting the opinion to submit the evidence and arguments, other than a conclusion that a person alleged to have violated NRS 294A.345 acted with actual malice; and

(b) Decline to render an opinion.

The provisions of this subsection do not prohibit the commission from considering evidence or arguments presented by the requester after

submission of the request for an opinion if the commission determines that consideration of such evidence or arguments is in the interest of justice.

3. The commission shall immediately notify any person alleged to have violated NRS 294A.345 or 294A.346 that such an opinion has been requested by the most expedient means possible. If notice is given orally by telephone or in any other manner, a second notice must be given in writing no later than the next calendar day by facsimile machine or overnight mail. The notice must include the time and place of the commission's hearing on the matter.

4. A person notified pursuant to subsection 3 shall submit a response to the commission no later than at the close of business on the second business day following the receipt of the notice. The response must be accompanied by any evidence concerning the issues related to the request that the person has in his possession or may obtain without undue financial hardship. Except as otherwise provided in this subsection, if such evidence is not submitted within that time, the commission may:

(a) Draw any conclusions it deems appropriate from the failure of that person to submit the evidence and argument; and

(b) Prohibit that person from responding and presenting evidence at the hearing.

The provisions of this subsection do not prohibit the commission from allowing that person to respond and present evidence or arguments, or both, after the close of business on the second business day if the commission determines that consideration of such evidence or arguments is in the interest of justice.

5. Except as otherwise provided in subsection 4, the commission shall allow any person alleged to have violated NRS 294A.345 or 294A.346 to:

(a) Be represented by counsel; and

(b) Hear the evidence presented to the commission and respond and present evidence on his own behalf.

6. At the request of:

(a) The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346; or

(b) The person alleged to have violated the provisions of NRS 294A.345 or 294A.346,

the commission may grant a continuance of a hearing held pursuant to the provisions of this section upon a showing of the existence of extraordinary circumstances that would prohibit the commission from rendering a fair and impartial opinion. A continuance may be granted for not more than 15 days. Not more than one continuance may be granted by the commission pursuant to this subsection.

7. The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346 has the burden of proving the elements of the offense, including that a person alleged to have violated NRS 294A.345 acted with actual malice. The existence of actual malice may not be presumed. A final opinion of the commission rendered pursuant to this

section must be supported by clear and convincing evidence. *In addition to the other requirements for issuing an opinion pursuant to this subsection, the commission shall not render a final opinion determining that a person has violated NRS 294A.345 or 294A.346 unless a finding that each of the elements of the offense has been proven receives the affirmative vote of two-thirds of the commission.*

8. The commission shall render its opinion, or decline to render an opinion, as expeditiously as possible, but not later than 3 days after the date of the hearing. If additional time is required to determine the state of mind or the intent of the person alleged to have violated the provisions of NRS 294A.345 or 294A.346 or to determine the amount of any civil penalty that may be imposed pursuant to NRS 281.551, the commission may continue its jurisdiction to investigate those issues but shall render its opinion as to the truth or falsity of the statement made concerning the candidate or the ballot question or its opinion as to whether the person impeded the success of the campaign or induced another person to impede the success of the campaign. If the commission continues its jurisdiction pursuant to this subsection, it may render a final opinion after the time set forth in this subsection.

9. A final opinion of the commission rendered pursuant to this section is subject to judicial review pursuant to NRS 233B.130. The district court shall give a petition for judicial review of a final opinion of the commission priority over other civil matters that are not expressly given priority by law. Notwithstanding the provisions of NRS 233B.130, the court may provide for such expedited review of the final opinion, including shortened periods for filing documents, as it deems appropriate for the circumstances.

10. Each request for an opinion filed pursuant to NRS 294A.345 or 294A.346, each opinion rendered by the commission pursuant thereto and any motion, evidence or record of a hearing relating to the request are public and must be open to inspection pursuant to NRS 239.010.

11. For the purposes of NRS 41.032, the members of the commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking any action related to the rendering of an opinion pursuant to this section.

12. Except as otherwise provided in this section, a meeting or hearing held by the commission to carry out the provisions of this section and the commission's deliberations on the information or evidence are not subject to any provision of chapter 241 of NRS.".

Amend sec. 15, page 11, after line 41, by inserting:

"*7. The provisions of this section do not, under any circumstances:*

(a) Prohibit a member of the legislative branch from requesting or introducing a legislative measure; or

(b) Require a member of the legislative branch to take any particular action before or while requesting or introducing a legislative measure.

8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(c) Who employs him or a member of his household;

(d) With whom he has a substantial and continuing business relationship; or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.".

Amend the bill as a whole by deleting sec. 16.5.

Amend sec. 17, page 16, by deleting lines 30 through 39 and inserting:

"281.531 *1.* The ~~[attorney general]~~ *commission counsel* is the legal adviser to the commission. For each opinion ~~[he]~~ *of*".

Amend sec. 18, pages 17 and 18, by deleting lines 37 through 42 on page 17 and lines 1 through 3 on page 18, and inserting:

"4. ~~[Except as otherwise provided in this subsection, and in]~~ *In* addition to any other penalty provided by law, *by an affirmative vote of two-thirds of the commission,* the commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed ~~[$10,000. If the commission finds that a violation of NRS 294A.345 or 294A.346 occurred within 10 days before an election, including any recall or special election, the commission may impose on the person who committed such a violation a civil penalty not to exceed $30,000.]~~ *$5,000.*

5. If the commission finds that ~~[a]~~ :".

Amend sec. 18, page 18, line 9, by deleting "~~[6.]~~".

Amend sec. 18, page 18, line 16, by deleting "*5.*" and inserting "6.".

Amend sec. 18, page 18, lines 27 and 28, by deleting:

"~~employee.~~

~~7.]~~ *6.*" and inserting "~~employee.]~~

7.".

Amend sec. 18, page 18, line 33, by deleting "~~[8.]~~ *7.*" and inserting "8.".

Amend sec. 18, page 18, by deleting lines 36 and 37 and inserting:

"officers or employees. *If the commission finds that a public officer or employee has*".

Amend sec. 18, page 19, by deleting lines 1 and 2 and inserting:

"9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final decision for the purposes of".

Amend sec. 18, page 19, line 4, by deleting "~~[10.]~~ *9.*" and inserting "10.".

Amend sec. 18, page 19, line 22, by deleting "*10.*" and inserting "*11.*".

Amend the bill as a whole by deleting sections 22 and 23 and adding new sections designated sections 22 and 23, following sec. 21, to read as follows:

"Sec. 22. NRS 294A.345 is hereby amended to read as follows:

294A.345 1. A person shall not, with actual malice and the intent to impede the success of the campaign of a candidate, cause to be published a false statement of fact concerning the candidate, including, without limitation, statements concerning:

(a) The education or training of the candidate.

(b) The profession or occupation of the candidate.

(c) Whether the candidate committed, was indicted for committing or was convicted of committing a felony or other crime involving moral turpitude, dishonesty or corruption.

(d) Whether the candidate has received treatment for a mental illness.

(e) Whether the candidate was disciplined while serving in the military or was dishonorably discharged from service in the military.

(f) Whether another person endorses or opposes the candidate.

(g) The record of voting of a candidate if he formerly served or currently serves as a public officer.

2. A person shall not, with actual malice and the intent to impede the success of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, cause to be published a false statement of fact concerning the question on the ballot.

3. Any candidate who alleges that a false statement of fact concerning the candidate has been published in violation of subsection 1, and any person or group of persons that advocates the passage or defeat of a question on the ballot at any election, is required to file a report pursuant to NRS 294A.150, and alleges that a false statement of fact has been published in violation of subsection 2, may file a request for an opinion with the commission on ethics pursuant to NRS 281.411 to 281.581, inclusive, and NRS 281.477. *Such a request must be filed with the commission not later than 10 days after the date on which the false statement of fact is alleged to have been made.* The commission shall give priority to such a request over all other matters pending with the commission.

4. A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the commission on ethics pursuant to NRS 281.551.

5. As used in this section:

(a) "Actual malice" means knowledge of the falsity of a statement or reckless disregard for whether a statement is true or false.

(b) "Publish" means the act of printing, posting, broadcasting, mailing, speaking or otherwise disseminating.

Sec. 23. NRS 294A.346 is hereby amended to read as follows:

294A.346 1. An employee, agent or volunteer of the campaign of a candidate shall not willfully perform any act in the course of his employment, agency or volunteering that impedes the success of that campaign.

2. A person shall not willfully, to impede the success of the campaign of a candidate, offer or give an item of value to:

(a) A person to induce him to obtain a position as an employee, agent or volunteer for that campaign and perform any act in the course of his employment, agency or volunteering to impede the success of that campaign; or

(b) An employee, agent or volunteer for that campaign to induce him to perform any act in the course of his employment, agency or volunteering to impede the success of that campaign.

3. An employee, agent or volunteer of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, shall not willfully perform any act in the course of his employment, agency or volunteering that impedes the success of that campaign.

4. A person shall not willfully, to impede the success of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, offer or give an item of value to:

(a) A person to induce him to obtain a position as an employee, agent or volunteer for that campaign and perform any act in the course of his employment, agency or volunteering to impede the success of that campaign; or

(b) An employee, agent or volunteer for that campaign to induce him to perform any act in the course of his employment, agency or volunteering to impede the success of that campaign.

5. Any candidate who alleges that a person has violated the provisions of subsection 1 or 2, and any person or group of persons that advocates the passage or defeat of a question on the ballot at any election, is required to file a report pursuant to NRS 294A.150, and alleges that a person has violated the provisions of subsection 3 or 4, may file a request for an opinion with the commission on ethics pursuant to NRS 281.411 to 281.581, inclusive, and 281.477. *Such a request must be filed with the commission not later than 10 days after the date of the election with respect to which the alleged violation occurred.* The commission shall give priority to such a request over all matters pending with the commission.

6. A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the commission on ethics pursuant to NRS 281.551.".

Amend the bill as a whole by deleting sec. 25 and the text of repealed sections and renumbering sections 26 and 27 as sections 25 and 26.

Amend sec. 27, page 24, line 7, after "*27.*" by inserting "1.".

Amend sec. 27, page 24, after line 8, by inserting:

"2. Section 5.5 of this act expires by limitation on June 30, 2001.".

Amend the title of the bill by deleting the second through ninth lines and inserting:

"director and commission counsel and providing their duties; clarifying the intent of the legislature with respect to the Nevada".

Assemblyman Perkins moved that the Assembly adopt the report of the second Conference Committee concerning Senate Bill No. 478.

Remarks by Assemblyman Perkins.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:36 p.m.

ASSEMBLY IN SESSION

At 9:02 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 370, 496.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 521, Amendment No. 1229, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 370.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 496.

Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 685 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 193 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 556 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 558, 559, 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 521.

The following Senate amendment was read:

Amendment No. 1229.

Amend the bill as a whole by deleting sections 1 through 17 and adding new sections designated sections 1 through 12, following the enacting clause, to read as follows:

"Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, "principal" means the principal of a school or his designee.*

Sec. 3. *The principal of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:*

1. Be developed with the input and participation of teachers and parents of pupils who are enrolled in the school.

2. Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

3. Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

4. Provide for the temporary removal of a pupil from a classroom in accordance with section 4 of this act.

Sec. 4. *1. The plan established pursuant to section 3 of this act must provide for the temporary removal of a pupil from a classroom if, in the judgment of the teacher, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn. The plan must provide that, upon the removal of a pupil from a classroom pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.*

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of sections 2 to 8, inclusive, of this act do not apply to the pupil.

Sec. 5. *1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom pursuant to section 4 of this act, a conference must be held with:*

(a) The pupil;

(b) A parent or legal guardian of the pupil;

(c) The principal of the school; and

(d) The teacher who removed the pupil.

The principal shall give an oral or written notice of the conference, as appropriate, to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom from which he was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil must be allowed to return to the classroom unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil or the parent or legal guardian of the pupil; or

(c) The parent or legal guardian requested that the date of the conference be postponed.

5. During the conference, the teacher who removed the pupil from the classroom or the principal shall provide the pupil and his parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom. The pupil and his parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom was appropriate in their opinion based upon the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom, the principal shall recommend whether to return the pupil to the classroom or continue the temporary alternative placement of the pupil.

Sec. 6. *1. The principal of each public school shall establish at least one committee to review the temporary alternative placement of pupils. A committee established pursuant to this section must consist of the principal and two regular members who are teachers selected for membership by a majority of the teachers who are employed at the school. One additional teacher must be selected in the same manner to serve as an alternate member.*

2. If a pupil is removed from the classroom pursuant to section 4 of this act by a teacher who is a member of a committee established pursuant to this section, the teacher shall not participate in the review of the placement of the pupil and the alternate member shall serve on the committee for that review.

Sec. 7. *If, in accordance with subsection 6 of section 5 of this act, the principal recommends that a pupil be returned to the classroom from which he was removed and the teacher who removed the pupil does not agree with the recommendation, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to section 6 of this act. The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil's removal from the classroom and the pupil's behavior that caused him to be removed from the classroom. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:*

1. Direct that the pupil be returned to the classroom from which he was removed;

2. Assign the pupil to another appropriate classroom;

3. Assign the pupil to an alternative program of education, if available;

4. Recommend the suspension or expulsion of the pupil in accordance with NRS 392.467; or

5. Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

Sec. 8. *An action must not be taken pursuant to the provisions of sections 2 to 8, inclusive, of this act against a pupil with a disability who is participating in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, unless the action complies with:*

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;

4. Any other federal law applicable to children with disabilities; and

5. The procedural policy adopted by the board of trustees of the school district for such matters.

Sec. 9. 1. The superintendent of public instruction shall establish a pilot project for alternative programs of education for disruptive pupils.

2. The superintendent of public instruction shall select eight schools to participate in the pilot project, which must include:

(a) One elementary school located in a rural area;

(b) One secondary school located in a rural area;

(c) Two elementary schools located in an urban area;

(d) Two middle schools located in an urban area; and

(e) Two high schools located in an urban area.

3. Each school selected pursuant to subsection 2 shall establish an alternative program of education for disruptive pupils, which may be located on the grounds of the school or at another location. The alternative program must:

(a) Be provided in a setting outside the regular classroom of the pupil;

(b) Ensure that pupils who are participating in the program are separated from pupils who are not participating in the program;

(c) Provide supervision of and counseling to pupils who participate in the program;

(d) Provide and emphasize instruction in language arts, mathematics, science and history, as appropriate to the grade level of the pupils participating in the program; and

(e) Provide and emphasize training in self-discipline.

Sec. 10. 1. There is hereby appropriated from the state general fund to the department of education for the pilot project established pursuant to section 9 of this act:

For the fiscal year 1999-2000	$500,000
For the fiscal year 2000-2001	$500,000

2. The department shall allocate the money appropriated pursuant to subsection 1 to the schools selected pursuant to section 9 of this act.

3. The money allocated to the schools selected pursuant to section 9 of this act must not be used by those schools to:

(a) Settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district and the school district; or

(b) Adjust the schedules of salaries and benefits of the employees of the school district.

4. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon all payments of money committed have been made.

Sec. 11. 1. On or before October 1, 2000, the schools selected pursuant to section 9 of this act shall report to the department of education for the period ending September 1, 2000:

(a) The manner in which the alternative program that the school established pursuant to section 9 of this act was carried out;

(b) The expenditures made by the school for the alternative program;

(c) The number of pupils who were removed temporarily from the classroom pursuant to section 4 of this act and the number of those pupils who were permanently removed from the classroom;

(d) The reasons for which pupils were removed from the classroom pursuant to section 4 of this act;

(e) The average length of time during which pupils who were removed from the classroom pursuant to section 4 of this act remained out of the classroom;

(f) The number of disciplinary referrals, suspensions and expulsions that occurred at the school before and after the establishment of the alternative program; and

(g) An analysis of the academic achievement and performance of the pupils before and after the pupils participated in the alternative program.

2. The department of education shall evaluate the effectiveness of the pilot project for alternative programs of education for disruptive pupils established pursuant to section 9 of this act based on the reports submitted by the schools pursuant to subsection 1. In addition, the department shall solicit and analyze data from schools that were not included in the pilot project but have established alternative programs of education for disruptive pupils. The department may spend not more than $10,000 of the amount appropriated pursuant to section 10 of this act during the fiscal years 1999-2001 to hire a contractor to assist with the evaluation.

3. After conducting an evaluation pursuant to subsection 2, the department of education shall submit a report of its findings to the legislative committee on education created pursuant to NRS 218.5352 on or before November 1, 2000, and shall submit a final report to the director of the legislative counsel bureau for transmission to the next regular session of the legislature on or before February 15, 2001.

Sec. 12. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, and 11 of this act become effective on July 1, 1999.".

Amend the title of the bill by deleting the second line and inserting: "requiring the superintendent of public instruction to establish a pilot project for alternative programs of education for disruptive pupils; requiring certain selected schools to participate in the pilot project and establish alternative programs of education for disruptive pupils; making an appropriation; and providing other matters properly relating thereto.".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 521.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered enrolled.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:11 p.m.

ASSEMBLY IN SESSION

At 10:03 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 370, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1220.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 through 29, following the enacting clause, to read as follows:

"Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. *1. The legislature hereby declares that its priorities in expending the proceeds to the State of Nevada from settlement agreements with and civil actions against manufacturers of tobacco products are:*

(a) To increase the number of Nevada students who attend and graduate from Nevada institutions of higher education; and

(b) To assist Nevada residents in obtaining and maintaining good health.

2. To further these priorities, the legislature hereby declares that it is in the best interest of the residents of this state that all money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products and all money recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products be dedicated solely toward the achievement of the following goals:

(a) Increasing the number of Nevada residents who enroll in and attend a university or community college of the University and Community College System of Nevada;

(b) Reducing and preventing the use of tobacco products, alcohol and illegal drugs, especially by children;

(c) Expanding the availability of health insurance and health care for children and adults in this state, especially for children and for adults with disabilities;

(d) Assisting senior citizens who have modest incomes in purchasing prescription drugs and assisting those senior citizens in meeting their needs related to health care, home care, respite care and their ability to live independent of institutional care; and

(e) Promoting the general health of all residents of the State of Nevada.

Sec. 3. *1. The fund for a healthy Nevada is hereby created in the state treasury. The state treasurer shall deposit in the fund:*

(a) Fifty percent of all money received by this state pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this state from a judgment in a civil action against a manufacturer of tobacco products.

2. The state treasurer shall administer the fund. As administrator of the fund, the state treasurer:

(a) Shall maintain the financial records of the fund;

(b) Shall invest the money in the fund as the money in other state funds is invested;

(c) Shall manage any account associated with the fund;

(d) Shall maintain any instruments that evidence investments made with the money in the fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the fund.

3. The interest and income earned on the money in the fund must, after deducting any applicable charges, be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.

4. Not more than 2 percent of the money in the fund may be used to pay the costs of administering the fund.

5. The money in the fund remains in the fund and does not revert to the state general fund at the end of any fiscal year.

6. All money that is deposited or paid into the fund is hereby appropriated to the department and, except as otherwise provided in paragraphs (c) and (d) of subsection 1 of section 5 of this act, may only be expended pursuant to an allocation made by the task force for the fund for a healthy Nevada. Money expended from the fund for a healthy Nevada must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 4. *1. The task force for the fund for a healthy Nevada is hereby created. The membership of the task force consists of:*

(a) Three members appointed by the majority leader of the senate, one of whom must be a senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this state; and

(b) Three members appointed by the speaker of the assembly, one of whom must be an assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this state; and

(c) Three members appointed by the governor, one of whom must have experience with and knowledge of matters relating to health care.

Each member appointed pursuant this subsection must be a resident of this state and must not be employed in the executive or judicial branch of state government.

2. Each person who appoints members pursuant to subsection 1 shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this state.

3. For each day or portion of a day during which a member of the task force who is a legislator attends a meeting of the task force or is otherwise engaged in the work of the task force, except during a regular or special session of the legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the task force must be paid from the legislative fund.

4. Members of the task force who are not legislators serve without salary, except that they are entitled to receive travel expenses provided for state officers and employees generally. The travel expenses of:

(a) A member of the task force who is an officer or employee of a local government thereof must be paid by the local government that employs him.

(b) Each remaining member of the task force must be paid from the legislative fund.

5. Each member of the task force who is an officer or employee of a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the task force in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the task force to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the task force; or

(b) Take annual leave or compensatory time for the absence.

6. The department shall provide such administrative support to the task force as is required to carry out the duties of the task force. The state health officer shall provide such technical advice and assistance to the task force as is requested by the task force.

Sec. 5. *1. The task force for the fund for a healthy Nevada shall:*

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this state.

(b) Establish a process to evaluate the health and health needs of the residents of this state and a system to rank the health problems of the residents of this state, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the fund for a healthy Nevada each year for direct expenditure by the department to pay for prescription drugs and pharmaceutical services for senior citizens pursuant to sections 6 to 17, inclusive, of this act. The department shall submit a quarterly report to the governor and interim finance committee regarding the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent of all revenues deposited in the fund for a healthy Nevada each year for allocation by the aging services division of the department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of family caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

(e) Allocate for expenditure not more than 20 percent of all revenues deposited in the fund for a healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

(f) Allocate for expenditure not more than 20 percent of all revenues deposited in the fund each year for a healthy Nevada for programs that improve health services for children and for persons with disabilities.

(g) Maximize expenditures through local, federal and private matching contributions.

(h) Ensure that any money expended from the fund for a healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

(i) Develop policies and procedures for the administration and distribution of grants and other expenditures to nonprofit organizations, universities and community colleges. A condition of any such grant must be that not more than 8 percent of the grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals.

(j) To make the allocations required by paragraph (e) and (f) of subsection 1:

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept grant applications for allocations;

(3) Conduct annual evaluations of programs to which allocations have been awarded; and

(4) Submit annual reports concerning the programs to the governor and the interim finance committee.

(k) Transmit a report of all findings, recommendations and expenditures to the governor and each regular session of the legislature.

2. The task force may take such other actions as are necessary to carry out its duties.

3. The department shall take all actions necessary to ensure that all allocations for expenditures made by the task force are carried out as directed by the task force.

4. To make the allocations required by paragraph (d) of subsection 1, the aging services division of the department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the interim finance committee;

(d) Award grants or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the grant program to the governor and the interim finance committee.

5. The aging services division of the department shall submit each proposed grant which would be used to expand or augment an existing state program to the interim finance committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.

6. The department, on behalf of the task force, shall submit each allocation proposed pursuant to paragraph (e) or (f) of subsection 1 of section 5, which would be used to expand or augment an existing state program to the interim finance committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.

Sec. 6. *As used in sections 6 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7, 8 and 9 of this act have the meanings ascribed to them in those sections.*

Sec. 7. *"Household income" has the meaning ascribed to it in NRS 361.820.*

Sec. 8. *"Income" has the meaning ascribed to it in NRS 361.823.*

Sec. 9. *"Senior citizen" means a person who is domiciled in this state and is 62 years of age or older.*

Sec. 10. *1. The department shall enter into contracts with private insurers who transact health insurance in this state to arrange for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services.*

2. Within the limits of the money available for this purpose in the fund for a healthy Nevada, a senior citizen who is not eligible for Medicaid and who purchases a policy of health insurance that is made available pursuant to subsection 1 is entitled to an annual grant from the trust fund to subsidize a portion of the cost of that insurance if he has been domiciled in this state for at least 1 year immediately preceding the date of his application and his household income is within one of the income ranges for which grants are provided pursuant to this subsection to the extent determined by the percentage shown opposite his household income on the following schedule:

Amount of Household Income Is Over		*But Not Over*	*Percent of Cost of Insurance Allowable as a Subsidy*
$0	—	*$12,700*	*90*
12,700	—	*14,800*	*80*
14,800	—	*17,000*	*50*

17,000	—	*19,100*	*25*
19,100	—	*21,500*	*10*

3. The amount of any subsidy granted pursuant to this section must not exceed the annual cost of insurance that provides coverage for prescription drugs and pharmaceutical services or $480 per year, whichever is less.

Sec. 11. *1. A senior citizen who wishes to receive a subsidy pursuant to section 10 of this act must file a request therefor with the department.*

2. The request must be made under oath and filed in such form and content, and accompanied by such proof, as the department may prescribe.

3. The department shall, within 45 days after receiving a request for a subsidy, examine the request, grant or deny it, and if granted, shall determine the amount of the subsidy to which the senior citizen is entitled.

4. The department shall determine which senior citizens are eligible to receive a subsidy pursuant to section 10 of this act and pay the subsidy directly to an insurer with whom the department has entered into a contract pursuant to section 10 of this act.

Sec. 12. *Any subsidy granted pursuant to section 10 of this act to a senior citizen who is not qualified for such a subsidy may be revoked by the department. If a subsidy is so revoked, the senior citizen shall make restitution to the department for any subsidy he has improperly received, and the department shall take all proper actions to collect the amount of the subsidy as a debt.*

Sec. 13. *1. The department shall deny any request for a subsidy received pursuant to section 11 of this act to which the senior citizen is not entitled or any amount in excess of that to which the senior citizen is entitled.*

2. The department may deny in total any request which it finds to have been filed with fraudulent intent. If any such request has been paid and is afterward denied, the amount of the subsidy must be repaid by the senior citizen to the department.

3. Any amounts received by the department pursuant to this section must be deposited with the state treasurer for credit to the fund for a healthy Nevada.

Sec. 14. *Any person who is aggrieved by a decision of the department denying a request for a subsidy submitted pursuant to section 11 of this act is entitled to judicial review thereof.*

Sec. 15. *The department is responsible for the administration of the provisions of sections 6 to 17, inclusive, of this act and may:*

1. Prescribe the content and form of a request for a subsidy required to be submitted pursuant to section 11 of this act.

2. Designate the proof that must be submitted with such a request.

3. Adopt regulations to protect the confidentiality of information supplied by a senior citizen requesting a subsidy pursuant to section 11 of this act.

4. Adopt such other regulations as may be required to carry out the provisions of sections 6 to 17, inclusive, of this act.

Sec. 16. *No person may publish, disclose or use any personal or confidential information contained in a request for a subsidy submitted pursuant to section 11 of this act except for purposes relating to the administration of sections 6 to 17, inclusive, of this act.*

Sec. 17. *The department of human resources shall, in cooperation with the department of taxation and the various counties in this state:*

1. Combine all possible administrative procedures required for determining those persons who are eligible for assistance pursuant to NRS 361.800 to 361.877, inclusive, and sections 6 to 17, inclusive, of this act;

2. Coordinate the collection of information required to carry out those provisions in a manner that requires persons requesting assistance to furnish information in as few reports as possible; and

3. Design forms that may be used jointly by the department of human resources, the department of taxation and the various counties in this state to carry out the provisions of NRS 361.800 to 361.877, inclusive, and sections 6 to 16, inclusive, of this act.

Sec. 18. *1. The trust fund for public health is hereby created in the state treasury. The state treasurer shall deposit in the trust fund:*

(a) Ten percent of all money received by this state pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Ten percent of all money recovered by this state from a judgment in a civil action against a manufacturer of tobacco products.

2. The state treasurer shall administer the trust fund. As administrator of the trust fund, the state treasurer:

(a) Shall maintain the financial records of the trust fund;

(b) Shall invest the money in the trust fund as the money in other state funds is invested;

(c) Shall manage any account associated with the trust fund;

(d) Shall maintain any instruments that evidence investments made with the money in the trust fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the trust fund.

3. The interest and income earned on the money in the trust fund is hereby appropriated to the board of trustees of the trust fund for public health and must, after deducting any applicable charges, be credited to the fund and accounted for separately. All claims against the fund must be paid as other claims against the state are paid.

4. Only the interest and income earned on the money in the trust fund may be expended. Such expenditures may only be made for:

(a) Grants made pursuant to section 20 of this act for:

(1) The promotion of public health and programs for the prevention of disease or illness;

(2) Research on issues related to public health; and

(3) The provision of direct health care services to children and senior citizens;

(b) Expenses related to the operation of the board of trustees of the trust fund; and

(c) Actual costs incurred by the health division for providing administrative assistance to the board, but in no event may more than 2 percent of the money in the fund be used for administrative expenses or other indirect costs.

5. The money in the trust fund remains in the fund and does not revert to the state general fund at the end of any fiscal year.

Sec. 19. *1. The board of trustees of the trust fund for public health is hereby created.*

2. The board consists of 11 members composed of:

(a) The administrator or his designee.

(b) The state health officer or his designee.

(c) The chairman of the Nevada commission on aging or his designee.

(d) The chairman of the state board of health or his designee.

(e) The chairman of the advisory board on maternal and child health or his designee.

(f) The superintendent of schools of the school district in this state that has the highest number of enrolled pupils or his designee.

(g) The county health officers of the two most populous counties in this state.

(h) One member appointed by the Nevada Association of Counties, or its successor, who serves as a county health officer in a rural area of this state.

(i) A representative of the University of Nevada School of Medicine appointed by the Dean of the School of Medicine.

(j) One member appointed by the governor who possesses knowledge, skill and experience in providing health care services.

3. The term of a member of the board who is appointed pursuant to paragraph (h), (i) or (j) of subsection 2 is 4 years.

4. The board shall annually elect a chairman from among its members. The board shall meet at least quarterly. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

5. Each member of the board serves without compensation. While engaged in the business of the board, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses of:

(a) A member of the board who is an officer or employee of this state or a local government thereof must be paid by the state agency or the local government.

(b) Any other member of the board must be paid from the interest and income earned on the money in the trust fund.

6. Each member of the board who is an officer or employee of this state or a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the board in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the board to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the board; or

(b) Take annual leave or compensatory time for the absence.

7. The health division shall provide such administrative support to the board as is required to carry out the duties of the board.

Sec. 20. *1. The board of trustees shall:*

(a) In accordance with the provisions set forth in subsection 4 of section 18 of this act, develop policies and procedures for the expenditure of the interest and income earned on the money in the trust fund for public health.

(b) After deducting authorized expenses, annually make grants in a cumulative amount equal to the interest and income earned on the money in the trust fund for public health.

(c) Develop forms for requests for proposals for grants and disseminate information about the grant program. A condition of each such grant must be that not more than 8 percent of the grant may be used for administrative expenses and other indirect costs.

(d) Publish an annual report of the activities of the board and the grants made by the board. A copy of each such report must be transmitted to the governor and to the director of the legislative counsel bureau for transmittal to the legislature.

2. The board may take such other actions as are necessary to carry out its duties and the provisions of this section and sections 18 and 19 of this act.

Sec. 21. NRS 218.6827 is hereby amended to read as follows:

218.6827 1. Except as otherwise provided in subsections 2 and 3, the interim finance committee may exercise the powers conferred upon it by law only when the legislature is not in regular or special session.

2. During a regular session, the interim finance committee may also perform the duties imposed on it by *section 5 of this act,* subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, subsection 6 of NRS 445B.830 and NRS 538.650. In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

3. During a regular or special session, the interim finance committee may exercise the powers and duties conferred upon it pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive.

4. If the interim finance committee determines that a fundamental review of the base budget of a state agency is necessary, it shall, by resolution, notify the legislative commission of that finding for assignment of the review to a legislative committee for the fundamental review of the base budgets of state agencies established pursuant to NRS 218.5382.

Sec. 22. There is hereby appropriated the sum of $2,000,000 from the money:

1. Received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; or

2. Recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products,

to public broadcasting stations KNPB and KLVX to carry out the conversion to digital television required by Federal Communications Commission DTV Standard, MM Docket No. 87-268.

Sec. 23. 1. The money appropriated by section 22 of this act:

(a) May be used only to convert the public broadcasting system in the State of Nevada to digital television as carried out by televisions stations KNPB and KLVX.

(b) May be disbursed only at a ratio of $1 for every $3 of matching money received by the television stations from federal and private sources.

2. Television stations KNPB and KLVX shall report jointly to the Interim Finance Committee every 3 months regarding:

(a) The status of the conversion to digital television and the programs and benefits provided to the residents of the State of Nevada; and

(b) The amount of matching money that has been received from federal and private sources.

3. As a condition of accepting the money appropriated by section 22 of this act, television stations KNPB and KLVX must each agree to:

(a) Broadcast a public service announcement pertaining to the hazards associated with using tobacco at least eight times each day for 10 consecutive years, for a cumulative total of 30,000 announcements over that period, beginning as soon as practicable after the date on which the stations begin to receive the money appropriated by section 22 of this act; and

(b) Dedicate at least one or more of their multiple digital channels to instructional television, telecourses, adult learning services and courses provided in conjunction with the University and Community College System of Nevada.

Sec. 24. Any remaining balance of the appropriation made by section 22 of this act must not be committed for expenditure after June 30, 2003, and reverts to the fund for a healthy Nevada as soon as all payments of money committed have been made.

Sec. 25. 1. There is hereby appropriated the sum of $5,000,000 from the money:

(a) Received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; or

(b) Recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products,

to the University of Nevada School of Medicine for capital improvements required to establish a program in Las Vegas that is designed to provide health care services to persons for whom health care is not readily accessible in this state, including, without limitation, elderly persons, persons who reside in the rural areas of the state, persons who are culturally disadvantaged and persons who are at risk of contracting certain diseases.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after completion of the capital improvements and reverts to the fund for a healthy Nevada as soon as all payments of money committed have been made.

Sec. 26. 1. There is hereby appropriated the sum of $5,000,000 from the money:

(a) Received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; or

(b) Recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products,

to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation for disbursement to Accessible Space, Inc. to construct an accessible housing and supportive services complex in Clark County for disabled persons.

2. Any remaining balance of those sums must not be committed for expenditure after the project is completed and reverts to the fund for a healthy Nevada as soon as all payments of money committed have been made.

Sec. 27. 1. There is hereby appropriated the sum of $1,000,000 from the money:

(a) Received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; or

(b) Recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products,

to the office of rural health of the University of Nevada School of Medicine for emergency medical services provided in counties whose populations are less than 100,000, the improvement of technology used for billing by rural hospitals, and the development of systems to provide health care services in counties whose populations are less than 100,000 by the use of telemedicine and other electronic means.

2. Any remaining balance of those sums must not be committed for expenditure after the project is completed and reverts to the fund for a healthy Nevada as soon as all payments of money committed have been made.

Sec. 28. 1. Notwithstanding any other provisions of law to the contrary, upon receipt of sufficient money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a

manufacturer of tobacco products or recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products, the state controller shall:

(a) First disburse the money appropriated by section 22 of this act in its entirety, then the money appropriated by section 25 of this act in its entirety; and

(b) Thereafter, disburse all other money appropriated from this same source on a pro rata basis by percentage allocated by law.

2. Notwithstanding the provisions of section 3 of this act, upon receipt of sufficient money in the fund for a healthy Nevada, the state controller shall first disburse the money appropriated by section 26 of this act in its entirety and then disburse the money appropriated by section 27 of this act in its entirety. Thereafter, the state controller shall disburse all other money appropriated from the trust fund in the manner provided by law.

Sec. 29. Notwithstanding the provisions of subsection 2 of NRS 449.465, not more than $15,000 from the amount of the fees collected pursuant to subsection 2 of NRS 449.465 and deposited in the legislative fund may be used for the preliminary operational support of the task force for the fund for a healthy Nevada and for the travel expenses to be provided to members of the task force pursuant to paragraph (b) of subsection 4 of section 4 of this act.".

Amend the title of the bill to read as follows:

"AN ACT relating to state financial administration; creating the fund for a healthy Nevada; creating the task force for the fund for a healthy Nevada; providing for subsidies to be granted to senior citizens for pharmaceutical services; creating the trust fund for public health; creating the board of trustees of the trust fund for public health; providing for the allocation and use of certain proceeds from settlement agreements and civil litigation between the State of Nevada and tobacco companies; making appropriations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Facilitates use of money from federal tobacco settlements. (BDR 40-1207)".

Amend the bill as a whole by adding the following senators as non-primary joint sponsors:

Senators Amodei, Care, Carlton, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywomen Buckley, Freeman and Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 48 be taken from its position on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 48.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1230.

Amend section 1, page 2, by deleting lines 1 through 6 and inserting:

"*4. If the board of trustees of a school district in a county whose population is less than 100,000 has established such a fund, the balance in the fund must not exceed 30 percent of the expenditures*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. Section 2 of Senate Bill No. 194 of this session is hereby amended to read as follows:

Sec. 2. NRS 354.6115 is hereby amended to read as follows:

354.6115 1. The governing body of a local government may, by resolution, establish a fund to stabilize the operation of the local government ~~[.]~~ *and mitigate the effects of natural disasters.*

2. The money in the fund must be used only ~~[if]~~ *:*

(a) If the total actual revenue of the local government falls short of the total anticipated revenue in the general fund for the fiscal year in which the local government uses that money ~~[.]~~ *; or*

(b) To pay expenses incurred by the local government to mitigate the effects of a natural disaster.

The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than ~~[the]~~ *a* purpose specified in this subsection.

3. *The money in the fund may not be used to pay expenses incurred to mitigate the effects of a natural disaster until the governing body of the local government issues a formal declaration that a natural disaster exists. The governing body shall not make such a declaration unless a natural disaster is occurring or has occurred. Upon the issuance of such a declaration, the money in the fund may be used for the payment of the following expenses incurred by the local government as a result of the natural disaster:*

(a) The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the natural disaster;

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect property within the jurisdiction of the local government;

(c) The removal of debris from publicly or privately owned land and waterways within the jurisdiction of the local government that was undertaken because of the natural disaster;

(d) Expenses incurred by the local government for any overtime worked by an employee of the local government because of the natural disaster or any other extraordinary expenses incurred by the local government because of the natural disaster; and

(e) The payment of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the natural disaster within the jurisdiction of the local government.

4. Except as otherwise provided in subsection ~~[4,]~~ *5,* the balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the local government.

~~[4.]~~ *5.* If the board of trustees of a school district in a county whose population is less than 100,000 has established such a fund, the balance in the fund must not exceed 30 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal money expended by the local government, or $2,000,000, whichever is less. In no case may the balance in the fund be increased annually by an amount that exceeds 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal money expended by the local government.

6. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify the fund and:

(a) Indicate in detail the manner in which money in the fund was expended during the previous fiscal year;

(b) Specify the amount of money, if any, that will be deposited in the fund for the next fiscal year; and

(c) Identify any planned accumulation of the money in the fund.

The audit report must include a statement by the auditor whether the local government has complied with the provisions of this subsection.

7. As used in this section:

(a) "Grant match" has the meaning ascribed to it in NRS 353.2725.

(b) "Natural disaster" means a fire, flood, earthquake, drought or any other occurrence that:

(1) Results in widespread or severe damage to property or injury to or the death of persons within the jurisdiction of the local government; and

(2) As determined by the governing body of the local government, requires immediate action to protect the health, safety and welfare of persons residing within the jurisdiction of the local government.

Sec. 4. Section 3 of Senate Bill No. 194 of this session is hereby repealed.".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblymen Hettrick and Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 685.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 685:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Evans—2.

Assembly Bill No. 685 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 193:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Evans—2.

Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 556.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 556:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Evans—2.

Senate Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 558.

Bill read third time.

Remarks by Assemblyman Arberry.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. Senate Bill 558 is a bill that will create a study, to study the feasibility to see if we really need to go into a highway that is located in the adjacent state, which is the State of California. There is a need of a road that is going into Laughlin and that road needs to be studied, to see if that feasibility will be possible, to make sure we really need to do just that.

There is a letter of intent, to say that 65 percent, after the feasibility study is done, will go to the highway between Barstow and Las Vegas. The other 35 percent will go to the other road that is leading into Laughlin.

Roll call on Senate Bill No. 558:

YEAS—36.

NAYS—Bache, Giunchigliani, Koivisto, Parnell—4.

EXCUSED—Carpenter, Evans—2.

Senate Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 559.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 559:

YEAS—37.

NAYS—Anderson, Chowning, Parnell—3.

EXCUSED—Carpenter, Evans—2.

Senate Bill No. 559 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 560.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 560:

YEAS—38.

NAYS—Bache, Giunchigliani—2.

EXCUSED—Carpenter, Evans—2.

Senate Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 370:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Evans—2.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 48.

Bill read third time.

Assemblyman Arberry moved that Senate Bill No. 48 be taken from the General File and be placed on the Chief Clerk's desk.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and Assembly Bill No. 474 declared an emergency measure under the Constitution and be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 474.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 474:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Evans—2.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

It's always the prerogative, as we wait for things to come to a close and as the paperwork moves back and forth, as we recognize our colleagues for the fine work we have done, to do that during this period of time. It looks like we are a hour and a half short of our deadline.

Mr. Speaker, sometime tonight on the eve of the last day of the last six months of mankind's greatest century, and indeed this millenium, we will bring to a close the 70th Session of the Nevada Legislature and finish writing the final chapter of Nevada's last 100 years.

During those 10 decades, 50 legislative bodies, made up of men and women, just like you and me, have met in this chamber and before that, across the courtyard in the capitol, to deliberate the issues of the day and to honorably debate the issues of tomorrow.

It is the result of those countless discussions that has enabled us to write the history book on Nevada. A book replete with chapters explaining how and why we are a world leader in tourism and mining; a chapter on how we've been able to build a first-rate university system from the humble beginnings of the University of Nevada; a chapter on our Nevada Plan, which has been held up as the standard across the country for distributing school monies in the most equitable manner; a chapter on voting rights; and a chapter on our state's strong position against racial and sexual bigotry.

Scanning the pages of Nevada's history, I am struck by one recurring theme—Nevada's quality of life. Why, I ask myself, is that commitment so profound? I suspect the secret lies in the fact that we are bound with our past by a labor of love. Pat McCarran, Grant Sawyer, Maude Frazier, Paul Laxalt, Mike O'Callaghan, Sue Wagner, Marvin Sedway, Jim Gibson, Jean Ford and others before them, made up their minds to be different. That difference was a superior commitment to a quality of life unlike anywhere else.

I am also struck by another remarkable thing. The author of the last 30 years of this history book sits, here, among us. Just think for a moment of all the changes in our state that Joe Dini has had a hand in. Mr. Speaker, thank you for everything you have done for our parents, for our families, and our children's families to follow.

As we stand upon the threshold of the 21st Century, we begin to write Volume 2 of Nevada's history. Mr. Speaker, the first chapter of Volume 2 is blank. Many of the authors who will fill the pages of our 21st Century are sitting right here, proudly serving our state, our communities and our families by fulfilling dreams we share—the dreams of building quality schools, with dedicated teachers, teaching and inspiring bright young minds, brought to school, nurtured and nourished, by parents who are deeply involved in their lives.

We dream of communities where parks are plentiful and filled with children playing safely and fearlessly; where they attend school without concern for danger; of communities where our air is clear and our water is clean; communities where businesses prosper and where jobs are plentiful; and communities where our parents and grandparents can enjoy their twilight years, honored and respected for all they have done.

I hope, Mr. Speaker, we can set a course, so it can be written that Majority Leader Buckley, in about the year 2030, announces that we are tearing down prisons because our commitment to schools and to our children has succeeded, as his mother Barbara, proudly looks on.

I hope this next volume, started by us, will be completed by our children who view serving as an obligation, and public office as an honorable pursuit. If they're searching for a role model, one who is the embodiment of public service, they need look no further than our colleague, Jan Evans.

I pray, Mr. Speaker, that there will be nothing written in this next chapter about laws to protect the disadvantaged, the disabled or the disenfranchised—we won't need them.

You know I would be remiss if I didn't thank each and every one of you for your help in making history. I know many of us will share the responsibility for crafting the first chapters of the next volume, as we will do it with the same sacrifices of family and income.

I've told the personal story before, but, Mr. Speaker, I think it bears repeating. As I have said often in the past, I was talking with my family about whether or not "We" should run for office again. As you all know, the sacrifices involved require this to be a family decision. When I posed the question, my daughter asked, "Daddy, if you don't do it, who will?" It is the trust of my daughter and others that compels me and makes participation important to me. In one way or another, I know the 62 others in this building serve for the same reason.

Mr. Speaker, thank you for a memorable 70th Session and to everyone here, good night and God bless.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I guess it would be appropriate now to make a few remarks. Hopefully, we're going to get out of here at midnight, so there is probably time. The first thing I want to say is "thanks" to the staff. Everyone sitting down there, you are just awesome. We've said it before, but we can't say it often enough. I don't know how many people—all of the folks standing in here—realize that this staff comes in here an hour or two before we show up, many times more than that, and they're here and hour or two after we leave. It's kind of invisible. No one knows it. No one really thanks them for it. So, I want you to know that everybody out here truly appreciates what you do and how good you make us look. I want to thank you.

Next, Mr. Speaker pro Tempore, for the moment at least, there are a lot of secretaries I know up there. I know I see mine and others, and I think we should give them the same thanks. They do a job where they're relatively invisible to everyone and do just a tremendous job, make us look good, handle all the mail, do everything that makes the job easy enough that we can come down here and do our work. So, I think it is appropriate for our body to thank them as well.

Finally, I want to thank everybody here—my colleagues, on both sides of the aisle. I think the Houses have become very much more blended. It becomes more the Assembly and the Senate, than it does the Assembly—one side of the aisle and the other. I like that. I think it is appropriate. I think we do that pretty well overall. I want to thank my Republican caucus members. They were great, great to work with. Good people. It's hard when you are in a

minority to feel like you can get things done, but with the cooperation of the majority and the people in leadership there, I think we did a lot and did some good things.

I thank each and every one of you. I think you all do great things. I consider you all my friends and I thank you for a great session.

Mr. Speaker announced that pursuant to Assembly Standing Rule No. 1, section 2, subsection (d), Assemblyman Perkins would act as presiding officer.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Majority Leader and Speaker pro Tempore. I can't let the night go by without saying a few words. I can't match the eloquence you did in your wonderful words here tonight, nor those of Mr. Hettrick. I have to give my thanks, though. This is my 17th session. That goes a long way—some of you weren't even born when I served my first session here, so, I've seen a lot of things happen here. But I see something this year that really impressed me because we have a widely

diversified group. We have a lot of different people that came into our chambers the last few years. Most of the old folks are gone. We never know when that time is that we have to say goodbye to this process. I hope I never have to say that. You know, I felt we really came together as a cohesive group and worked together, and did the best thing for our people in this state. That's what this is all about. I think our House exemplifies what democracy is in our country. Where you can come here from diversified backgrounds and discuss the issues and work on these great programs that have come out of this House. I am extremely proud of this House for the bills we have handled.

Healthcare. Senate Bill 37, which restored worker's rights. The electric restructuring. I am extremely proud of my committee chairmen. I think I had excellent committee chairmen. We did a lot of work. We handled a lot of bills in a hurry. Remember that first segment? Working those 12 and 14-hour days? That is because the chairmen stayed on top and did their jobs. We had a challenge to meet this 120 days. It had its ups and its downs. I have tell you, though, that the last time we had a short session like this, was in 1977, my first term as Speaker. It was 117 days. We didn't have 1700 bills. We probably had 900. It was a lot easier in those days. Everybody had to buckle down this session and do their job. But you represented democracy. Everybody buckled down and heard the testimony, and worked on the amendments, and worked on the bills, and tried to put the budget together.

The budget gets bigger and bigger. You know, it wasn't $14 billion when I started. It was less than $3 billion. Let's face it: we met the challenge. I am extremely proud of this House. They refer to us as the Lower House. There is no Upper House or a Lower House in these two Houses. There is the "House of the People." The one which does the job for the people of our state. That is why I am part of this House, because we are the "House of the People." Thank you for all your help, thank you for all your support.

Assemblyman Perkins announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:05 p.m.

ASSEMBLY IN SESSION

At 11:29 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1999

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 474.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Goldwater.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Senate Bill 496 is the second piece of the legislation that my colleague explained earlier. This is the Senate's version of the other component of the plan. This is the millenium scholarship and what it does is provide the 40 percent of scholarship monies for the students in the Millenium Scholarship program. It goes into a trust fund. It is for Nevada students, to encourage those who in the past have not thought about attending either the four-year college or community college. It is a very good piece of legislation. We would also like to commend the governor's staff and the governor for bringing this forward because it is something that will be landmark legislation for the future. I think it is something that we can all be proud of when we all go home. Thank you, Mr. Speaker.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. This is a historic piece of legislation. I, too, would like to commend this governor, who I have grown to admire and respect, and actually like a great deal. I do like him, I think he's a great guy. This bill, as it is before us, is not perfect. It's got some ins, some outs, some good things, some bad things. Over time, it's going to need some modification, it's going to need some perfecting. This is a great, great start. My vision for this program is: it's only going to grow. It's only going to grow and get better. Every legislature, there is going to be somebody new, somebody bringing forth another program to serve an interest group, to serve somebody special, using this base, this base model. That is why, Mr. Speaker, it is important that we recognize section 6, and paragraph 7 of this bill. We notice that all the money that is left over, in this fund, stays in this fund and it grows. It is a fund. So, we must be judicious with the taxpayer's money. The people's money. We cannot be frivolous with this money and we cannot be thoughtless. That is why the Board of Regents must take the intent of this legislature seriously in section 7, paragraph 2, number B: that "they shall put together a program that serves the neediest students in this state." The state should award this money to students who not only want it and qualify for it, but who also need it, so that all the future legislatures and future programs and expansions of this great program can be funded. This is a great bill and I'm anxious to vote for it.

Roll call on Senate Bill No. 496:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Evans—2.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Lucille Petty.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Perkins, Arberry and Hettrick as a committee to wait upon His Excellency, Governor Kenny Guinn, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Giunchigliani, Parnell and Cegavske as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators McGinness, Washington and Wiener, appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblywoman Giunchigliani reported that her committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Perkins reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman Perkins moved that the Seventieth Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 11:42 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

INDEX TO ASSEMBLY JOURNAL, 1999

A

ADJOURNMENT—
Consent for Adjournment, 491.
In memory of—
Demas, Vickie, 1369.
DiMaggio, Joe, 345.
Keogh, Danny, 401.
McClay, Vivian Shirley, 1584.
Regan, Jack, former State Senator, 68.
Victims of the killings in Littleton, Colorado, 1317.

ANDERSON, BERNARD (BERNIE), Assemblyman from Washoe County, No. 31 District—
Committee Appointments—
Conference re A.B. 166, 2274; A.B. 267, 2128; A.B. 669, 2166; A.B. 689, 2412; S.B. 242, 1782; S.B. 360, 2128; S.B. 451, 2202; S.B. 477, 2077.
Escort—
Speaker of the Assembly, 3.
U.S. Senator Harry Reid, 151.
Standing—
Constitutional Amendments, 8.
Judiciary (chairman), 8.
Taxation, 8.
Moves—
Concur in Senate amendment(s) to A.B. 18, 1857; A.B. 20, 972; A.B. 22, 463; A.B. 24, 463; A.B. 53, 1862; A.B. 71, Amend. No. 900, 1770; A.B. 71, Amend. No. 1009, 1770; A.B. 79, 464; A.B. 82, 1770; A.B. 85, 972; A.B. 86, 1863; A.B. 154, 1927; A.B. 158, Amend. No. 956, 1928; A.B. 158, Amend. No. 1053, 1931; A.B. 159, 1781; A.B. 229, 1432; A.B. 239, 1932; A.B. 336, 1432; A.B. 363, 1863; A.B. 392, 1863; A.B. 400, 1933; A.B. 406, 1864; A.B. 467, 1680; A.B. 469, 1680; A.B. 473, 1939; A.B. 517, 1865; A.B. 542, 1939; A.B. 543, 1781; A.B. 545, 1433; A.B. 583, 1865; A.B. 621, Amend. No. 959, 1940; A.B. 621, Amend. No. 1052, 1945; A.B. 645, 1685; A.B. 646, 1866; A.B. 647, 1433; A.B. 648, 1435.
Do not concur in Senate amendment(s) to A.B. 55, 464; A.B. 166, Amend. No. 422, 1655; A.B. 166, Amend. No. 841, 1662; A.B. 166, Amend. No. 856, 1662; A.B. 267, 1679; A.B. 617, 1681; A.B. 689, 2403.
Do not recede from action on S.B. 30, 1781; S.B. 242, 1781; S.B. 360, 2128; S.B. 451, 2202.
Previous question re A.B. 432, 1017; A.J.R. 5 of the 69th Session, 548.
Notice of reconsideration of vote re S.B. 255, 462.
Potential Conflict of Interest re A.B. 43, 1224; A.B. 74, 547; A.B. 332, 498; A.B. 366, 933; A.J.R. 10, 327; S.B. 9, 1867; S.B. 46, 1545; S.B. 47, 1918; S.B. 50, 1699; S.B. 555, 2405.
Remarks from the floor re A.B. 348, 2518, 2519; A.B. 695, 2089; A.C.R. 33, 406; A.C.R. 40, 479; A.C.R. 42, 512; A.R. 7, 1470; S.B. 32, 1577; S.C.R. 18, 285.
Withdrew Amendment No. 1058 to S.B. 475, 1843, Withdrew Amendment No. 571 to A.B. 304, 1033, Withdrew Amendment No. 769 to S.B. 314, 1528.

ANGLE, SHARRON E., Assemblywoman from Washoe County, No. 29 District—
Absences, excused, 195, 204, 211, 219, 228.
Committee Appointments—
Standing—
Education, 8.
Health and Human Services, 8.
Judiciary, 8.
Conflict of Interest, A.B. 198, 445; A.B. 397, 1017; A.J.R. 2, 284; S.B. 408, 1517.
Moves—
Previous question re A.J.R. 5 of the 69th Session, 548.
Remarks from the floor re A.R. 7, 1471.
Roll call vote requested on motion re S.B. 445, Amend. No. 1026, 1646.

ANNOUNCEMENTS—
By Mr. Speaker Dini—
Appointment of Assemblywoman Leslie to Committee on Ways and Means, 1710.
Appointment of Select Committee on Senate Bill No. 438, 1306.
Appointment of Standing Committees, 8.
Assemblyman Hettrick to act as presiding officer, 1467.
Assemblyman Perkins to act as presiding officer, 1456, 1461, 2559.
Cimarron Varsity Cheerleaders, recess to hear, 234.
Dowling, Michael, recess to hear remarks by, 455.
James, Ron, recess to hear musical rendition by, 400.
West Point Glee Club, recess to hear musical renditions, 400.

ARBERRY, MORSE, JR., Assemblyman from Clark County, No. 7 District—
Absences, excused, 124, 136, 179, 184, 228, 402, 869, 922, 1392, 1466.
Committee Appointments—
Conference re A.B. 289, 2443; S.B. 544, 2443.
Special—
Inform Governor Assembly ready to adjourn *sine die*, 2561.
Inform Senate Assembly organized, 6.
Standing—
Commerce and Labor, 8.
Taxation, 8.
Ways and Means (chairman), 8.
Moves—
Concur in Senate amendment(s) to A.B. 220, 2334; A.B. 285, 2290; A.B. 472, 2459; A.B. 660, 2460.
Do not concur in Senate amendment(s) to A.B. 289, 1897.
Do not recede from action on S.B. 544, 2443.
Previous question re A.B. 170, 2235; A.B. 418, 864; A.J.R. 6, 1593; S.B. 67, 1381.
Potential Conflict of Interest re A.J.R. 10, 327.
Remarks from the floor re S.B. 558, 2556.

ASSEMBLY—
Chief Clerk—*See Chief Clerk of the Assembly.*
Speaker of the House—*See Dini, Joseph E., Jr.*
Speaker pro Tempore—*See Evans, Jan.*
Standing Rules—*See Rules.*

ATTACHÉS—
Appointment, A.R. 1, 38; A.R. 4, 180; A.R. 5, 246.

B

BACHE, DOUGLAS A. (DOUG), Assemblyman from Clark County, No. 11 District—
Committee Appointments—
Conference re A.B. 318, 2166; A.B. 376, 2129; A.B. 408, 2257; A.B. 530, 2129; A.J.R. 1, 2166; S.B. 369, 1898; S.B. 391, 2128; S.B. 438, 2334; S.B. 475, 2129; S.B. 500, 2129.
Select Committee on Senate Bill No. 438, 1306.
Special—
Invite Senate to meet in Joint Session, 150.
Standing—
Government Affairs (chairman), 8.
Natural Resources, Agriculture, and Mining, 8.
Transportation, 8.
Moves—
Concur in Senate amendment(s) to A.B. 12, 2289; A.B. 94, Amend. No. 784, 1875; A.B. 94, Amend. No. 1032, 1875; A.B. 129, 1451; A.B. 189, 2333; A.B. 237, 2037; A.B. 295, 1706; A.B. 297, 1876; A.B. 298, 2052; A.B. 306, 1967; A.B. 347, 2053; A.B. 424, Amend. No. 966, 1969; A.B. 424, Amend. No. 1115, 1970; A.B. 530, 1970; A.B. 539, 1769; A.B. 569, 1974; A.B. 588, 1551; A.B. 604, 1974; A.B. 626, 1686; A.B. 639, 1551; A.B. 641, 1769.
Do not concur in Senate amendment(s) to A.B. 318, 1968; A.B. 408, 2202; A.J.R. 1, 1975.
Do not recede from action on S.B. 369, 1898; S.B. 391, 2128; S.B. 438, 2334; S.B. 475, 2129; S.B. 500, 2129; S.B. 530, 2129; S.B. 532, 1367.
Previous question re A.J.R. 6, 1593; S.B. 315, 1462.
Rescind action on A.B. 603, 401.
Suspend rules—
Transmit immediately to the Senate, A.C.R. 61, 1394.
Potential Conflict of Interest re A.B. 43, 1224; A.B. 332, 498; A.B. 366, 933; A.J.R. 10, 327; S.B. 9, 1867; S.B. 46, 1545; S.B. 47, 1918; S.B. 50, 1699; S.B. 555, 2405.
Remarks from the floor re A.B. 348, 2519, 2525; A.B. 695, 2091; A.C.R. 33, 406; A.C.R. 40, 479; A.C.R. 64, 1440; A.R. 7, 1470; S.B. 144 Letter of intent, 1763; S.J.R. 4, 106.

BEERS, BOB, Assemblyman from Clark County, No. 4 District—
Appointments Committees—
Special—
Review status of Conference Committees, 1846.
Committee Appointments—
Conference re S.B. 16, 1914; S.B. 133, 2154; S.B. 322, 2154; S.B. 417, 2252; S.B. 478, 2202.
Standing—
Commerce and Labor, 8.
Elections, Procedures, and Ethics, 8.
Ways and Means, 8.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Conflict of Interest, A.B. 130, 150.
Moves—
Reconsideration of vote re A.B. 478, 1221.
Rescind action on A.B. 557, 377.
Notice of reconsideration of vote re A.B. 478, 1171.

BEERS, BOB—*Continued*
Potential Conflict of Interest re A.B. 152, 265, 274; A.J.R. 10, 327; S.B. 192, 1729; S.B. 218, 1419; S.B. 439, 1592.
Remarks from the floor re A.C.R. 75, 2165.

BERKLEY, SHELLEY, U.S. REPRESENTATIVE—
Escort appointed for, 378.
Message, 378.
Vote of thanks extended to, 382.

BERMAN, MERLE A., Assemblywoman from Clark County, No. 2 District—
Absences, excused, 869, 1802.
Committee Appointments—
Conference re A.B. 64, 2412; A.B. 280, 2166; A.B. 634, 2207; A.J.R. 5 of the 69th Session, 2316; S.B. 128, 2153; S.B. 500, 2129.
Standing—
Commerce and Labor, 8.
Government Affairs, 8.
Health and Human Services, 8.
Moves—
Suspend rules—
Transmit immediately to the Senate, A.J.R. 14, 493.
Potential Conflict of Interest re S.B. 192, 1729; S.B. 438, 2082.

BROWER, GREG, Assemblyman from Carson City (Part), Washoe (Part) Counties, No. 37 District—
Absences, excused, 1466.
Committee Appointments—
Conference re A.B. 166, 2274; A.B. 267, 1803; A.B. 617, 1803; A.B. 669, 2166; S.B. 445, 2289.
Select Committee on Senate Bill No. 438, 1306.
Standing—
Constitutional Amendments, 8.
Education, 8.
Judiciary, 8.
Taxation, 8.
Notice of reconsideration of vote re A.B. 333, 1021.
Potential Conflict of Interest re A.B. 110, 932; A.B. 111, 944; A.B. 112, 1366; A.B. 451, 1168; A.B. 535, 1169; A.B. 536, 1169; A.B. 603, 1170; S.B. 192, 1729.
Remarks from the floor re A.C.R. 33, 406.

BRYAN, RICHARD H., U.S. SENATOR—
Escort appointed for, 165.
Message, 166.
Vote of thanks extended to, 171.

BUCKLEY, BARBARA E., Assemblywoman from Clark County, No. 8 District—
Absences, excused, 179, 184.
Committee Appointments—
Conference re A.B. 64, 2412; A.B. 109, 2166; A.B. 238, 2242; A.B. 267, 2128; A.B. 280, 2166; A.B. 431, 2166; S.B. 30, 1781; S.B. 192, 2233; S.B. 451, 2202.
Escort—
Chief Justice Robert E. Rose, 2.
Select Committee on Senate Bill No. 438, 1306.

BUCKLEY, BARBARA E.—*Continued*
Standing—
Commerce and Labor (chairman), 8.
Health and Human Services, 8.
Judiciary, 8.
Moves—
Concur in Senate amendment(s) to A.B. 39, 1988; A.B. 58, Amend. No. 199, 868; A.B. 110, 1582; A.B. 112, 1893; A.B. 193, 2209; A.B. 195, 1984; A.B. 202, 1550; A.B. 258, 1880; A.B. 283, 1894; A.B. 293, 2150; A.B. 311, 1878; A.B. 432, 1877; A.B. 451, 1894; A.B. 470, 2035; A.B. 486, 1985; A.B. 492, 1889; A.B. 515, 1896; A.B. 536, 1880, 1881; A.B. 603, 1583; A.B. 616, 1583; A.B. 633, 1989; A.B. 635, 2252; A.B. 636, 1876.
Do not concur in Senate amendment(s) to A.B. 64, 2332; A.B. 109, Amend. No. 874, 1890; A.B. 109, Amend. No. 1021, 1892; A.B. 431, 1983; A.B. 477, 1571; A.B. 610, 1977; A.B. 634, 2070; A.B. 680, 2076.
Do not recede from action on S.B. 16, 1914; S.B. 128, 2153; S.B. 133, 2154; S.B. 192, 2233; S.B. 322, 2154; S.B. 417, 2252; S.B. 423, 2154.
Previous question re A.B. 314, 352; A.B. 418, 864.
Reconsideration of vote re A.B. 549, 1014.
Rescind action on A.B. 108, 450.
Special Order of Business re Vetoed A.B. 105 of the 70th Session, 506.
Suspend rules—
Declare an emergency measure, S.J.R. 13, 301.
Transmit immediately to the Senate, A.C.R. 34, 408.
Nominates—
Jan Evans to be Speaker pro Tempore, 6.
Remarks from the floor re A.B. 695, 2090; A.C.R. 64, 1439; S.C.R. 29, 814; S.C.R. 38, 1399.

C

CARPENTER, JOHN C., Assemblyman from Elko (Part) County, No. 33 District—
Absences, excused, 124, 869, 922, 1301, 1326, 1554, 1869.
Committee Appointments—
Conference re A.B. 55, 639; A.B. 167, 2202; A.B. 267, 2128; A.B. 689, 2412; S.B. 242, 1782; S.B. 302, 2441; S.B. 360, 2305; S.B. 381, 1915; S.B. 451, 2202.
Standing—
Judiciary, 8.
Natural Resources, Agriculture, and Mining, 8.
Transportation, 8.
Potential Conflict of Interest re A.B. 58, 327; A.B. 215, 445.
Remarks from the floor re A.B. 695, 2090; A.C.R. 24, 418; A.C.R. 33, 405; A.C.R. 40, 480; A.C.R. 41, 496; S.C.R. 18, 286; S.C.R. 29, 814.

CEGAVSKE, BARBARA K., Assemblywoman from Clark County, No. 5 District—
Committee Appointments—
Conference re A.B. 15, 2207; S.B. 104, 2291; S.B. 381, 2276.
Escort—
Secretary of State Dean Heller, 3.
Special—
Inform Senate Assembly ready to adjourn *sine die*, 2561.

CEGAVSKE, BARBARA K.—*Continued*
Committee Appointments—Continued
Standing—
Education, 8.
Transportation, 8.
Ways and Means, 8.
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 43, 514; A.C.R. 70, 1805.
Potential Conflict of Interest re S.B. 192, 1729.
Remarks from the floor re A.B. 144, 461; A.B. 340, 399; A.C.R. 39, 456; A.C.R. 40, 479; A.C.R. 70, 1805; S.C.R. 18, 287.
Roll call vote requested on motion re S.B. 445, Amend. No. 1026, 1646.

CHIEF CLERK OF THE ASSEMBLY—
Jacqueline Sneddon, declared to be, 6.
Nomination of Jacqueline Sneddon, 6.
Roll call, Joint Session, 151, 165, 184, 211, 378.
Temporary—
Calls roll, 1, 2.
Jacqueline Sneddon, requested to serve as, 1.

CHOWNING, VONNE S., Assemblywoman from Clark County, No. 28 District—
Addresses Committee of the Whole, A.B. 363, 333.
Committee Appointments—
Conference re S.B. 104, 2291; S.B. 445, 2289.
Standing—
Education, 8.
Transportation (chairman), 8.
Ways and Means, 8.
Moves—
Concur in Senate amendment(s) to A.B. 182, 1989; A.B. 271, 1884; A.B. 458, Amend. No. 995, 1990; A.B. 458, Amend. No. 1072, 1990; A.B. 503, 1885; A.B. 542, 1885; A.B. 627, 1687; A.B. 628, 2037; A.B. 677, 1914.
Do not concur in Senate amendment(s) to A.B. 59, 1888; A.B. 76, 1889; A.B. 272, 1913.
Do not recede from action on S.B. 302, 2291; S.B. 381, 1914.
Rescind action on A.B. 410, 296.
Vote of thanks to Secretary of State Dean Heller, 3.
Potential Conflict of Interest re A.B. 58, 327; A.B. 215, 445; S.B. 121, 1367.
Remarks from the floor re A.B. 695, 2088; A.C.R. 40, 479; A.C.R. 52, 1335; A.C.R. 58, 1375; A.C.R. 64, 1440; A.C.R. 74, 2160; A.C.R. 75, 2164; A.R. 7, 1471; S.C.R. 18, 286.
Withdrew Amendment No. 757 to S.B. 339, 1429.

CLABORN, JERRY D., Assemblyman from Clark County, No. 19 District—
Committee Appointments—
Conference re A.B. 55, 639; A.B. 59, 2065; S.B. 30, 1781; S.B. 302, 2291; S.B. 360, 2128.
Standing—
Judiciary, 8.
Natural Resources, Agriculture, and Mining, 8.
Transportation, 8.

COLLINS, TOM, Assemblyman from Clark County, No. 1 District—
Absences, excused, 124, 136, 291, 1326.
Committee Appointments—
Conference re A.B. 376, 2129; S.B. 302, 2291; S.B. 360, 2305.
Special—
Invite Senate to meet in Joint Session, 165.
Standing—
Education (vice chairman), 8.
Judiciary, 8.
Transportation, 8.
Moves—
Concur in Senate amendment(s) to A.B. 3, 1882; A.B. 14, 2009; A.B. 37, 1883; A.B. 152, 2010; A.B. 332, 1993.
Do not concur in Senate amendment(s) to A.B. 15, Amend. No. 1096, 1957; A.B. 15, Amend. No. 1122, 1957; A.B. 313, 1953; A.B. 376, 1883.
Reconsideration of vote re S.B. 457, 1782.
Suspend rules—
Transmit immediately to the Senate, A.C.R. 21, 475.
Notice of reconsideration of vote re S.B. 457, 1705.
Potential Conflict of Interest re A.B. 259, 1226; A.B. 298, 1226; A.B. 397, 1017; A.B. 633, 1297; A.B. 634, 1297; A.B. 636, 1171; S.B. 32, 1577; S.B. 44, 1442; S.B. 144, 1763; S.B. 192, 1729; S.B. 423, 1843; S.B. 437, 1592; S.B. 438, 2082.
Remarks from the floor re A.B. 695, 2091; A.C.R. 58, 1375; A.C.R. 75, 2164; A.R. 7, 1471; S.C.R. 18, 285.

COMMERCE AND LABOR, COMMITTEE ON—
Members, appointment, 8.

COMMITTEE OF THE WHOLE—
A.B. 363—
Addressed by—
Assemblyman Perkins, 336.
Assemblywoman Chowning, 335, 336.
Assemblywoman de Braga, 336.
Assemblywoman Freeman, 336.
Lewis, Jerry, 333, 335, 336.
Report, 333.
Resolved into, motion to, 333.
Rise, motion to, 333.

COMMITTEE, STANDING—*See also specific committee.*

COMMITTEES, SPECIAL—
Escort appointed for—
Chief Justice Robert E. Rose, 2, 212.
Secretary of State Dean Heller, 3.
Speaker of the Assembly, 3.
U.S. Representative James A. Gibbons, 184.
U.S. Representative Shelley Berkley, 378.
U.S. Senator Harry Reid, 151.
U.S. Senator Richard H. Bryan, 165.
Inform Governor Assembly organized, 7.
Inform Governor Assembly ready to adjourn *sine die*, 2561.
Inform Senate Assembly organized, 6.

COMMITTEES, SPECIAL—*Continued*
Inform Senate Assembly ready to adjourn *sine die*, 2561.
Review status of Conference Committees, 1846.

COMMITTEES, STANDING—*See also specific committee.*
Members, appointment, 8.

COMMITTEES, STANDING—*See also specific committee.*
Members, appointment, 1710.

COMMUNICATIONS RECEIVED—
Berkley, Shelley, U.S. Representative, request to address Joint Session, 246.
Bryan, Richard H., U.S. Senator, request to address Joint Session, 20.
Gibbons, Jim, U.S. Representative, request to address Joint Session, 21.
Governor re Vetoed Bill of the 70th Session, 647.
Governor re State of the State message, 9.
Reid, Harry, U.S. Senator, request to address Joint Session, 20.
Rose, Robert E., Chief Justice re State of the Judiciary message, 21.
Secretary of State re
Resolutions of the 69th Session, 21.
Vetoed Bills of the 69th Session, 22.
Tseng, Victor, Director General, Taipei Economic and Cultural Office, request to address Joint Recess, 277.

CONCUR, MOTION NOT TO—
In Assembly amendment(s) to, A.B. 55, 464.
In Senate amendment(s) to, A.B. 15, Amend. No. 1096, 1957; A.B. 15, Amend. No. 1122, 1957; A.B. 59, 1888; A.B. 64, 2332; A.B. 76, 1889; A.B. 109, Amend. No. 874, 1890; A.B. 109, Amend. No. 1021, 1892; A.B. 166, Amend. No. 422, 1655; A.B. 166, Amend. No. 841, 1662; A.B. 166, Amend. No. 856, 1662; A.B. 238, 1903; A.B. 267, 1679; A.B. 272, 1913; A.B. 280, 1967; A.B. 289, 1897; A.B. 313, 1953; A.B. 318, 1968; A.B. 376, 1883; A.B. 408, 2202; A.B. 431, 1983; A.B. 477, 1571; A.B. 527, 2020; A.B. 610, 1977; A.B. 615, 1898; A.B. 617, 1681; A.B. 634, 2070; A.B. 669, 2066; A.B. 680, 2076; A.B. 689, 2403; A.J.R. 1, 1975; A.J.R. 5 of the 69th Session, 2217.

CONCUR, MOTION TO—
In Assembly amendment(s) to, A.B. 275, 831; A.B. 439, Amend. No. 847, 1540.
In Senate amendment(s) to, A.B. 2, 831; A.B. 3, 1882; A.B. 12, 2289; A.B. 14, 2009; A.B.

CONCUR, MOTION TO—*Continued*

18, 1857; A.B. 20, 972; A.B. 22, 463; A.B. 24, 463; A.B. 37, 1883; A.B. 39, 1988; A.B. 53, 1862; A.B. 58, 868; A.B. 71, Amend. No. 900, 1770; A.B. 71, Amend. No. 1009, 1770; A.B. 79, 464; A.B. 82, 1770; A.B. 85, 972; A.B. 86, 1863; A.B. 94, Amend. No. 784, 1875; A.B. 94, Amend. No. 1032, 1875; A.B. 110, 1582; A.B. 112, 1893; A.B. 129, 1451; A.B. 130, Amend. No. 1080, 2233; A.B. 130, Amend. No. 1124, 2233; A.B. 132, 1922; A.B. 134, 1881; A.B. 152, 2010; A.B. 154, 1927; A.B. 158, Amend. No. 956, 1928; A.B. 158, Amend. No. 1053, 1931; A.B. 159, 1781; A.B. 169, 1519; A.B. 182, 1989; A.B. 189, 2333; A.B. 193, 2209; A.B. 195, 1984; A.B. 198, 1922; A.B. 200, 2024; A.B. 202, 1550; A.B. 220, 2334; A.B. 229, 1432; A.B. 237, 2037; A.B. 239, 1932; A.B. 252, 1685; A.B. 258, 1880; A.B. 265, 1541; A.B. 271, 1884; A.B. 283, 1894; A.B. 284, Amend. No. 783, 1541; A.B. 284, Amend. No. 809, 1542; A.B. 285, 2290; A.B. 293, 2150; A.B. 295, 1706; A.B. 297, 1876; A.B. 298, 2052; A.B. 306, 1967; A.B. 311, 1878; A.B. 332, 1993; A.B. 336, 1432; A.B. 347, 2053; A.B. 348, Amend. No. 1209, 2516; A.B. 348, Amend. No. 1226, 2523; A.B. 363, 1863; A.B. 380, Amend. No. 833, 2263; A.B. 380, Amend. No. 1162, 2264; A.B. 392, 1863; A.B. 400, 1933; A.B. 406, 1864; A.B. 424, Amend. No. 966, 1969; A.B. 424, Amend. No. 1115, 1970; A.B. 429, 2018; A.B. 432, 1877; A.B. 439, Amend. No. 764, 1540; A.B. 439, Amend. No. 847, 1540; A.B. 451, 1894; A.B. 458, Amend. No. 995, 1990; A.B. 458, Amend. No. 1072, 1990; A.B. 467, 1680; A.B. 469, 1680; A.B. 470, 2035; A.B. 472, 2459; A.B. 473, 1939; A.B. 480, 2332; A.B. 486, 1985; A.B. 490, 1688; A.B. 492, 1889; A.B. 503, 1885; A.B. 504, 2018; A.B. 506, 1412; A.B. 515, 1896; A.B. 517, 1865; A.B. 520, 1782; A.B. 521, 2540; A.B. 530, 1970; A.B. 533, 1959; A.B. 536, 1880, 1881; A.B. 539, 1769; A.B. 542, 1885, 1939; A.B. 543, 1781; A.B. 545, 1433; A.B. 569, 1974; A.B. 573, 1884; A.B. 583, 1865; A.B. 588, 1551; A.B. 597, 2473; A.B. 603, 1583; A.B. 604, 1974; A.B. 611, 1519; A.B. 614, 2025; A.B. 616, 1583; A.B. 621, Amend. No. 959, 1940; A.B. 621, Amend. No. 1052, 1945; A.B. 626, 1686; A.B. 627, 1687; A.B. 628, 2037; A.B. 631, Amend. No. 913, 2027, 2153; A.B. 631, Amend. No. 1086, 2153; A.B. 633, 1989; A.B. 635, 2252; A.B. 636, 1876; A.B. 639, 1551; A.B. 641, 1769; A.B. 645, 1685; A.B. 646, 1866; A.B. 647, 1433; A.B. 648, 1435; A.B. 660, 2460; A.B. 668, 2053; A.B. 669, 2018; A.B. 677, 1914; A.B. 684, 2444; A.B. 694, 2458; A.C.R. 25, 1707; A.J.R. 13, 2056.

CONFERENCE COMMITTEES—

Appoint first Conference Committee—

Assembly, A.B. 15, 2207; A.B. 55, 639; A.B. 59, 2065; A.B. 64, 2412; A.B. 109, 2166;

CONFERENCE COMMITTEES—*Continued*
Appoint first Conference Committee—Continued

A.B. 167, 2202; A.B. 238, 2065; A.B. 267, 1803; A.B. 280, 2166; A.B. 289, 2166; A.B. 318, 2166; A.B. 376, 2129; A.B. 408, 2257; A.B. 431, 2166; A.B. 477, 1761; A.B. 527, 2166; A.B. 530, 2129; A.B. 615, 2065; A.B. 617, 1803; A.B. 634, 2207; A.B. 669, 2166; A.B. 680, 2207; A.B. 689, 2412; A.J.R. 1, 2166; A.J.R. 5 of the 69th Session, 2316; S.B. 16, 1914; S.B. 104, 2291; S.B. 128, 2153; S.B. 133, 2154; S.B. 192, 2233; S.B. 302, 2291; S.B. 322, 2154; S.B. 360, 2128; S.B. 369, 1898; S.B. 381, 1915; S.B. 391, 2128; S.B. 417, 2252; S.B. 423, 2154; S.B. 438, 2334; S.B. 445, 2289; S.B. 451, 2202; S.B. 475, 2129; S.B. 477, 2077; S.B. 478, 2202; S.B. 500, 2129; S.B. 519, 1846; S.B. 532, 1367; S.B. 544, 2443.

Senate, notice, A.B. 15, 2158; A.B. 55, 552; A.B. 59, 2056; A.B. 64, 2412; A.B. 109, 2056; A.B. 166, 2158; A.B. 238, 2056; A.B. 267, 1803; A.B. 280, 2158; A.B. 289, 2056; A.B. 313, 2158; A.B. 318, 2158; A.B. 376, 2056; A.B. 408, 2255; A.B. 431, 2158; A.B. 477, 1714; A.B. 527, 2158; A.B. 615, 2065; A.B. 617, 1803; A.B. 634, 2198; A.B. 669, 2159; A.B. 680, 2198; A.B. 689, 2411; A.J.R. 1, 2159; A.J.R. 5 of the 69th Session, 2292; S.B. 16, 2065; S.B. 30, 1870; S.B. 104, 2401; S.B. 128, 2210; S.B. 133, 2210; S.B. 167, 2255; S.B. 192, 2337; S.B. 242, 1870; S.B. 302, 2337; S.B. 322, 2211; S.B. 360, 2211; S.B. 369, 2065; S.B. 381, 2159; S.B. 391, 2211; S.B. 417, 2337; S.B. 423, 2211; S.B. 438, 2401; S.B. 445, 2401; S.B. 451, 2256; S.B. 475, 2211; S.B. 477, 2159; S.B. 478, 2292; S.B. 500, 2211; S.B. 519, 2065; S.B. 530, 2211; S.B. 532, 1405; S.B. 544, 2461.

Appoint second Conference Committee—

Assembly, A.B. 109, 2412; A.B. 166, 2274; A.B. 238, 2242; A.B. 267, 2128; A.B. 289, 2443; S.B. 302, 2441; S.B. 360, 2305; S.B. 381, 2276; S.B. 423, 2286; S.B. 478, 2473.

Senate, notice, A.B. 109, 2411; A.B. 166, 2337; A.B. 238, 2292; A.B. 267, 2159; A.B. 289, 2247; S.B. 302, 2401; S.B. 360, 2412; S.B. 381, 2247, 2256; S.B. 423, 2247, 2256; S.B. 478, 2342.

Appoint Second Conference Committee—

Senate, notice, S.B. 478, 2337.

First Conference Report Adopted—

Assembly, A.B. 15, 2242; A.B. 55, 1357; A.B. 59, 2242; A.B. 64, 2455; A.B. 109, 2301, 2411; A.B. 166, 2273; A.B. 238, 2242; A.B. 267, 2128, 2346; A.B. 280, 2441; A.B. 289, 2243; A.B. 318, 2259; A.B. 376, 2286; A.B. 408, 2348; A.B. 477, 2301; A.B. 527, 2217; A.B. 615, 2246; A.B. 617, 2249; A.B. 634, 2273; A.B. 669, 2348, 2349; A.B. 680, 2352; A.B. 689, 2442; A.J.R. 1, 2274; A.J.R. 5 of the 69th Session, 2403; S.B. 16, 2302; S.B. 30, 2054; S.B. 104, 2455; S.B. 128, 2353; S.B. 133, 2358; S.B. 167, 2275; S.B. 192, 2374; S.B. 242, 2207; S.B. 302, 2441; S.B. 322, 2260; S.B. 360, 2305; S.B. 369, 2276; S.B. 381, 2276; S.B. 391, 2285; S.B. 417, 2527; S.B. 423, 2286; S.B. 431, 2442; S.B. 438, 2411; S.B. 445, 2458; S.B. 451, 2359; S.B. 475, 2399; S.B. 477, 2248; S.B. 478, 2337; S.B. 500, 2261; S.B. 519, 2261; S.B. 530, 2374; S.B. 532, 1782; S.B. 544, 2465.

CONFERENCE COMMITTEES—*Continued*
Senate, notice, A.B. 15, 2256; A.B. 55, 1360; A.B. 59, 2248; A.B. 64, 2461; A.B. 166, 2337; A.B. 238, 2292; A.B. 267, 2159; A.B. 280, 2451; A.B. 318, 2292; A.B. 376, 2337; A.B. 408, 2401; A.B. 431, 2451; A.B. 477, 2401; A.B. 527, 2248; A.B. 615, 2256; A.B. 617, 2292; A.B. 634, 2337; A.B. 669, 2451; A.B. 680, 2451; A.B. 689, 2466; A.J.R. 1, 2337; A.J.R. 5 of the 69th Session, 2443; S.B. 16, 2292; S.B. 30, 2053; S.B. 104, 2451; S.B. 128, 2337; S.B. 133, 2337; S.B. 167, 2269; S.B. 192, 2401; S.B. 242, 2205; S.B. 302, 2401; S.B. 322, 2256; S.B. 360, 2292; S.B. 369, 2269; S.B. 381, 2247, 2256; S.B. 391, 2269; S.B. 417, 2525; S.B. 423, 2247, 2256; S.B. 438, 2401; S.B. 445, 2451; S.B. 451, 2337; S.B. 475, 2401; S.B. 477, 2247; S.B. 500, 2256; S.B. 519, 2256; S.B. 530, 2337; S.B. 532, 1714; S.B. 544, 2461.
First Conference Report Not Adopted—
Assembly, S.B. 360, 2305; S.B. 478, 2473.
Senate, notice, A.B. 109, 2411; A.B. 289, 2247; S.B. 478, 2337.
Second Conference Report Adopted—
Assembly, A.B. 109, 2415; A.B. 166, 2448; A.B. 238, 2346; A.B. 289, 2455; S.B. 302, 2466; S.B. 360, 2441; S.B. 381, 2456; S.B. 478, 2533.
Senate, notice, A.B. 109, 2451; A.B. 166, 2461; A.B. 238, 2411; A.B. 267, 2411; A.B. 289, 2466; S.B. 302, 2466; S.B. 360, 2411; S.B. 381, 2451; S.B. 423, 2466; S.B. 478, 2525.

CONFLICT OF INTEREST—
Angle re A.B. 198, 445; A.B. 397, 1017; A.J.R. 2, 284; S.B. 408, 1517.
Beers re A.B. 130, 150.
Dini re A.B. 583, 949; A.B. 646, 950; A.B. 651, 1233.
Goldwater re A.B. 100, 265; A.B. 129, 177; S.B. 14, 1442.
Lee re S.B. 38, 1826; S.B. 495, 1569.
Nolan re A.B. 628, 1297.
Ohrenschall re A.B. 549, 981; A.B. 667, 1232; S.B. 244, 1702; S.B. 421, 1580.
Von Tobel re A.B. 74, 547; A.B. 651, 1233.

CONSTITUTIONAL AMENDMENTS, COMMITTEE ON—
Members, appointment, 8.

D

DE BRAGA, MARCIA, Assemblywoman from Churchill, white Pine, Eureka (Part), Lander (Part) Counties, No. 35 District—
Absences, excused, 509, 1392.
Addresses Committee of the Whole, A.B. 363, 333.
Committee Appointments—
Conference re A.B. 167, 2202; A.B. 376, 2129.
Special—
Invite Senate to meet in Joint Session, 184.
Standing—
Education, 8.
Natural Resources, Agriculture, and Mining (chairman), 8.
Ways and Means, 8.

DE BRAGA, MARCIA—*Continued*
Moves—
Concur in Senate amendment(s) to A.B. 132, 1922; A.B. 134, 1881; A.B. 198, 1922; A.B. 252, 1685; A.B. 380, Amend. No. 833, 2263; A.B. 380, Amend. No. 1162, 2264; A.B. 439, Amend. No. 764, 1540; A.B. 439, Amend. No. 847, 1540; A.B. 480, 2332; A.B. 490, 1688; A.B. 684, 2444; A.B. 694, 2458.
Do not recede from action on S.B. 167, 2202.
Previous question re A.B. 333, 1019.
Rescind action on A.B. 451, 319; S.B. 396, 842.
Suspend rules—
Declare an emergency measure, S.J.R. 1, 1713; S.J.R. 10, 1713; S.J.R. 12, 1713.
Potential Conflict of Interest re A.B. 506, 1229.
Remarks from the floor re Roastulation of Mr. Speaker, 489; A.B. 340, 399.

DINI, JOSEPH E., JR., Assemblyman from Lyon, Storey, Carson City (Part) Counties, No. 38 District—
Absences, excused, 184.
Announcements—*See Announcments.*
Appointments Committees—
Conference re A.B. 15, 2207; A.B. 55, 639; A.B. 59, 2065; A.B. 64, 2412; A.B. 109, 2166, 2412; A.B. 166, 2274; A.B. 167, 2202; A.B. 238, 2065, 2242; A.B. 267, 1803, 2128; A.B. 280, 2166; A.B. 289, 2166, 2443; A.B. 318, 2166; A.B. 376, 2129; A.B. 408, 2257; A.B. 431, 2166; A.B. 477, 1761; A.B. 527, 2166; A.B. 530, 2129; A.B. 615, 2065; A.B. 617, 1803; A.B. 634, 2207; A.B. 669, 2166; A.B. 680, 2207; A.B. 689, 2412; A.J.R. 1, 2166; A.J.R. 5 of the 69th Session, 2316; S.B. 16, 1914; S.B. 30, 1781; S.B. 104, 2291; S.B. 128, 2153; S.B. 133, 2154; S.B. 192, 2233; S.B. 242, 1782; S.B. 302, 2291, 2441; S.B. 322, 2154; S.B. 360, 2128, 2305; S.B. 369, 1898; S.B. 381, 1915, 2276; S.B. 391, 2128; S.B. 417, 2252; S.B. 423, 2154, 2286; S.B. 438, 2334; S.B. 445, 2289; S.B. 451, 2202; S.B. 475, 2129; S.B. 477, 2077; S.B. 478, 2202, 2473; S.B. 500, 2129; S.B. 519, 1846; S.B. 532, 1367; S.B. 544, 2443.
Appoints Committees—
Escort—
Secretary of State Dean Heller, 3.
Special—
Inform Governor Assembly organized, 7.
Inform Governor Assembly ready to adjourn *sine die*, 2561.
Inform Senate Assembly organized, 6.
Inform Senate Assembly ready to adjourn *sine die*, 2561.
Invite Senate to meet in Joint Session, 150, 165, 211, 378.
Review status of Conference Committees, 1846.
Standing committee members, 8.
Committee Appointments—
Conference re A.B. 289, 2443; S.B. 438, 2334; S.B. 544, 2443.
Select Committee on Senate Bill No. 438, 1306.
Standing—
Commerce and Labor, 8.
Elections, Procedures, and Ethics, 8.
Ways and Means, 8.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Conflict of interest, A.B. 583, 949; A.B. 646, 950; A.B. 651, 1233.

DINI, JOSEPH E., JR.—*Continued*
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 40, 480; A.C.R. 56, 1373; A.C.R. 62, 1397; A.C.R. 65, 1457.
Potential Conflict of Interest re A.B. 528, 980; A.B. 651, 1160.
Remarks from the floor re Justin Thran, 789; Thanking Members, 2559; A.B. 695, 2089; A.C.R. 33, 405, 407; A.C.R. 40, 477; A.C.R. 41, 496; A.C.R. 42, 513; A.C.R. 56, 1371; A.C.R. 57, 1374; A.C.R. 58, 1376; A.C.R. 62, 1396; A.C.R. 70, 1805; A.R. 7, 1470; S.C.R. 18, 287; S.C.R. 29, 814; S.C.R. 36, 1377.
Speaker of the Assembly—
Declared to be, 3.
Nominated for, 3.

DIVISION OF THE HOUSE—
On motion re A.B. 552, 2465; S.B. 475, 1842.

E

EDUCATION, COMMITTEE ON—
Members, appointment, 8.

ELECTIONS, PROCEDURES, AND ETHICS, COMMITTEE ON—
Members, appointment, 8.

ELECTIONS, PROCEDURES, AND ETHICS, TEMPORARY COMMITTEE ON—
Members, appointment, 2.
Report, 2.

EMERGENCY MEASURE—
Rules suspended to declare All bills and joint resolutions reported out of committee without amendments, 2265; A.B. 110, 923; A.B. 157, 923; A.B. 173, 923; A.B. 176, 177; A.B. 205, 2287; A.B. 279, 923; A.B. 366, 923; A.B. 445, 923; A.B. 469, 923; A.B. 474, 2557; A.B. 504, 923; A.B. 601, 923; A.B. 686, 1846; A.B. 690, 2083; A.B. 695, 2083; A.B. 696, 2287; A.B. 697, 2249; A.J.R. 8, 192; A.J.R. 12, 923; A.J.R. 23, 645; S.B. 1, 65; S.B. 9, 1867; S.B. 37, 2154; S.B. 104, 1846; S.B. 126, 1827; S.B. 236, 2249; S.B. 279, 2287; S.B. 280, 2214; S.B. 283, 2169; S.B. 302, 1846; S.B. 305, 2214; S.B. 308, 2169; S.B. 362, 1846; S.B. 368, 2169; S.B. 401, 2214; S.B. 428, 1846; S.B. 443, 2214; S.B. 504, 2214; S.B. 521, 1846; S.B. 545, 2169; S.J.R. 1, 1713; S.J.R. 4, 105; S.J.R. 10, 1713; S.J.R. 12, 1713; S.J.R. 13, 301; S.J.R. 21, 1462; S.J.R. 22, 2214.

EVANS, JAN, Assemblywoman from Washoe County, No. 30 District—
Absences, excused, 1453, 1466, 1521, 1554, 1573, 1586, 1690, 1712, 1802, 1869, 1916, 1995, 2078, 2157, 2213, 2255, 2336, 2446.
Appoints Committees—
Special—
Invite Senate to meet in Joint Session, 184.
Committee Appointments—
Escort—
U.S. Representative Shelley Berkley, 378.

EVANS, JAN—*Continued*
Committee Appointments—Continued
Standing—
Commerce and Labor, 8.
Ways and Means (vice chairman), 8.
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 45, 794.
Potential Conflict of Interest re A.B. 213, 398; A.B. 238, 864; A.B. 527, 1169.
Presides over Assembly, 183, 352, 403, 449, 476, 533, 901, 951, 983, 1012, 1169, 1174, 1370, 1395, 1443.
Remarks from the floor re Cowboy Hall of Fame, 2335; A.C.R. 41, 495; A.C.R. 45, 793; S.C.R. 18, 285; S.C.R. 29, 813; S.C.R. 38, 1399.
Speaker pro Tempore of the Assembly—
Declared to be, 6.
Nominated for, 6.

EXEMPTION—
Notice of Exemption, 506, 788, 870, 892, 935, 951, 983, 1015, 1165, 1220, 1291, 1415, 1472, 1571, 1717.

F

FREEMAN, VIVIAN L., Assemblywoman from Washoe County, No. 24 District—
Absences, excused, 869, 922.
Addresses Committee of the Whole, A.B. 363, 333.
Committee Appointments—
Conference re S.B. 475, 2129; S.B. 477, 2077.
Special—
Invite Senate to meet in Joint Session, 211.
Standing—
Government Affairs, 8.
Health and Human Services (chairman), 8.
Taxation, 8.
Moves—
Concur in Senate amendment(s) to A.B. 265, 1541; A.B. 284, Amend. No. 783, 1541; A.B. 284, Amend. No. 809, 1542; A.B. 429, 2018; A.B. 533, 1959; A.B. 573, 1884.
Do not concur in Senate amendment(s) to A.B. 238, 1903; A.B. 280, 1967.
Do not recede from action on S.B. 519, 1845.
Rescind action on A.C.R. 6, 293; A.C.R. 36, 443.
Remarks from the floor re A.B. 340, 399; A.B. 348, 2525; A.C.R. 41, 497; A.R. 7, 1470; S.B. 475, 1853.

G

GIBBONS, DAWN, Assemblywoman from Washoe County, No. 25 District—
Absences, excused, 211, 417, 1341.
Committee Appointments—
Conference re A.B. 238, 2065, 2242; A.B. 527, 2166; A.J.R. 1, 2166; S.B. 475, 2129; S.B. 532, 1367.
Escort—
Gibbons, James A., U.S. Representative, 184.
Standing—
Government Affairs, 8.
Health and Human Services, 8.
Taxation, 8.
Moves—
Suspend rules—
Declare an emergency measure, A.J.R. 23, 645.
Remarks from the floor re A.B. 695, 2091; A.C.R. 33, 407; S.C.R. 29, 813; S.C.R. 36, 1377; S.J.R. 4, 106.

GIBBONS, JAMES A., U.S. REPRESENTATIVE—
Escort appointed for, 184.
Message, 184.
Vote of thanks extended to, 189.

GIUNCHIGLIANI, CHRIS, Assemblywoman from Clark County, No. 9 District—
Absences, excused, 448.
Committee Appointments—
Conference re A.B. 15, 2207; A.B. 109, 2412; A.B. 289, 2166; A.B. 431, 2166; A.B. 689, 2412; S.B. 16, 1914; S.B. 128, 2153; S.B. 417, 2252; S.B. 423, 2154; S.B. 478, 2202.
Special—
Inform Senate Assembly organized, 6.
Inform Senate Assembly ready to adjourn *sine die*, 2561.
Standing—
Commerce and Labor, 8.
Elections, Procedures, and Ethics (chairman), 8.
Ways and Means, 8.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Moves—
Adopt report of Temporary Committee on Elections, Procedures, and Ethics, 2.
Concur in Senate amendment(s) to A.B. 2, 831; A.B. 130, Amend. No. 1080, 2233; A.B. 130, Amend. No. 1124, 2233; A.B. 169, 1519; A.B. 200, 2024; A.B. 520, 1782; A.B. 597, 2473; A.B. 611, 1519; A.B. 614, 2025; A.B. 631, Amend. No. 913, 2027, 2153; A.B. 631, Amend. No. 1086, 2153.
Do not concur in Senate amendment(s) to A.B. 615, 1898.
Do not recede from action on S.B. 478, 2202.
Previous question re A.B. 27, 414; A.B. 348, 1312; A.B. 432, 1017; S.B. 67, 1381.
Rescind action on S.B. 152, Amend. No. 1107, 1847.
Suspend rules—
Declare an emergency measure, A.J.R. 8, 192.
Transmit immediately to the Senate, A.C.R. 50, 1332; A.C.R. 54, 1352; A.C.R. 66, 1458; A.C.R. 76, 2168.

GIUNCHIGLIANI, CHRIS—*Continued*
Potential Conflict of Interest re A.B. 43, 1224; A.B. 332, 498; A.B. 366, 933; A.J.R. 10, 327; S.B. 9, 1867; S.B. 46, 1545; S.B. 47, 1918; S.B. 50, 1699; S.B. 555, 2405.
Remarks from the floor re A.B. 189, 2080; A.B. 348, 2516, 2517, 2525; A.B. 695, 2089; A.C.R. 40, 478; A.C.R. 49, 1329; A.C.R. 50, 1331; S.B. 443, 2240; S.B. 496, 2560; S.B. 504, 2241; S.C.R. 29, 813.
Withdraws motion re A.B. 631, Amend. No. 913, 2028.

GOLDWATER, DAVID E., Assemblyman from Clark County, No. 10 District—
Absences, excused, 95.
Committee Appointments—
Conference re A.B. 64, 2412; A.B. 109, 2412; A.B. 634, 2207; A.B. 669, 2166; A.B. 680, 2207; S.B. 133, 2154; S.B. 322, 2154; S.B. 417, 2252; S.B. 423, 2286.
Standing—
Commerce and Labor, 8.
Taxation (chairman), 8.
Ways and Means, 8.
Conflict of Interest, A.B. 100, 265; A.B. 129, 177; S.B. 14, 1442.
Moves—
Concur in Senate amendment(s) to A.B. 275, 831; A.B. 504, 2018; A.B. 506, 1412; A.B. 668, 2053; A.B. 669, 2018.
Do not concur in Senate amendment(s) to A.B. 527, 2020; A.B. 669, 2066.
Do not recede from action on S.B. 477, 2076.
Previous question re A.B. 170, 2235; A.B. 314, 352; A.B. 348, 1312.
Rescind action on A.B. 669, 2349; A.B. 669, Senate Amend. No. 896, 2066.
Potential Conflict of Interest re S.B. 192, 1729.
Remarks from the floor re A.B. 669, 2349; A.B. 695, 2090; A.C.R. 40, 480; A.R. 7, 1470; S.B. 496, 2560; S.C.R. 38, 1398.

GOVERNMENT AFFAIRS, COMMITTEE ON—
Members, appointment, 8.

GOVERNOR—
Informed Assembly organized, 7.
Informed Assembly ready to adjourn *sine die*, 2561.
State of the State message, 9.
Vetoed Bill(s) of the 70th Session, returned, 506.

GUINN, KENNY C.—*See Governor.*

GUSTAVSON, DONALD G. (DON), Assemblyman from Washoe County, No. 32 District—
Committee Appointments—
Conference re A.B. 59, 2065; S.B. 302, 2291.
Standing—
Constitutional Amendments, 8.
Education, 8.
Judiciary, 8.
Transportation, 8.
Moves—
Previous question re A.B. 418, 864.
Reconsideration of vote re S.B. 67, 1388.
Rescind action on A.J.R. 17, 367.
Notice of reconsideration of vote re S.B. 67, 1382.
Potential Conflict of Interest re S.B. 192, 1729.
Remarks from the floor re A.R. 7, 1471.

H

HEALTH AND HUMAN SERVICES, COMMITTEE ON—
Members, appointment, 8.

HELLER, DEAN A.—*See Secretary of State.*

HETTRICK, LYNN C., Assemblyman from Douglas, Carson City (Part) Counties, No. 39 District—
Acting Presiding Officer, 1467.
Committee Appointments—
Conference re A.B. 109, 2412; A.B. 289, 2166; A.B. 477, 1761; A.B. 680, 2207; S.B. 192, 2233; S.B. 438, 2334.
Select Committee on Senate Bill No. 438, 1306.
Special—
Inform Governor Assembly ready to adjourn *sine die*, 2561.
Standing—
Commerce and Labor, 8.
Natural Resources, Agriculture, and Mining, 8.
Ways and Means, 8.
Moves—
Rescind action on A.B. 472, 2209.
Suspend rules—
Transmit immediately to the Senate, A.C.R. 18, 159.
Potential Conflict of Interest re A.B. 64, 1377; S.B. 192, 1729.
Remarks from the floor re Assemblyman Marvel, 139; Thanking Members, 2558; A.B. 695, 2089; A.C.R. 33, 404; A.C.R. 40, 478; A.C.R. 56, 1372; A.C.R. 75, 2164; A.R. 7, 1469.
Roll call vote requested on motion re S.B. 445, Amend. No. 1026, 1646.

HUMKE, DAVID E., Assemblyman from Washoe County, No. 26 District—
Absences, excused, 173, 179, 184, 191, 869, 1360, 1370, 1916.
Committee Appointments—
Conference re A.B. 109, 2166; A.B. 530, 2129; S.B. 423, 2286.
Escort—
Chief Justice Robert E. Rose, 2.
Standing—
Commerce and Labor, 8.
Government Affairs, 8.
Natural Resources, Agriculture, and Mining, 8.
Moves—
Rescind action on A.B. 492, 342.
Potential Conflict of Interest re A.B. 127, 225; A.B. 213, 398; A.B. 527, 1169; S.B. 37, 2155.
Remarks from the floor re Vetoed A.B. 596 of the 69th Session, 75; A.B. 418, 864; A.C.R. 33, 405; S.C.R. 18, 286.

J

JOINT SESSION—
Addressed by—
Chief Justice Robert E. Rose, 212.
U.S. Representative James A. Gibbons, 184.
U.S. Representative Shelley Berkley, 378.

JOINT SESSION—*Continued*
Addressed by—Continued
U.S. Senator Harry Reid, 151.
U.S. Senator Richard H. Bryan, 166.
Dissolve, motion to, 155, 171, 189, 217, 382.

JUDICIARY, COMMITTEE ON—
Members, appointment, 8.

K

KOIVISTO, ELLEN M., Assemblywoman from Clark County, No. 14 District—
Absences, excused, 417.
Committee Appointments—
Conference re A.B. 15, 2207; A.B. 238, 2242; S.B. 445, 2289; S.B. 519, 1846.
Standing—
Education, 8.
Health and Human Services (vice chairman), 8.
Judiciary, 8.
Moves—
Previous question re S.B. 521, 1854.
Potential Conflict of Interest re A.B. 74, 547; A.B. 127, 225; A.B. 131, 497; A.B. 176, 177; A.B. 213, 398; A.B. 371, 1322; A.B. 527, 1169; A.J.R. 10, 327.

L

LEE, JOHN J., Assemblyman from Clark County, No. 3 District—
Absences, excused, 364, 378.
Committee Appointments—
Conference re A.B. 318, 2166; S.B. 423, 2286; S.B. 532, 1367.
Standing—
Government Affairs (vice chairman), 8.
Natural Resources, Agriculture, and Mining, 8.
Taxation, 8.
Conflict of Interest, S.B. 38, 1826; S.B. 495, 1569.
Moves—
Adopt report of Conference Committee re S.B. 532, 1782.
Suspend rules—
Transmit immediately to the Senate, A.C.R. 52, 1336.
Potential Conflict of Interest re A.B. 259, 1226; A.B. 298, 1226; A.B. 633, 1297; A.B. 634, 1297; A.B. 636, 1171; S.B. 32, 1577; S.B. 44, 1442; S.B. 144, 1763; S.B. 423, 1843; S.B. 437, 1592.
Remarks from the floor re Vetoed A.B. 512 of the 69th Session, 72; A.C.R. 52, 1335.

LESLIE, SHEILA, Assemblywoman from Washoe County, No. 27 District—
Committee Appointments—
Conference re A.B. 166, 2274; A.B. 238, 2065; A.B. 280, 2166; A.B. 615, 2065; A.B. 617, 1803; S.B. 478, 2473.
Select Committee on Senate Bill No. 438, 1306.
Standing—
Constitutional Amendments, 8.
Elections, Procedures, and Ethics, 8.

LESLIE, SHEILA—*Continued*
Health and Human Services, 8.
Judiciary, 8.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Moves—
Previous question re A.B. 333, 1019.
Remarks from the floor re S.C.R. 29, 814.

M

MAJORITY FLOOR LEADER —*See Perkins, Richard.*

MAJORITY FLOOR LEADER, ASSISTANT—*See Buckley, Barbara.*

MAJORITY WHIP, ASSISTANT—*See Parks, David.*

MAJORITY WHIP—*See Williams, Wendell.*

MANENDO, MARK, Assemblyman from Clark County, No. 18 District—
Committee Appointments—
Conference re A.B. 55, 639; A.B. 477, 1761; A.B. 527, 2166; A.B. 617, 1803; S.B. 360, 2305.
Escort—
Secretary of State Dean Heller, 3.
Standing—
Education, 8.
Health and Human Services, 8.
Judiciary (vice chairman), 8.
Taxation, 8.
Moves—
Adopt report of First Conference Committee re A.B. 55, 1357.
Previous question re S.B. 315, 1462.
Remarks from the floor re University of Nevada commencement, 1584; A.B. 695, 2090; A.C.R. 40, 478; A.C.R. 64, 1439.

MARVEL, JOHN W., Assemblyman from Humboldt, Pershing, Elko (Part), Eureka (Part), Lander (Part) Counties, No. 34 District—
Absences, excused, 101, 108, 115, 124, 136, 141, 150, 151, 158, 165, 173, 179, 184, 191, 195, 211, 245, 256, 267, 276, 291.
Committee Appointments—
Conference re A.B. 289, 2443; S.B. 477, 2077.
Special—
Inform Senate Assembly organized, 6.
Standing—
Natural Resources, Agriculture, and Mining, 8.
Taxation, 8.
Ways and Means, 8.
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 33, 407; A.C.R. 48, 1320.

MARVEL, JOHN W.—*Continued*
Remarks from the floor re illness, 210; A.B. 695, 2090; A.C.R. 33, 404; A.C.R. 40, 478; A.C.R. 41, 496; A.C.R. 42, 513; A.C.R. 62, 1397; A.C.R. 75, 2165; A.R. 7, 1471.

MCCLAIN, KATHY, Assemblywoman from Clark County, No. 15 District—
Committee Appointments—
Conference re A.B. 59, 2065; A.B. 238, 2065; A.B. 267, 1803; A.B. 615, 2065; S.B. 302, 2441; S.B. 381, 1915; S.B. 478, 2202; S.B. 519, 1846.
Standing—
Elections, Procedures, and Ethics, 8.
Health and Human Services, 8.
Judiciary, 8.
Transportation, 8.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Moves—
Previous question re S.B. 521, 1854.
Potential Conflict of Interest re A.J.R. 10, 327; S.B. 192, 1729.

MINORITY FLOOR LEADER, ASSISTANT—*See Cegavske, Barbara.*

MINORITY FLOOR LEADER, ASSISTANT—*See Humke, David.*

MINORITY FLOOR LEADER—*See Hettrick, Lynn.*

MINORITY WHIP—*See Nolan, Dennis.*

MORTENSON, HARRY, Assemblyman from Clark County, No. 42 District—
Absences, excused, 641, 869.
Committee Appointments—
Conference re A.B. 530, 2129; A.J.R. 5 of the 69th Session, 2316.
Standing—
Constitutional Amendments (vice chairman), 8.
Government Affairs, 8.
Natural Resources, Agriculture, and Mining, 8.
Taxation, 8.
Remarks from the floor re A.C.R. 41, 497.

N

NATURAL RESOURCES, AGRICULTURE, AND MINING, COMMITTEE ON—
Members, appointment, 8.

NEIGHBORS, P.M. ROY, Assemblyman from Esmeralda, Lincoln, Mineral, Nye Counties, No. 36 District—
Absences, excused, 300.
Committee Appointments—
Conference re A.B. 527, 2166; A.J.R. 1, 2166; S.B. 500, 2129.
Select Committee on Senate Bill No. 438, 1306.
Special—
Inform Governor Assembly organized, 7.
Standing—
Government Affairs, 8.
Natural Resources, Agriculture, and Mining, 8.
Taxation (vice chairman), 8.

NEIGHBORS, P.M. ROY—*Continued*
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 73, 2080.
Potential Conflict of Interest re A.J.R. 10, 327.
Remarks from the floor re A.B. 695, 2091; A.J.R. 1, 202.

NOLAN, DENNIS, Assemblyman from Clark County, No. 13 District—
Absences, excused, 551, 1326, 1386, 1466, 1554.
Committee Appointments—
Conference re A.B. 431, 2166; S.B. 30, 1781; S.B. 360, 2128; S.B. 423, 2154.
Special—
Inform Governor Assembly organized, 7.
Invite Senate to meet in Joint Session, 211.
Standing—
Commerce and Labor, 8.
Judiciary, 8.
Transportation, 8.
Conflict of Interest, A.B. 628, 1297.
Moves—
Previous question re A.J.R. 5 of the 69th Session, 548.
Rescind action on A.B. 239, 145.
Potential Conflict of Interest re A.B. 2, 132; A.B. 215, 445; A.B. 459, 833; S.B. 129, 1546; S.B. 192, 1729.
Remarks from the floor re A.B. 239, 2460; A.C.R. 75, 2164.

O

OATH OF OFFICE—
Administered to Assemblymen-elect, 2.

OHRENSCHALL, GENIE, Assemblywoman from Clark County, No. 12 District—
Committee Appointments—
Conference re A.B. 167, 2202; A.B. 267, 1803; S.B. 242, 1782; S.B. 381, 1915.
Escort—
Chief Justice Robert E. Rose, 212.
Standing—
Education, 8.
Judiciary, 8.
Natural Resources, Agriculture, and Mining, 8.
Transportation (vice chairman), 8.
Conflict of Interest, A.B. 549, 981; A.B. 667, 1232; S.B. 244, 1702; S.B. 421, 1580.
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 64, 1440.
Remarks from the floor re Fred Olson, 972; A.B. 695, 2091; A.C.R. 40, 479; A.C.R. 49, 1329; A.C.R. 50, 1331; A.C.R. 52, 1336; A.C.R. 64, 1439; A.C.R. 75, 2165; A.R. 7, 1471; S.C.R. 18, 286; S.C.R. 29, 813.

P

PARKS, DAVID R., Assemblyman from Clark County, No. 41 District—
Committee Appointments—
Conference re A.B. 109, 2166; A.B. 477, 1761; A.B. 634, 2207; S.B. 128, 2153; S.B. 302, 2441; S.B. 381, 2276; S.B. 423, 2154.
Select Committee on Senate Bill No. 438, 1306.
Standing—
Commerce and Labor, 8.
Transportation, 8.
Ways and Means, 8.
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 39, 456.
Potential Conflict of Interest re A.B. 2, 132; A.B. 58, 327; A.B. 74, 547; A.B. 215, 445; A.J.R. 10, 327; S.B. 111, 1366; S.B. 121, 1367; S.B. 192, 1729.

PARNELL, BONNIE, Assemblywoman from Carson City (Part) County, No. 40 District—
Absences, excused, 219.
Committee Appointments—
Conference re S.B. 104, 2291; S.B. 369, 1898; S.B. 381, 2276; S.B. 532, 1367.
Special—
Inform Senate Assembly ready to adjourn *sine die*, 2561.
Standing—
Education, 8.
Government Affairs, 8.
Natural Resources, Agriculture, and Mining, 8.
Transportation, 8.
Potential Conflict of Interest re A.B. 332, 498; A.B. 366, 933; A.J.R. 10, 327; S.B. 9, 1867; S.B. 46, 1545; S.B. 47, 1918; S.B. 50, 1699; S.B. 555, 2405.
Remarks from the floor re A.B. 144, 460; S.C.R. 36, 1376.

PERKINS, RICHARD D., Assemblyman from Clark County, No. 23 District—
Acting Presiding Officer, 1456, 1461, 2559.
Addresses Committee of the Whole, A.B. 363, 333.
Committee Appointments—
Conference re A.B. 289, 2166; S.B. 478, 2473; S.B. 544, 2443.
Escort—
Speaker of the Assembly, 3.
Special—
Inform Governor Assembly organized, 7.
Inform Governor Assembly ready to adjourn *sine die*, 2561.
Standing—
Commerce and Labor (vice chairman), 8.
Elections, Procedures, and Ethics, 8.
Ways and Means, 8.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Moves—
All bills and joint resolutions reported out of committee with amendments placed on appropriate reading file, 2265.
Assembly adjourn *sine die*, 2561.
Consent to adjourn, 491.
Dispense with reprinting, S.J.R. 4, 106.
Press representatives, accreditation, 7, 101, 243.

PERKINS, RICHARD D.—*Continued*
Previous question re A.B. 27, 414; A.B. 314, 352; A.B. 333, 1019; A.B. 348, 1312.
Reconsideration of vote re A.B. 152, 273.
Rescind action on A.B. 350, 1411; A.B. 552, 1710; S.B. 8, 1870; S.B. 129, 263; S.B. 192, 1222; S.B. 352, 827.
Special Order of Business re Vetoed Assembly Bill Nos. 512, 596 of the 69th Session, 22.
Suspend rules—
Declare an emergency measure.
All bills and joint resolutions reported out of committee without amendments, 2265.
Assembly Bills Nos. 690, 695, 2083.
Senate Bills Nos. 283, 308, 368, 545, 2169; A.B. 110, 923; A.B. 157, 923; A.B. 173, 923; A.B. 176, 177; A.B. 205, 2287; A.B. 279, 923; A.B. 366, 923; A.B. 445, 923; A.B. 469, 923; A.B. 474, 2557; A.B. 504, 923; A.B. 601, 923; A.B. 686, 1846; A.B. 696, 2287; A.B. 697, 2249; A.J.R. 12, 923; S.B. 1, 65; S.B. 9, 1867; S.B. 37, 2154; S.B. 104, 1846; S.B. 126, 1827; S.B. 236, 2249; S.B. 279, 2287; S.B. 280, 2214; S.B. 302, 1846; S.B. 305, 2214; S.B. 362, 1846; S.B. 401, 2214; S.B. 428, 1846; S.B. 443, 2214; S.B. 469, 2214; S.B. 504, 2214; S.B. 521, 1846; S.J.R. 4, 105; S.J.R. 21, 1462; S.J.R. 22, 2214.
Standing Rule No. 92, 2265, Transmit immediately to the Senate, A.B. 176, 178; A.C.R. 1, 37; A.C.R. 41, 497; A.C.R. 42, 513; A.C.R. 44, 644; A.C.R. 47, 1312; A.C.R. 59, 1388; A.C.R. 68, 1594; A.C.R. 69, 1717; A.C.R. 77, 2168; A.J.R. 23, 645; S.C.R. 46, 1594; S.J.R. 4, 106.
Transmit immediately to the Senate, all bills and joint resolutions passed by Assembly, 2251.
Transmit immediately to the Senate, for the balance of session, all bills and joint resolutions passed, 2265.
Tseng, Victor, recess to hear remarks by, 473.
Nominates—
Jacqueline Sneddon to be Chief Clerk, 6.
Joseph E. Dini, Jr. to be Speaker, 3.
Notice of reconsideration of vote re A.B. 152, 265.
Potential Conflict of Interest re A.B. 304, 1227; A.J.R. 10, 327; S.B. 132, 1762; S.B. 404, 2082.
Remarks from the floor re Thanking Members, 2557; A.B. 695, 2089; A.C.R. 40, 478; A.C.R. 42, 511; A.C.R. 50, 1331; A.C.R. 58, 1375; A.R. 7, 1469; S.C.R. 18, 286; S.J.R. 4, 106.
Remarks from the floor re:, 3.

POTENTIAL CONFLICT OF INTEREST—
Anderson re A.B. 43, 1224; A.B. 74, 547; A.B. 332, 498; A.B. 366, 933; A.J.R. 10, 327; S.B. 9, 1867; S.B. 46, 1545; S.B. 47, 1918; S.B. 50, 1699; S.B. 555, 2405.
Arberry re A.J.R. 10, 327.
Bache re A.B. 43, 1224; A.B. 332, 498; A.B. 366, 933; A.J.R. 10, 327; S.B. 9, 1867; S.B. 46, 1545; S.B. 47, 1918; S.B. 50, 1699; S.B. 555, 2405.
Beers re A.B. 152, 265, 274; A.J.R. 10, 327; S.B. 192, 1729; S.B. 218, 1419; S.B. 439, 1592.
Berman re S.B. 192, 1729; S.B. 438, 2082.
Brower re A.B. 110, 932; A.B. 111, 944; A.B. 112, 1366; A.B. 451, 1168; A.B. 535, 1169; A.B. 536, 1169; A.B. 603, 1170; S.B. 192, 1729.
Carpenter re A.B. 58, 327; A.B. 215, 445.

POTENTIAL CONFLICT OF INTEREST—*Continued*
Cegavske re S.B. 192, 1729.
Chowning re A.B. 58, 327; A.B. 215, 445; S.B. 121, 1367.
Collins re A.B. 259, 1226; A.B. 298, 1226; A.B. 397, 1017; A.B. 633, 1297; A.B. 634, 1297; A.B. 636, 1171; S.B. 32, 1577; S.B. 44, 1442; S.B. 144, 1763; S.B. 192, 1729; S.B. 423, 1843; S.B. 437, 1592; S.B. 438, 2082.
de Braga re A.B. 506, 1229.
Dini re A.B. 528, 980; A.B. 651, 1160.
Evans re A.B. 213, 398; A.B. 238, 864; A.B. 527, 1169.
Giunchigliani re A.B. 43, 1224; A.B. 332, 498; A.B. 366, 933; A.J.R. 10, 327; S.B. 9, 1867; S.B. 46, 1545; S.B. 47, 1918; S.B. 50, 1699; S.B. 555, 2405.
Goldwater re S.B. 192, 1729.
Gustavson re S.B. 192, 1729.
Hettrick re A.B. 64, 1377; S.B. 192, 1729.
Humke re A.B. 127, 225; A.B. 213, 398; A.B. 527, 1169; S.B. 37, 2155.
Koivisto re A.B. 74, 547; A.B. 127, 225; A.B. 131, 497; A.B. 176, 177; A.B. 213, 398; A.B. 371, 1322; A.B. 527, 1169; A.J.R. 10, 327.
Lee re A.B. 259, 1226; A.B. 298, 1226; A.B. 633, 1297; A.B. 634, 1297; A.B. 636, 1171; S.B. 32, 1577; S.B. 44, 1442; S.B. 144, 1763; S.B. 423, 1843; S.B. 437, 1592.
McClain re A.J.R. 10, 327; S.B. 192, 1729.
Neighbors re A.J.R. 10, 327.
Nolan re A.B. 2, 132; A.B. 215, 445; A.B. 459, 833; S.B. 129, 1546; S.B. 192, 1729.
Parks re A.B. 2, 132; A.B. 58, 327; A.B. 74, 547; A.B. 215, 445; A.J.R. 10, 327; S.B. 111, 1366; S.B. 121, 1367; S.B. 192, 1729.
Parnell re A.B. 332, 498; A.B. 366, 933; A.J.R. 10, 327; S.B. 9, 1867; S.B. 46, 1545; S.B. 47, 1918; S.B. 50, 1699; S.B. 555, 2405.
Perkins re A.B. 304, 1227; A.J.R. 10, 327; S.B. 132, 1762; S.B. 404, 2082.
Price re A.B. 21, 238; A.B. 58, 327; S.B. 99, 1337; S.B. 121, 1367; S.B. 192, 1729; S.B. 292, 1836.
Segerblom re A.B. 74, 547; A.J.R. 10, 327.
Von Tobel re A.J.R. 10, 327; S.B. 192, 1729.
Williams re A.B. 74, 547; A.J.R. 10, 327.

PRESENTATION OF COLORS—
Clark County Fire Department Honor Guard, 1.

PRESS REPRESENTATIVES—
Accreditation, 7, 101, 243.

PREVIOUS QUESTION—
On motion re A.B. 27, 414; A.B. 170, 2235; A.B. 314, 352; A.B. 333, 1019; A.B. 348, 1312; A.B. 418, 864; A.B. 432, 1017; A.J.R. 5 of the 69th Session, 548; A.J.R. 6, 1593; S.B. 67, 1381; S.B. 315, 1462; S.B. 521, 1854.

PRICE, ROBERT N. (BOB), Assemblyman from Clark County, No. 17 District—
Absences, excused, 364, 417, 425.
Committee Appointments—
Conference re A.J.R. 5 of the 69th Session, 2316.
Special—
Invite Senate to meet in Joint Session, 378.
Standing—
Constitutional Amendments (chairman), 8.
Elections, Procedures, and Ethics (vice chairman), 8.
Taxation, 8.
Ways and Means, 8.

PRICE, ROBERT N. (BOB)—*Continued*
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Moves—
Concur in Senate amendment(s) to A.J.R. 13, 2056.
Do not concur in Senate amendment(s) to A.J.R. 5 of the 69th Session, 2217.
Reconsideration of vote re A.B. 517, 1165.
Rescind action on A.J.R. 26, 1589.
Suspend rules—
Transmit immediately to the Senate, A.C.R. 57, 1374; A.C.R. 58, 1376.
Vote of thanks to Chief Justice Robert E. Rose, 2.
Notice of reconsideration of vote re A.B. 517, 1022.
Potential Conflict of Interest re A.B. 21, 238; A.B. 58, 327; S.B. 99, 1337; S.B. 121, 1367; S.B. 192, 1729; S.B. 292, 1836.
Remarks from the floor re Elko Daily Free Press, 140; A.B. 695, 2090; A.C.R. 33, 406; A.C.R. 40, 479; A.C.R. 42, 513; A.C.R. 49, 1329; A.C.R. 52, 1336; A.C.R. 57, 1374; A.C.R. 58, 1375; A.C.R. 62, 1397; A.C.R. 64, 1439; A.C.R. 74, 2161; A.C.R. 75, 2165; A.R. 7, 1471; S.C.R. 18, 285; S.C.R. 29, 814; S.C.R. 38, 1399.

R

RECEDE, MOTION NOT TO—
From action on, S.B. 16, 1914; S.B. 30, 1781; S.B. 104, 2290; S.B. 128, 2153; S.B. 133, 2154; S.B. 167, 2202; S.B. 192, 2233; S.B. 242, 1781; S.B. 302, 2291; S.B. 322, 2154; S.B. 360, 2128; S.B. 369, 1898; S.B. 381, 1914; S.B. 391, 2128; S.B. 417, 2252; S.B. 423, 2154; S.B. 438, 2334; S.B. 445, 2289; S.B. 451, 2202; S.B. 475, 2129; S.B. 477, 2076; S.B. 478, 2202; S.B. 500, 2129; S.B. 519, 1845; S.B. 530, 2129; S.B. 532, 1367; S.B. 544, 2443.

RECONSIDERATION OF VOTE—
A.B. 152 (notice), 265; (motion), 273.
A.B. 333 (notice), 1021.
A.B. 478 (notice), 1171; (motion), 1221.
A.B. 517 (notice), 1022; (motion), 1165.
A.B. 549 (notice), 1009; (motion), 1014.
S.B. 67 (notice), 1382; (motion), 1388.
S.B. 255 (notice), 462.
S.B. 457 (notice), 1705; (motion), 1782.

REID, HARRY, U.S. SENATOR—
Escort appointed for, 151.
Message, 151.
Vote of thanks extended to, 155.

RESCIND, MOTION TO—
Action on, A.B. 108, 450; A.B. 239, 145; A.B. 335, 241; A.B. 350, 1411; A.B. 368, 262;

RESCIND, MOTION TO—*Continued*
Action on.—Continued
A.B. 410, 296; A.B. 451, 319; A.B. 472, 2209; A.B. 492, 342; A.B. 552, 1710; A.B. 557, 377; A.B. 603, 401; A.B. 669, 2349; A.B. 669, Senate Amend. No. 896, 2066; A.C.R. 6, 293; A.C.R. 36, 443; A.J.R. 17, 367; A.J.R. 26, 1589; S.B. 8, 1870; S.B. 129, 263; S.B. 152, Amend. No. 1107, 1847; S.B. 192, 1222; S.B. 352, 827; S.B. 396, 842.

RESOLUTIONS—
Commemorating—
150th anniversary of the first discovery of gold in Nevada, A.C.R. 56, 1371.
Commending—
Bailey, William H. and Anna, A.C.R. 75, 2161.
Chief and staff of the State Printing Division A.C.R. 77, 2168.
Daugherty, Robert M. Jr., Dean, University of Nevada School of Medicine, A.C.R. 41, 494.
Evans, Claude, A.C.R. 76, 2167.
Fenili, Peter A., former Director, Walker River Irrigation District, A.C.R. 65, 1456.
Fisher, Paul C., A.C.R. 74, 2159.
Hodges, Henry C. Jr., A.C.R. 70, 1803.
Kirkland, Richard, Sheriff and the employees of the Washoe County Consolidated Jail, A.C.R. 44, 642.
Legislative Counsel Bureau, A.R. 7, 1468.
Nevada Board of Medical Examiners, A.C.R. 28, 312.
Puffer, Ted and Deena, founders of the Nevada Opera, A.C.R. 66, 1457.
Reno Chamber Orchestra, A.C.R. 45, 792.
United States servicemen captured in Yugoslavia, A.J.R. 23, 644.
Wagoner, Carol Van, A.C.R. 43, 514.
Youth Volunteers, Nevada's top two, A.C.R. 51, 1332.
Congratulating—
Hummel, Patrick, chess champion, United States Chess Federation A.R. 8, 1574.
Expressing support for—
Desert Space Station A.C.R. 73, 2079.
In honor of—
Bergevin, Louis W., former Assemblyman, A.C.R. 33, 403.
Clergy for services rendered to the Assembly and Senate, A.C.R. 71, 1807.
Declaring the last week of June as Nevada Amateur Radio Week, A.C.R. 21, 246, 475.
Designating April 21, 1999 as Assembly Staff Appreciation Day, A.R. 6, 1313.
Designating April 21, 1999 as E Clampus Vitus Day, A.C.R. 47, 1311.
Designating April 28, 1999 as Worker's Memorial Day, A.C.R. 54, 1351.
Designating March 23, 1999 as Nevada Diabetes Awareness Day, A.C.R. 38, 449.
Designating March 24, 1999 as HIV/AIDS Awareness Day, A.C.R. 39, 455.
In memory of—
Alden, Linda B., former Chief Clerk of the Nevada Assembly, A.C.R. 40, 476.
Bailey, James C., former Legislator and Wolf Pack Hall of Fame inductee, A.C.R. 62, 1395.
Bennett, Max J., former Legislator and engineer, A.C.R. 18, 158.
Bunker, Berkeley L., former Speaker of the Assembly, A.C.R. 50, 1330.
Espinoza, Arthur P., former Assemblyman, A.C.R. 58, 1374.
Gray, R. Guild, former Assemblyman, A.C.R. 59, 1387.
Kenney, Jerry A., former Chief of the Legislative Police, A.C.R. 42, 510.
Knisley, Raymond L., former Legislator, A.C.R. 48, 1319.
McMillan, Dr. James B., A.C.R. 49, 1327.

RESOLUTIONS—*Continued*
McNeel, Richard Kenneth, former Assemblyman, A.C.R. 57, 1373.
Olson, Fred A., A.C.R. 64, 1438.
Seastrand, James Kent, former mayor of North Las Vegas, A.C.R. 52, 1333.
White, Juanita Greer, former Assemblywoman, A.C.R. 63, 1416.
In recognition of—
March 2, 1999 as, 257.

ROLL CALL VOTE REQUESTED—
On motion re S.B. 445, Amend. No. 1026, 1646.

RULES—
Joint Standing Rules—
Adoption A.C.R. 1, 37.
Standing—
Adoption A.R. 3, 48.
Suspended—
Rule No. 92, 2265.
Transmit immediately to Senate, A.B. 176, 178; A.C.R. 1, 37; A.C.R. 18, 159; A.C.R. 21, 475; A.C.R. 33, 407; A.C.R. 34, 408; A.C.R. 39, 456; A.C.R. 40, 480; A.C.R. 41, 497; A.C.R. 42, 513; A.C.R. 43, 514; A.C.R. 44, 644; A.C.R. 45, 794; A.C.R. 47, 1312; A.C.R. 48, 1320; A.C.R. 49, 1329; A.C.R. 50, 1332; A.C.R. 51, 1333; A.C.R. 52, 1336; A.C.R. 54, 1352; A.C.R. 56, 1373; A.C.R. 57, 1374; A.C.R. 58, 1376; A.C.R. 59, 1388; A.C.R. 61, 1394; A.C.R. 62, 1397; A.C.R. 63, 1417; A.C.R. 64, 1440; A.C.R. 65, 1457; A.C.R. 66, 1458; A.C.R. 68, 1594; A.C.R. 69, 1717; A.C.R. 70, 1805; A.C.R. 73, 2080; A.C.R. 74, 2161; A.C.R. 75, 2166; A.C.R. 76, 2168; A.C.R. 77, 2168; A.J.R. 14, 493; A.J.R. 23, 645; S.C.R. 46, 1594; S.J.R. 4, 106.
Transmit immediately to Senate, all bills and joint resolutions passed by Assembly this day, 2251.
Transmit immediately to the Senate, for the balance of session, all bills and joint resolutions passed, 2265.

S

SECRETARY OF STATE—
Appoints Committees—
Escort—
Chief Justice Robert E. Rose, 2.
Speaker of the Assembly, 3.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Escort committee appointed for, 3, Resolution(s) of the 69th Session, returned, 21.
Temporary Chief Clerk of the Assembly, requests Jacqueline Sneddon to serve as, 1.
Vetoed Bill(s) of the 69th Session, returned, 22.
Vote of thanks extended to, 3.

SEGERBLOM, GENE WINES, Assemblywoman from Clark County, No. 22 District—
Absences, excused, 1326.
Committee Appointments—
Conference re A.B. 318, 2166; A.B. 408, 2257; A.B. 680, 2207; S.B. 16, 1914; S.B. 133, 2154; S.B. 192, 2233; S.B. 322, 2154.
Escort—
U.S. Senator Richard H. Bryan, 165.
Special—
Invite Senate to meet in Joint Session, 378.
Standing—
Commerce and Labor, 8.
Government Affairs, 8.
Natural Resources, Agriculture, and Mining (vice chairman), 8.
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 63, 1417; A.C.R. 74, 2161.
Potential Conflict of Interest re A.B. 74, 547; A.J.R. 10, 327.
Remarks from the floor re A.B. 695, 2091; A.C.R. 64, 1440; A.C.R. 74, 2160; S.C.R. 29, 814; S.C.R. 36, 1377; S.C.R. 38, 1399.

SENATE—
Informed Assembly organized, 7.
Informed Assembly ready to adjourn *sine die*, 2561.
Informs Assembly Senate organized, 6.
Informs Assembly Senate ready to adjourn *sine die*, 2561.
Invited to meet in Joint Session, 150, 165, 184, 211, 378.

SNEDDON, JACQUELINE—*See Chief Clerk of Assembly.*

SPEAKER DINI OF ASSEMBLY—*See Dini, Joseph E. Jr.*

SPEAKER PRO TEMPORE EVANS OF ASSEMBLY—*See Evans, Jan.*

SPECIAL ORDER OF BUSINESS—
Vetoed A.B. 105 of the 70th Session.
Governor's message, 641.
Motion, 506.
Veto Sustained, 642.
Vetoed A.B. 512 of the 69th Session.
Governor's message, 72.
Motion, 22.
Veto Sustained, 72.
Vetoed A.B. 596 of the 69th Session.
Governor's message, 73.
Motion, 22.
Veto Sustained, 75.

STANDING COMMITTEES—*See Committees, Standing.*

SUPREME COURT, NEVADA—
Chief Justice Robert E. Rose—
Escort appointed for, 212.
Escort committee appointed for, 2.
Message, 212.
Vote of thanks extended to, 2, 217.

T

TAXATION, COMMITTEE ON—
Members, appointment, 8.

THOMAS, KELLY, Assemblyman from Clark County, No. 16 District—
Absences, excused, 467, 2078.
Appointments Committees—
Special—
Review status of Conference Committees, 1846.
Committee Appointments—
Standing—
Government Affairs, 8.
Health and Human Services, 8.
Transportation, 8.
Notice of reconsideration of vote re A.B. 549, 1009.
Remarks from the floor re A.C.R. 40, 480.

TIFFANY, SANDRA, Assemblywoman from Clark County, No. 21 District—
Absences, excused, 1301, 1360, 1453.
Committee Appointments—
Conference re S.B. 369, 1898; S.B. 391, 2128; S.B. 478, 2473.
Select Committee on Senate Bill No. 438, 1306.
Special—
Invite Senate to meet in Joint Session, 150.
Standing—
Elections, Procedures, and Ethics, 8.
Government Affairs, 8.
Taxation, 8.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Moves—
Rescind action on A.B. 335, 241.
Remarks from the floor re Ben Stepman, 1217; A.C.R. 75, 2165.

TRANSPORTATION, COMMITTEE ON—
Members, appointment, 8.

V

VETOED BILL OF THE 70th SESSION—
A.B. 105—
Message, 642.
Returned, 506.
Special Order of Business, motion, 506.
Veto Sustained, 642.

VETOED BILLS OF THE 69TH SESSION—
A.B. 512—
Governor's message, 72.
Returned, 22.
Special Order of Business, motion, 22.
Veto Sustained, 72.

VETOED BILLS OF THE 69TH SESSION—*Continued*
A.B. 512—Continued
A.B. 596—
Governor's message, 73.
Returned, 22.
Special Order of Business, motion, 22.
Veto Sustained, 75.

VON TOBEL, KATHY, Assemblywoman from Clark County, No. 20 District—
Committee Appointments—
Conference re A.B. 408, 2257; A.B. 615, 2065; S.B. 519, 1846.
Special—
Invite Senate to meet in Joint Session, 184.
Standing—
Constitutional Amendments, 8.
Elections, Procedures, and Ethics, 8.
Government Affairs, 8.
Health and Human Services, 8.
Temporary—
Committee on Elections, Procedures, and Ethics, 2.
Conflict of Interest, A.B. 74, 547; A.B. 651, 1233.
Moves—
Suspend rules—
Transmit immediately to the Senate, A.C.R. 51, 1333.
Potential Conflict of Interest re A.J.R. 10, 327; S.B. 192, 1729.
Remarks from the floor re University of Nevada commencement, 1584; A.B. 347, 946; A.C.R. 51, 1333.

VOTE OF THANKS—*See Thanks, Vote of.*

W

WAIVER—
Notice of Waiver, A.B. 660, 930; S.B. 37, 854, 1472; S.B. 438, 1472, 1993.

WAYS AND MEANS, COMMITTEE ON—
Members, appointment, 8, 1710.

WILLIAMS, WENDELL P., Assemblyman from Clark County, No. 6 District—
Absences, excused, 179, 184, 191, 467, 1573, 1869.
Committee Appointments—
Conference re S.B. 391, 2128.
Special—
Invite Senate to meet in Joint Session, 165.
Standing—
Education (chairman), 8.
Government Affairs, 8.
Health and Human Services, 8.
Moves—
Concur in Senate amendment(s) to A.B. 348, Amend. No. 1209, 2516; A.B. 348, Amend. No. 1226, 2523; A.B. 521, 2540; A.C.R. 25, 1707.
Do not recede from action on S.B. 104, 2290; S.B. 445, 2289.

WILLIAMS, WENDELL P.—*Continued*
Previous question re A.B. 27, 414; A.B. 170, 2235; A.B. 432, 1017; A.J.R. 6, 1593; S.B. 67, 1381; S.B. 315, 1462; S.B. 521, 1854.
Rescind action on A.B. 368, 262.
Suspend rules—
Transmit immediately to the Senate, A.C.R. 49, 1329; A.C.R. 75, 2166.
Potential Conflict of Interest re A.B. 74, 547; A.J.R. 10, 327.
Remarks from the floor re A.B. 348, 2516, 2517, 2518, 2519, 2524, 2525; A.C.R. 49, 1328; A.C.R. 52, 1336; A.C.R. 75, 2163; S.C.R. 10, 125.

WITHDRAWALS—
Amendment, S.B. 339, Amend. No. 757, 1429; S.B. 475, Amend. No. 1058, 1843.
Motion, A.B. 631, Amend. No. 913, 2028.
Motion re A.B. 304, 1033.

ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SEVENTIETH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1999

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution must not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall

temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

[Statutes of Nevada 1973, 1886; R 1985, 2315]

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its standing committees must be open to the public.

[Statutes of Nevada 1975, 1907, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless

permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Reserved.

Rule No. 22. Reserved.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairman. The chairman shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member, certified by the Committee on Credentials or special committee of the Assembly, may cast a vote in the Assembly. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. Taxation, thirteen members.
4. Education, twelve members.
5. Elections, Procedures, and Ethics, nine members.
6. Natural Resources, Agriculture, and Mining, thirteen members.
7. Transportation, thirteen members.
8. Commerce and Labor, fourteen members.
9. Health and Human Services, twelve members.
10. Government Affairs, fourteen members.

11. Constitutional Amendments, seven members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543]

Rule No. 42. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule.

2. Motions may be moved, seconded and passed by voice vote by a simple majority of those present.

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of all the committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the committee and does not imply commitment to support final passage.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3543]

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544]

Rule No. 44. Committee on Elections, Procedures, and Ethics.

The Committee on Elections, Procedures, and Ethics has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544]

Rule No. 45. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections, Procedures, and Ethics. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. The Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544]

Rule No. 46. Committee Action on Reports.

Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 47. Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen must be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

[Statutes of Nevada 1973, 1904, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 49. Committee Hearings.

The presence of a quorum of the committee is desirable but not required to conduct a public hearing. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness. When all persons present have been heard, the chairman may declare closed the

portion of the meeting wherein the committee will accept public testimony on the matter before proceeding to other matters.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Concurrent Referrals.

When a bill or resolution is referred to two committees the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205]

The next rule is 60.

VI. RULES GOVERNING MOTIONS

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. If desired by the presiding officer or any member, the motion must be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 61. Reserved.

Rule No. 62. Reserved.

PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of business of Motions, Resolutions and Notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

[Statutes of Nevada 1973, 1890, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

[Statutes of Nevada 1973, 1890]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

[Statutes of Nevada 1973, 1890]

Rule No. 91. Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 1973, 1890]

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the daily history and be made available to the news media. The daily history must include the most current version of the notice that is available at the time the daily history is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

[Statutes of Nevada 1975, 1915; A 1995, 2855; 1997, 3549, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891]

Rule No. 96. Peddling, Begging and Soliciting.

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto. No part of said chamber or halls may be used for, or occupied by signs or other devices for any kind of advertising.

[Statutes of Nevada 1973, 1891, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 1973, 1891]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 101. Reserved.

[Statutes of Nevada 1987, 2327; R 1989, 2206]

Rule No. 102. Reserved.

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

[Statutes of Nevada 1973, 1883; A 1973, 1911; R 1983, 2106]

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 1973, 1893]

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will

be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 107. Reserved.

[Statutes of Nevada 1973, 1893; R 1985, 2316]

Rule No. 108. Reserved.

[Statutes of Nevada 1985, 2316; R 1987, 2327]

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members must be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended must be reprinted, engrossed, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 1975, 1915; A 1997, 3552, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

4. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895; A 1997, 3553, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration must be given on the day on which the final vote was taken by a member voting with the prevailing party. It is not in order for any member to move a reconsideration on the day on which the final vote was taken, except by unanimous consent. There may be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 116. Reserved.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 119. Reserved.

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.

10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 121. Reserved.

Rule No. 122. Privileged Questions.

Privileged questions have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 1973, 1896, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 123. Privilege of Closing Debate.

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 1973, 1896]

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Vetoed Bills.

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter

stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 1973, 1896; A 1995, 2861; 1997, 3555, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897, Assembly Resolution No. 3 of the 1999 Session (File No. 6)]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

INDEX OF ASSEMBLY STANDING RULES

— A —

Subject — *Rule No.*

Adjournment
- Election contests, adjournment before declaration of candidate elected prohibited ... 45
- Motion to adjourn, precedence ... 68, 122, 126
- Sine die, disposition of committee records ... 48
- Temporary appointment to committees ... 41

Advertising within Chamber or Halls
- Prohibition against ... 96

Amendments
- Committee amendments, procedure for adoption ... 110
- Concurrent referrals ... 52
- Constitutional amendments ... 118
- Motion to amend, adoption ... 110
- Motion to strike out, effect on amendment when motion lost ... 67
- Order of business ... 120
- Reprinting dispensed with ... 110
- Second reading, consideration after ... 109, 110
- Substitute bills ... 105
- Third reading, consideration after ... 110

Appeals
- Points of order, procedure ... 20

Assembly Chamber
- Advertising prohibited ... 96
- Decorum ... 1
- Lobbying prohibited ... 94
- Majority may authorize chamber cleared of all persons except Assemblymen and officers ... 94
- Material placed on legislators' desks ... 95
- Peddling, begging, and soliciting prohibited ... 96
- Privilege of the floor ... 94
- Speaker, powers ... 1
- Use of chamber restricted ... 141

Attaches
- Appointment, recommendation by resolution ... 44
- Suspension or removal for incompetency or dereliction of duty ... 44

— B —

Begging within Chamber or Halls
- Prohibition against ... 96

Bills
- Action by committee ... 42
- Concurrent referrals ... 52

Subject *Rule No.*

BILLS—*Continued*
Consent calendar 111
Debate *(See Debate)*
Enacting clause, motion to strike 66
Engrossed bills, placement on general file 113
Enrolled bills, signature of Speaker required 1
General file 110, 113
Purpose, member may request 98
Reading 109
Reconsideration of bill, requirements 42
Reference to committee, first reading required 109
Rejection 66, 109
Second reading 109, 110
Signature 1
Skeleton bills 106
Substitute bills 105
Vetoed bills 126

Business
Conduct of business, rules and procedures generally 90-100
Order 120

— C —

Call of the Assembly
Privileged question 122
Speaker's powers and duties 1

Call to Order
Order of business 120
Speaker's powers and duties 1

Candidates, Election Contests *(See Election Contests)*

Chairmen of Committees *(See Committees)*

Change of Rules
Two-thirds vote required 91

Chief Clerk of the Assembly
Consent calendar, duties 111
General file, duties 113
Motions, reading 60
Roll call, duties 30
Vetoed bills, duties 126

Commerce and Labor, Committee on
Generally *(See Committees)*
Number of members 40

Committee of the Whole
Speaker's powers 1

Committees
Actions 42, 46
Appointment 41
Chairmen
Designation 41

Subject *Rule No.*

COMMITTEES—*Continued*
Final actions, voting on 42
Hearings, duties 49
Records, duties 47

Roll call vote, discretion 46
Subcommittees, appointment 43
Conference committees, notice provisions concerning meetings inapplicable 92
Credentials, Committee on 44
Ethics, Committee on 23
Hearings *(See Hearings)*
Introduction of legislative measures 42
Meetings *(See Meetings)*
Members
Appointment 41
Number 40
Temporary appointments 41
Names of committees 40
Quorum 42, 49
Reconsideration of action 42
Records
Contents 47
Disposition 48
Reference to committee 52, 109
Reports
Adoption 46
Order of business 120
Rules, Committee on 44
Skeleton bills, consideration 106
Subcommittees 43
Temporary appointment of members 41
Vice chairman, designation 41
Voting 42, 46
Whole, Committee of the, Speaker's powers 1

Concurrent Referrals
Procedure 52

Conduct of Business
Rules and procedures generally 90-100

Conference Committees
Notice provisions concerning meetings inapplicable 92

Conflicts of Interest
Advice to legislators by Committee on Ethics 23
Complaints, hearing 23
Confidentiality of proceedings 23
Determination of conflict, criteria for 23
Disclosure by legislators 23
Voting considerations 23

Subject *Rule No.*

Consent Calendar
Committee recommendations 111
Consideration 111
List of bills recommended, maintenance, printing and contents 111
Notice of objection to bill 111
Order of business 120
Read by bill number and summary 111
Recommendation for placement of bill, requirements 111
Removal of bill and transfer to second reading file 111
Voting, manner of 111
Constitutional Amendments
Treated as bills 118
Constitutional Amendments, Committee on
Generally *(See Committees)*
Number of members 40
Contests of Election *(See Election Contests)*
Credentials, Committee on
Committee on Elections, Procedures, and Ethics to function as 44

— D —

Debate
Closing, privilege 123
Motions, procedure before debate 60
Petitions and memorials 97
Points of order 20
Previous question 81
Privileged questions 122
Speaking on the question 80
Vetoed bills 126
Decorum
Points of order 20
Powers of Speaker 1
Division of the House
Calling for yeas and nays 30
Voting, manner of 33
Division of the Question
Generally 67

— E —

Education, Committee on
Generally *(See Committees)*
Number of members 40
Election Contests
Adjournment restricted 45
Declaration of election 45
Depositions or written oral arguments, submission 45

Subject *Rule No.*

ELECTION CONTESTS—*Continued*
Elections, Procedures, and Ethics, Committee on, reference of contest to ... 45
Governor to be informed of identity of elected candidate ... 45
Hearing
Burden of proof on contestant ... 45
Minutes required ... 45
Rules of evidence, applicability ... 45
Witnesses, depositions ... 45
Notice given to parties ... 45
Recommendation of committee
Rejection, immediate consideration of other candidates ... 45
Time limit for report ... 45
Vote by Assembly, time limit ... 45
Special committee, appointment ... 45
Statement of contest, receipt from Secretary of State ... 45
Elections, Procedures, and Ethics, Committee on
Credentials, Committee on ... 44
Election contests, duties ... 45
Generally *(See Committees)*
Number of members ... 40
Personnel
Appointment, recommendation by resolution ... 44
Jurisdiction over matters relating to ... 44
Rules, Committee on ... 44
Electronic Roll Call System
Use ... 30
Emergency Situations
Suspension of rule requiring notice of hearings and meetings ... 92
Employees
Appointment, recommendation by resolution ... 44
Suspension or removal for incompetency or dereliction of duty ... 44
Enacting Clause
Precedence of motion to strike ... 66
Engrossed Bills
Placement on general file ... 113
Enrolled Bills and Resolutions
Signature of Speaker required ... 1
Ethics
Advice to legislators by Committee on Ethics ... 23
Complaints
Committee on Ethics to hear ... 23
Filing ... 23
Form and signature ... 23
Confidentiality of proceedings ... 23
Conflicts of interest
Determination of conflict, criteria for ... 23
Voting considerations ... 23

Subject *Rule No.*

Ethics, Committee on
Alternate members, appointment 23
Composition 23
Disqualification of member 23
Duties generally 23

— F —

First Reading of Bills
Procedure 109
Former Assembly Members
Privilege of the floor 94

— G —

General File
Order of business 120
Placement of bills on 110, 113
Government Affairs, Committee on
Generally *(See Committees)*
Number of members 40
Governor
Candidate declared in election contest, informed of 45
Vetoed bills 126

— H —

Health and Human Services, Committee on
Generally *(See Committees)*
Number of members 40
Hearings
Conduct 49
Election contests, procedure 45
Notices 92
Witnesses 49, 140

— I —

Introduction of Legislative Measures
Committee introductions 42
Order of business 120
Purpose of bill or joint resolution, member may request 98
Skeleton bills 106

Subject *Rule No.*

— J —

Joint Resolutions *(See Resolutions)*
Journal
Joint resolutions proposing amendments to constitution entered in entirety....118
Names of those calling for yeas and nays entered in....30
Reading and approval, order of business....120
Remarks entered in....99
Vetoed bills, message or statement of objections entered in....126
Judiciary, Committee on
Generally *(See Committees)*
Number of members....40

— L —

Legislative Counsel Bureau
Committee records filed with....48
Lobbying
Prohibition against lobbying on Assembly floor....94

— M —

Mason's Manual of Legislative Procedure
Applicability....90, 100
Meetings
Committees....42
Notices....92
Open meetings required....11
Time of meeting of Assembly....10
Memorials Addressed to Assembly
Presentation....97
Messages
Order of business....120
Receipt by Speaker....1
Vetoed bills....126
Minority Leader
Committee on Ethics, appointment of member....23
Minutes
Committee minutes, disposition....48
Election contests, minutes of hearing required....45
Motions
Adjourn, precedence of motion....68
Committee action....42
Debate, procedure....60
Division of the question....67
Entertainment....60
Order of business....120
Postpone indefinitely....65, 115

Subject *Rule No.*

MOTIONS—*Continued*
Previous question 81
Privileged questions 122
Reconsideration of vote 68, 115
Reference to committee, concurrent referrals 52
Special orders, precedence of motions 122
Strike enacting clause 66
Strike out and insert 67
Withdrawal 60

— N —

Natural Resources, Agriculture, and Mining, Committee on
Generally *(See Committees)*
Number of members 40
News Media
Accreditation 1
Notices of hearings and meetings 92
Notices
Change of rule 91
Committee meetings 92
Election contests 45
Hearings 92
Order of business 120
Reconsideration of vote 68, 115
Rescission of rule 91

— O —

Open Meetings
Requirement 11
Order of Business
Enumeration 120

— P —

Parliamentary Procedure
Governance 90, 100
Peddling within Chamber or Halls
Prohibition against 96
Petitions Addressed to Assembly
Order of business 120
Presentation 97
Points of Order
Appeal from decision of Speaker 20
Appeals from points of order, Speaker's powers 1
Procedure 20

Subject *Rule No.*

Postpone Indefinitely, Motion to
No further consideration 65
Reconsideration of motion prohibited 115
Previous Question, Motion for
Consideration of motion upon return of vetoed bill 126
Person last speaking on question, prohibition against motion 81
Three Assemblymen to demand 81
Privilege
Closing debate 123
Of the floor 94
Privileged Questions
Precedence 122, 126

— R —

Recess
Notice provisions inapplicable to meetings on floor during recess 92
Reconsideration of Action by Committee
Two-thirds majority required 42
Reconsideration of Vote
Adjournment while motion pending or before passing order of business, right to reconsider continued to next day of sitting 68
Notice of reconsideration
Day preceding last day of session, notice out of order 68
Given on day final vote taken 115
Postpone indefinitely, reconsideration of motion prohibited 115
Precedence of motion 68
Question postponed indefinitely, reconsideration prohibited 65
Refer, Motion to
Concurrent referrals 52
First reading required before referral 109
Order of business 120
Remarks from the Floor
Entered in Journal 99
Order of business 120
Rescission of Rules
Two-thirds vote and one day's notice of motion required 91
Resolutions
Attaches and employees, appointment 44
Concurrent referrals 52
Debate *(See Debate)*
Enacting clause, motion to strike 66
Enrolled resolutions, signature of Speaker required 1
Joint resolutions
Constitutional amendments 118
Procedure for enactment 118
Purpose, member may request 98

Subject *Rule No.*

RESOLUTIONS—*Continued*
Order of business 120
Rejection, striking out enacting clause constitutes 66
Roll Call Vote
Committee action on reports 46
Electronic roll call system 30
Manner of voting 30
Rules, Committee on
Committee on Elections, Procedures and Ethics to function as 44

— S —

Second Reading of Bills
Announcement 109
Procedures 109, 110
Senators
Privilege of the Assembly floor 94
Sergeant at Arms
Duties 94
Sessions
Time of meeting 10
Skeleton Bills
Purpose and procedure 106
Solicitation within Chamber or Halls
Prohibition against 96
Speaker of the Assembly
Chairman and vice chairman of committees, designation 41
Committees, appointment 41
Death or disability, succession to office 1
Duties generally 1
Election contests, duties 45
Ethics, Committee on, appointment of members and alternates 23
Motions, announcement 60
News media, accreditation 1
Petitions and memorials, presentation 97
Points of order 1, 20
Reading of bills, duties 109
Resignation, succession to office 1
Substitution of duties 1
Vacancy in office 1
Voting 1, 30
Speaker pro Tempore
Succession to office of Speaker 1
Speaking on the Question
Limitations 80

Subject *Rule No.*

Special Orders of the Day
Order of business 120
Precedence 122
Vetoed bills 126
Standing Committees *(See Committees)*
State Officers
Privilege of the floor 94
Strike Enacting Clause, Motion to
Precedence of motion 66
Strike Out and Insert, Motion to
Motion deemed indivisible 67
Strike Out, Motion to
Lost question, effect 67
Subcommittees
Appointment and duties 43
Subpoenas
Signature of Speaker 1
Substitute Bills
Treatment 105
Suspension of Rules
Notices of hearings and meetings 92
Reprinting of bills 110
Vote of two-thirds of members required for temporary suspension 91

— T —

Taxation, Committee on
Generally *(See Committees)*
Number of members 40
Time of Meeting
Sessions 10
Transportation, Committee on
Generally *(See Committees)*
Number of members 40

— U —

Unfinished Business
Order of business 120

— V —

Vetoed Bills
Committee referral, bill and message not to be referred 126
Debate on merits of bill 126
Governor's message or statement of disapproval to accompany 126
Motions, limit on 126

Subject *Rule No.*

VETOED BILLS—*Continued*
Privileged questions 126
Reading, procedure for 126
Special order of business 126
Voting prohibited until bill read from first to last word 126
Voting
Announcement of vote, postponement prohibited 32
Call for yeas and nays 30
Certification required to vote 30
Change of vote 32
Committees
Manner of voting 42
Proxy, prohibition on voting by 42
Recording of votes 46
Concurrent referrals 52
Consent calendar 111
Division of House 30, 33
Electronic roll call system 30
Manner of 30
Punishment for voting for another member 30
Reconsideration of vote 68, 115
Result of vote, postponement of announcement prohibited 32
Speaker 1
Vetoed bills 126

— W —

Ways and Means, Committee on
Generally *(See Committees)*
Number of members 40
Withdrawal of Motion
Time for 60
Witnesses
Compensation 140
Election contests 45
Public hearings 49

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

1

Procedure Concerning.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two conference committees on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

MESSAGES

2

Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read

immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Chief Clerk.

[Statutes of Nevada 1931, 466, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

NOTICE OF FINAL ACTION

3

Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

BILLS AND JOINT RESOLUTIONS

4

Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more legislators elected to one House may, at the direction of the legislator who brings the bill or resolution forward for introduction, set forth the names of one or more legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. The number of primary joint sponsors must not exceed five per bill or resolution. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the

addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

PRINTING

6

Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

RESOLUTIONS

7

Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections, Procedures, and Ethics before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

VETOES

8

Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read in the Senate by the Secretary of the Senate and in the Assembly by the Chief Clerk of the Assembly, without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

ADJOURNMENT

9

Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897]

EXPENDITURES FROM THE LEGISLATIVE FUND

10

Routine Expenses or Concurrent Resolution.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956]

LEGISLATIVE COMMISSION

11

Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

RECORDS OF COMMITTEE PROCEEDINGS

12

Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

(b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and

(d) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner he deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

REAPPORTIONMENT

13

Responsibility for Measures and Approval of Research Requests.

The Committee on Government Affairs of the Senate and the Committee on Elections, Procedures, and Ethics of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

[Statutes of Nevada 1981, 2068; A 1993, 2906, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

LIMITATION ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

14

Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions

1. Except as otherwise provided in subsection 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman; and

(b) Four requests from each Senator,

for the drafting of a bill.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 22nd calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each house. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective houses, within the limit provided by this subsection. The lists may be revised any time before the 22nd day of the legislative session to

reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a legislator or organization must indicate the legislator or organization at whose request the measure was drafted.

7. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

8. Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

9. If two or more measures are being considered in the same house which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

10. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7); Senate Concurrent Resolution No. 28 of the 1999 Session (File No.47)]

14.2

Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d),

whichever is earlier.

(b) If a bill requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill. The revised bill may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d),

whichever is earlier.

(c) If the bill requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill. A bill revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill; or

(2) The last day for introduction of the bill as required by paragraph (d),

whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill that was requested by:

(1) A legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill the final date on which the bill may be introduced.

3. If the final date on which the bill may be introduced falls upon a day on which the House in which the bill is to be introduced is not in session, the bill may be introduced on the next day that the House is in session.

[Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7); Senate Concurrent Resolution No. 28 of the 1999 Session (File No. 47)]

SCHEDULE FOR ENACTMENT OF BILLS

14.3

Final Dates for Action by Standing Committees and Houses; Final Date for Requesting Drafting of Reports for Conference Committees.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill is referred in its House of origin may only take action on the bill on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the Fiscal Analysis Division has determined pursuant to subsection 1 of Joint Standing Rule No. 14.6 that the bill is exempt.

2. Final action on a bill may only be taken by the House of origin on or before the 78th calendar day of the legislative session.

3. The final standing committee to which a bill is referred in the second House may only take action on the bill on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the Fiscal Analysis Division has determined pursuant to subsection 1 of Joint Standing Rule No. 14.6 that the bill is exempt.

4. Final action on a bill may only be taken by the second House on or before the 110th calendar day of the legislative session.

5. Requests for the drafting of reports for Conference Committees must be submitted to the Legislative Counsel on or before the 118th calendar day of the legislative session.

[Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7); Senate Concurrent Resolution No. 28 of the 1999 Session (File No. 47)]

14.4

Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill pursuant to this rule. If the request was made on behalf of another legislator or a standing committee, the list must also include the name of the legislator or standing committee on whose behalf the bill was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill requested pursuant to this rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill.

[Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7); Senate Concurrent Resolution No. 28 of the 1999 Session (File No. 47)]

14.5

Waivers.

1. At the request of a legislator or a standing committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a standing committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the legislator or standing committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill for which a waiver is granted pursuant to this rule unless such

information as is required to draft the bill is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill must be included as a part of the history of the bill after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill.

[Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7); Senate Concurrent Resolution No. 28 of the 1999 Session (File No. 47)]

14.6

Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which has been determined by the Fiscal Analysis Division to:

(a) Contain an appropriation;

(b) Authorize the expenditure by a state agency of sums not appropriated from the state general fund or the state highway fund;

(c) Create or increase any significant fiscal liability of the state; or

(d) Significantly decrease any revenue of the state,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt after it is printed. A notation of each exemption granted after the bill was printed must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all subsequent reprints of the bill.

2. All of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until it is determined to be exempt pursuant to subsection 1. A bill determined to be exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined to be exempt after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A bill required to carry out the business of the Legislature.

(b) A joint, concurrent or simple resolution.

[Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7); Senate Concurrent Resolution No. 28 of the 1999 Session (File No. 47)]

14.7

Amendments

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that Title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

[Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

15

Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of

their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335]

INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

16

Delivery of Bill Drafts Requested by State Agencies and Local Governments.

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

[Statutes of Nevada 1989, 2366, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

DATE OF FIRST JOINT BUDGET HEARING

17

Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

18

Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

19

Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

20

Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all legislators and lobbyists. Each member and lobbyist is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each person subject to these rules must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

4. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

5. If a legislator believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. Except as otherwise provided in subsection 7, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint received pursuant to subsection 5 to a committee consisting of

legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures, and Ethics of the Assembly or the Committee on Legislative Affairs and Operations of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

10. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

11. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

12. Action taken by a complainant pursuant to this rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015, Assembly Concurrent Resolution No. 1 of the 1999 Session (File No. 7)]

VOTE ON GENERAL APPROPRIATION BILL

21

Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

22

Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

INDEX TO JOINT RULES OF THE SENATE AND ASSEMBLY

— A —

Subject — *Rule No.*

Adjournment—
- Limit of not more than 20 days total during regular session ... 9
- Preparation of matters for consideration of Legislature as a whole ... 9
- Three days or less, calculation of permissible duration ... 9

Amendments—
- Conference committees, reports not subject to ... 1
- Constitutional amendments, proposal or ratification by joint resolution ... 7
- Joint rules, amendment by concurrent resolution ... 7
- Joint sponsorship of bills or resolutions ... 5
- Rejection by one house, procedure ... 1
- Restrictions ... 14.7

Appropriation Bill, General—
- Waiting period between introduction and final passage ... 21

— B —

Bills—
- Adjournment to permit preparation of certain legislative measures ... 9
- Amendments *(See Amendments)*
- Communications from other House ... 3
- Conference committees, reports ... 1
- Distribution—
  - Charges for additional copies ... 6
  - Senators and Assemblymen, number of free copies ... 6
- Duplicate measures in same House, only measure with lowest BDR number to be considered, exception ... 14
- Enrolled bills—
  - Request for return from Governor by concurrent resolution ... 7
  - Signatures required ... 4
- General appropriation bill, vote on final passage ... 21
- Health insurance, criteria for review of bills mandating coverage ... 18
- Introductions, limitations on ... 14 – 14.6
- Joint sponsorship ... 5
- Local governments, delivery and introduction of drafts requested by ... 14, 16
- Notice of final action ... 3
- Printing ... 6
- Reapportionment measures, standing committees responsible for ... 13
- Requests for drafting—
  - Limit on submission of requests after convening of session, exceptions ... 14

Bills—*Continued*
Subject matter of request may not be changed after submission for drafting 14
Return from other House, request by concurrent resolution 7
State agencies, delivery and introduction of drafts requested by 14, 16
Vetoed bills—
Committee referral, out of order 8
Special orders 8
Budgets of Executive Agencies—
Date of first joint hearing 17

— C —

Chief Clerk of the Assembly—
Communications to other House, signature required 3
Enrolled bills and joint resolutions, signature required 4
Messages from the Assembly, delivery 2
Vetoed bills and governor's message, reading 8
Vetoed bills from the previous session, reading 8
Waivers of limitations on requests, introductions or enactment, duties 14.5
Commendations and Congratulations—
Approval of drafting requests 7
Exemptions from limitations on requests 14.6
Committees—*(See also specific committees)*
Action on bills, time limits, waiver 14.3, 14.5
Bill draft requests, limitations 14
Budgets of executive agencies, date of first joint hearing 17
Conference Committees *(See Conference Committees)*
Duplicate measures in same House, consideration 14
Health insurance, review of mandated coverage 18
Interim findings and recommendations, briefings regarding 19
Introduction of measures 14
Joint committees, establishment by concurrent resolution 7
Joint sponsorship of bills and resolutions, procedure 5
Records of committee proceedings—
Index, access and retention by Director of Legislative Counsel Bureau 12
Labels, order and deposit, duties of committee secretary 12
Requirement 12
Reports, printing 6
Sexual harassment complaints, referral to committee 20
Communications Between Houses—
Final action on bill or resolution or other matters 3
Signatures 3
Written 3
Conference Committees—
Appointment 1
Considerations and recommendations 1
Limit on number 1
Majority of members to vote for passage 1
Meetings 1

Conference Committees—*Continued*
Members 1
Reports 1
Requests for drafting of reports, time limits 14.3
Congratulations and Commendations—
Approval of drafting requests 7
Exemptions form limitations on requests 14.6
Congress—
Addressed by joint resolution 7
Constitutional Amendments—
Proposal or ratification by joint resolution 7
Courts—
Standing committee to introduce measure requested by 14

— E —

Elections, Procedures, and Ethics, Committee on—*(See also Committees)*
Approval of requests for drafting resolution to congratulate or commend person or organization 7
Responsibility for measures concerning reapportionment 13
Sexual harassment complaints, referral to committee 20
Emergency Requests for Legislation—
Procedure 14.4
Enrolled Bills and Joint Resolutions—
Return of enrolled bill from Governor, request by concurrent resolution 7
Signatures 4
Executive Branch—
Budgets, joint hearing 17
Deposit of state revenue 22
Standing committee to introduce measures requested by 14

— F —

Federal Government—
Addressed by joint resolution 7
Finance, Committee on—*(See also Committees)*
Joint hearing on budgets of executive agencies 17
Requests or referrals exempt from limitations 14.3, 14.6
State revenue, deposits by state agencies 22
Findings and Recommendations—
Briefings on findings and recommendations of committees during interim 19
Fiscal Analysis Division ***(See Legislative Counsel Bureau)***

— G —

Government Affairs, Committee on—
Reapportionment, responsibility for measures concerning 13
Governor—
Messages from 2
Proclamations convening Legislature in extra session 2
Secretary, duties concerning messages to the Legislature 2
Standing committee to introduce measures requested by 14
Vetoed bills and message or statement of disapproval, transmission to Legislature 8

— H —

Harassment—
Sexual harassment, policy and procedures 20
Health Insurance—
Criteria for reviewing bills that require certain treatment or services 18

— I —

Intent of the Legislature—
Expression by concurrent resolution 7
Interim Studies—
Briefings regarding findings and recommendations 19
Exemptions from limitations on requests 14.6
Introduction of measures requested pursuant to 14
Ordered by concurrent resolution 7
Introduction of Legislative Measures—
Courts, standing committee to introduce measures requested by 14
Duplicative measures generated by same house 14
Executive branch, standing committee to introduce measures requested by 14
Exemptions from limitations 14.6
Interim legislative studies, standing committee to introduce measures requested by 14
Limit on 14, 14.2
Requirements for introduction after legislative session convenes 14
Resolutions requested by standing committees 14
Standing committees, measures introduced by 14
State or local government—
Delivery of bill drafts requested by 16
Standing committee to introduce requested measures 14
Waiver of limitations 14.5

— J —

Joint Committees—*(See also Committees)*
Establishment by concurrent resolution 7
Joint Sponsorship of Bills and Resolutions—
Procedure 5
Journals—
Governor's proclamations and special messages entered in 2

— L —

Legal Division *(See Legislative Counsel Bureau)*
Legislative Affairs and Operations, Committee on—*(See also Committees)*
Congratulations or commendations, approval of requests for for drafting of resolutions 7
Sexual harassment complaints, referral to committee 20
Legislative Commission—
Absence from meetings when alternates unavailable, appointment of alternate by chairman 11
Alternate members, selection 11
Chairman, selection and term of office 11
Interim studies, order by concurrent resolution 7

Legislative Commission— *Continued*
Minority party, percentage used to determine membership on commission ... 11
Terms of office of members ... 11
Vacancies, filling ... 11
Legislative Counsel Bureau—
Director—
Bills, determination of amount to be charged for distribution of additional copies ... 6
Records of committee proceedings, duties ... 12
Sexual harassment, complaints filed with ... 20
Fiscal analysis division, duties regarding revenue bills ... 14.3, 14.6
Legal Division—
Joint sponsorship of bills or resolutions, duties ... 5
Requests for drafting of legislative measures, limit on ... 14 – 14.7
State agencies or departments and local governments, duties concerning drafts requested by ... 16
Legislative Commission *(See Legislative Commission)*
Research Division, requests for research concerning reapportionment submitted to ... 13
Legislative Fund—
Concurrent resolution required for other than routine expenditures ... 10
Legislative Intent—
Expression by concurrent resolution ... 7
Lobbyists—
Sexual harassment policy, applicability ... 20
Local Governments—
Delivery of bill drafts requested by ... 16
Standing committee to introduce measures requested by ... 14
Lock Boxes—
Use by state agencies, committees to mandate ... 22

— M —

Majority Leaders—
Agency or local government bill drafts, delivery to majority leader ... 16
Committee bill draft requests, duties ... 14
Emergency requests for legislation ... 14.4
Sexual harassment, complaints filed with ... 20
Tenure extended during interim ... 15
Waiver of limitations on requests, introductions or enactments ... 14.5
Meetings—
Budgets of state agencies, date of first joint meeting ... 17
Conference committees ... 1
Records of proceedings ... 12
Memorials—
Concurrent or simple resolutions ... 7
Exemptions from limitations on requests ... 14.6
Messages—
Governor, biennial and special messages ... 2
Other House, delivery procedure ... 2

Minority Leaders—
Emergency requests for legislation 14.4
Tenure extended during interim 15
Minority Party—
Percentage used to calculate membership on Legislative Commission 11
Motions—
Recede, motion not to, appointment of conference committee 1
Recede, motion to, recommendation by conference committee 1
Vetoed bills of the previous session, limit on motions entertained 8

— P —

President of the Senate—
Signature required on enrolled bills and resolutions 4
President pro Tempore—
Tenure extended during interim 15
Printing—
Bills, reports and other matters 6
Concurrent resolution required to order certain printing 6
Joint sponsored bills and resolutions 5
Proclamations by Governor—
Legislature, convening in extra session 2

— R —

Reapportionment—
Committee on Government Affairs and Committee on Elections, Procedure, and Ethics, responsibility for measures primarily affecting designation of districts 13
Research request concerning population of proposed districts, submission to Research Division 13
Recede, Motion not to—
Appointment of conference committee 1
Recede, Motion to—
Recommendation by conference committee 1
Recordation—
Committee proceedings, requirements 12
Research Division *(See Legislative Counsel Bureau)*
Resolutions—
Commendations and congratulations
Approval of drafting requests 7
Exemption from limitations on requests 14.6
Communications between Houses 3
Concurrent resolutions—
Adjournment, authorization for 9
Legislative fund, authorization for expenditures 10
Printing ordered by 6
Uses 7
Enrolled resolutions, signatures required 4
Joint resolutions, uses 7
Joint sponsorship 5
Resolutions—*Continued*

Notice of final action 3
Simple resolutions, uses 7

— S —

Secretary of the Senate—
Communications to other House, signature required 3
Enrolled bills and joint resolutions, signature required 4
Messages from the Senate, delivery 2
Vetoed bills and governor's message, reading 8
Waivers of limitations on requests, introductions or enactment, duties 14.5
Sergeants at Arms—
Messages from Governor, duties 2
Sexual Harassment—
Policies and procedures 20
Signatures—
Communications between Houses 3
Enrolled bills and joint resolutions 4
Speaker of the Assembly—
Agency or local government bill drafts, delivery to speaker 16
Committee bill draft requests, duties 14
Emergency requests for legislation 14.4
Enrolled bills and resolutions, signature required 4
Sexual harassment, complaints filed with 20
Tenure extended during interim 15
Waiver of limitations on requests, introductions or enactments 14.5
Speaker pro Tempore—
Tenure extended during interim 15
Special Orders—
Vetoed bills of the previous session 8
Standing Committees *(See Committees)*
State Agencies and Departments—
Budgets, joint hearing on 17
Delivery of bill drafts requested by 16
Deposit of state revenue 22
Standing committee to introduce measures requested by 14
State Revenue—
Deposit by state agencies 22
Studies, Interim *(See Interim Studies)*

— V —

Vetoed Bills of the Previous Session—
Committee referral, out of order 8
Debate on merits of bill 8
Governor's message or statement of disapproval to accompany 8
Motions limited 8
Reading, procedure for 8
Special orders 8
Voting prohibited until bill read from first to last word 8

Voting—
General appropriation bill 21

— W —

Ways and Means, Committee on—*(See also Committees)*
Joint hearing on budgets of executive agencies 17
Requests or referrals exempt from limitations 14.3, 14.6
State revenue, deposits by state agencies 22
Whistle Blowers—
Sexual harassment, retaliatory action prohibited 20

CERTIFICATE

STATE OF NEVADA
ASSEMBLY CHAMBER } ss.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Seventieth Session of the Legislature of the State of Nevada, held in 1999.

Joseph E. Dini Jr.
Speaker of the Assembly.

Jacqueline Sneddon
Chief Clerk of the Assembly.